



**American Water Works Association
Government Affairs Office**

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December 23, 1998

Magalie Roman Salas
FCC Secretary
Office of the Secretary
Federal Communications Commission
The Portals, 445 Twelfth Street, S.W.
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

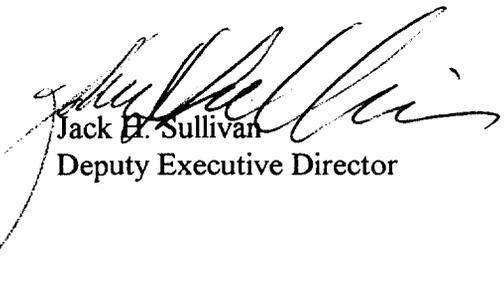
RE: Comments on UTC Petition for Rulemaking Establishment of Public Service Radio Pool in the Private Mobile Frequencies below 800 Mhz (Rm-9405)

Dear Ms. Salas,

Please find enclosed an original and four copies of the American Water Works Association's comments in the above referenced proceedings.

Should you have any questions regarding this submission please contact Steve Via of my staff at 202-628-8303.

Best regards,


Jack E. Sullivan
Deputy Executive Director

JS/shv

Enclosures

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
UTC Petition for Rulemaking)
Establishment of Public Service Radio) **RM-9405**
Pool in the Private Mobile)
Frequencies Below 800 Mhz)

To: The Commission

COMMENT

American Water Works Association
Jack H. Sullivan, P.E.
Deputy Executive Director
1401 New York Avenue, N.W., Suite 640
Washington D.C. 20005

Dated: 23 December 1998

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Summary

The American Water Works Association (AWWA) is pleased to have the opportunity to comment on the UTC Petition for Rulemaking, Establishment of Public Service Radio Pool in the Private Mobile Frequencies Below 800 Mhz under FCC Rule Part 90 (RM-9405). AWWA supports the UTC petition for rulemaking regarding creation of a public service radio service under FCC rule Part 90 (RM-9405). AWWA is concerned that the current coordination process does not recognize that public's need for existing critical national infrastructure applications. The public health consequences of radio interference are significant, when that interference interrupts critical national infrastructure voice and data communications.

The current lack of sound coordination places the public's health and safety at risk, hence AWWA concurs with UTC that a freeze on applications should be put into place until the proposed public service pool can be created and sound coordination practices like the proposed protected service contours can be implemented.

The 1997 Budget Act language clearly directs the FCC to protect the availability spectrum for critical national infrastructure (i.e., water, power, railroad, and pipeline) applications. Defining the public service pool proposed by UTC in terms of current total channel usage by power, petroleum and railroad licenses for each band below 800 Mhz would accomplish this task in the private land mobile bands.

**FORMAL COMMENTS BY THE AMERICAN WATER WORKS ASSOCIATION
ON
UTC PETITION FOR RULEMAKING
ESTABLISHMENT OF PUBLIC SERVICE RADIO POOL
IN THE PRIVATE MOBILE FREQUENCIES BELOW 800 MHZ (RM-9405)**

Introduction

The American Water Works Association (AWWA) is pleased to have the opportunity to comment on the UTC Petition for Rulemaking, Establishment of Public Service Radio Pool in the Private Mobile Frequencies Below 800 Mhz under FCC Rule Part 90 (RM-9405). AWWA is an international, non-profit, scientific and educational society dedicated to the improvement of drinking water quality and supply. Founded in 1881, the Association is the largest organization of water supply professionals in the world. Our 55,000 plus members represent the full spectrum of the drinking water "community": treatment plant operators and managers, environmentalists, scientists, academicians, and others who hold a genuine interest in water supply and public health. Our membership includes approximately 3,900 public water suppliers which treat and distribute about 80 percent of the nation's drinking water.

Appropriateness

AWWA supports the UTC petition for rulemaking regarding creation of a public service radio service under FCC rule Part 90 (RM-9405). The UTC petition provides an avenue for the Federal Communications Commission (FCC) to begin to comply with the public safety radio services provisions of the Balanced Budget Act of 1997 (1997 Budget Act). The language of the 1997 Budget Act was a response to (1) the FCC's focus on generating revenue for spectrum auctions at the expense of critical public infrastructure needs and (2) the recognition that even where critical public infrastructure users had access to spectrum, the current coordination process was failing to protect users with mission critical systems.

AWWA member utilities in metropolitan regions and even rural areas are noting an increase in interference problems and they attribute those problems in part to refarming and recent changes in the frequency coordination process. AWWA members are particularly interested in the use of radio spectrum for data transfer applications, which require minimal interference; thus reports that inadequate coordination in some areas (e.g., New Jersey) is endangering emergency voice communications is very alarming.

AWWA is also concerned that the current coordination process does not recognize that public's need for existing critical national infrastructure applications. For example, earlier this year a commercial voice dispatch operation was assigned a frequency where a Florida wastewater utility system operated a data transmission system that controlled all of its remote pump stations (e.g., sewage lift stations). The public health consequences of that utility losing control of its sewage collection system are significant. For example, this summer, loss of control (due in part to loss of land line communications resulting from an electric strike) over a single sewage pump station in the Austin, Texas metropolitan area resulted in boil water notices for 10,000 persons and distribution of bottled water to homeowners with private wells. Local health officials estimate that this single event may be responsible for as many as 1,300 *Cryptosporidium parvum* infections. While not all of those individuals infected will become ill, cryptosporidiosis can be fatal to the immunocompromised and

is of sufficient concern to warrant recent regulation by the U.S. Environmental Protection Agency (16 December 1998, Interim Enhanced Surface Water Treatment Rule).

Definitions

In acting on this petition the FCC should recognize the specific definition of "public safety radio services" included in the 1997 Budget Act. The term is explicitly defined to include:

... private internal radio services used by State and local governments and non-government entities and including emergency road services provided by not-for-profit organizations, that - (1) are used to protect the safety of life, health, or property; and (ii) are not made commercially available to the public. (P.L. 105-33, Section 3002(a)(2) amending Section 309(j)(2) of the Communications Act.)

Congress also gave the FCC specific guidance as to who public service users are:

[T]he exemption from competitive bidding authority for "public safety radio services" includes "private internal radio services" used by utilities, railroads, metropolitan transit systems, pipelines, private ambulances, and volunteer fire departments. Though private in nature, the services offered by these entities protect the safety of life, health, or property and are not made commercially available to the public. (H. Rpt. 105-49, Congressional Record, p. H6173 (June 29, 1997))

Through the use of the 1997 Budget Act language the FCC has a finite definition of users and applications within the public service pool as recommended in the UTC petition. Furthermore, the clear message to the FCC in the 1997 Budget Act language is to protect the availability spectrum for critical national infrastructure (i.e., water, power, railroad, and pipeline) applications. Defining the public service pool in terms of current total channel usage by power, petroleum and railroad licenses for each band below 800 Mhz would accomplish this task in the private land mobile bands.

Pending Applications

AWWA concurs with UTC; there is significant concern that harmful interference is rapidly on the increase. Existing practice is not ensuring that the public's health and safety are being protected. Given this situation, a freeze on applications in the private land mobile bands is appropriate until such time as a rulemaking creating a public service pool is effective and mechanisms are in place to insure appropriate coordination can occur.

Protected Service Contours

AWWA strongly supports introduction of a sound coordination practice to prevent interference impinging on the function of vital critical national infrastructure telecommunication systems in the private land mobile bands. The UTC proposal outlines (1) a channel sharing coordination role by the public service pool coordinator when new users seek to use a channel currently in use by a user eligible for the public services pool and (2) recommends interference levels of concern. While AWWA would support greater efforts to minimize interference, the institution of a coordination practice that requires consideration of critical national infrastructure applications during the approval of new licensees is an important positive step toward preventing interference with critical telecommunication systems.