

ORIGINAL

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

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**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

In the Matter of)	
)	
Establishment of Public Service)	RM No. 9405
Radio Pool in the Private Mobile)	
Frequencies Below 800 MHz)	

To: The Commission

**COMMENTS OF
FOREST INDUSTRIES TELECOMMUNICATIONS**

Forest Industries Telecommunications ("FIT"), by counsel, submits its comments on the above referenced petition, which appeared on the Commission's Public Notice No. 2306 on November 23, 1998. The petition was filed jointly by UTC, the Telecommunications Association, the American Petroleum Institute and by the Association of American Railroads. It seeks amendment of Part 90 of the Commission's Rules to establish a new radio service frequency pool and to earmark for it a substantial number of the Industrial/Business Radio Pool frequencies below 800 MHz. Those frequencies would be available only to the industries filing the petition, namely the utilities, the petroleum and the railroad industries.

FIT is very much concerned about the implications a grant of the petition would have for the private land mobile wireless services and urges the Commission to consider those implications carefully. Nevertheless, it is FIT's position that, if the Commission decides to propose to establish the new service, the forest products

industry should be included as an eligible industry. FIT submits that the objectives of the 1997 Budget Act and the public interest would be served by making available to the forest products industry the more reliable and more effective mobile communications service the proposed new service would make possible. Briefly, the forest products industry relies as heavily if not more heavily than the industries represented by the petitioners on private wireless mobile communications for safety in a highly hazardous environment; it needs reliable communications for coordination with governmental public safety agencies in the suppression of the forest fires and in rescue operations; and it needs reliable communications in its operations for the development, harvesting and processing some of the most essential materials to the U.S. economy and for the well-being of our citizens, wood and wood products. Moreover, commercial mobile communications services have not met, and for the reasons discussed below, are not expected to satisfy the unique communications requirement of the industry. Finally, because the industry conducts its operations in mostly remote areas of the country, its members will be able to share the frequencies earmarked for the new service pool with minimal impact on their availability to the members of the industries represented by the petitioners. For these reasons, as more fully explained below, the forest products industry should be made eligible in the proposed new service frequency pool.

Safety

The primary purpose of wireless mobile communications in the forest products industry is safety. Logging, by its nature, is a very hazardous activity. Logging operations are conducted in remote areas where ordinary facilities are scarce or non-

existent. The injury rates are the highest of any major activity, 20 injuries or illness per 100 full time timber workers per year. Cutting huge trees, moving them to landing sites, loading them on special trucks and hauling them over often primitive roads are very hazardous activities. Radio is used to summon help in emergencies and to forewarn of hazards; it helps prevent and limit the ravages of forest fires. Thousands of acres of forest are destroyed each year by fire. Thousands of acres are also saved by quick responses. In short, reliable wireless mobile communications are essential in the forest products industry for the protection of life and property in a highly hazardous environment.

**Coordination with local, state
and federal authorities**

Members of the forest products industry constitute an integral part in the Nations efforts to protect the forest from the ravages of forest fires and for the suppression of forest fires when they all too often occur. Their wireless mobile communications play a key role in coordinating activities with governmental fire fighting agencies as well as in all too frequent rescue operations. Increasingly, state and federal authorities include reliable radio communications as a part of their safety requirements for forestry operations. The need for reliable wireless communications for coordination with governmental public safety entities is clear.

**Reliable wireless communications are
essential for the conduct of
forest and logging operations**

The forest products industry provides some of the most essential materials for

the U.S. economy, wood and wood products. It produces the lumber for our houses and for the furnishing in those houses. It provides the paper for our books, our newspapers, our magazines. Over two billion copies of books are printed each year on paper manufactured by the forest products industry. The industry also provides the paper for the more than thirty billion copies of newspapers printed each year and for over 350 million copies of magazines. The industry consists of large, internationally known companies as well as of thousands of local and regional operators and independent logger and log truck operators.

The source of the industry's products is the Nation's timberlands. There are over five hundred millions of acres of timberland in the United States. Of those, over seventy million acres are commercial, privately owned. The rest are government owned, but are available for harvesting. While timber is grown in many parts of the United States, the most extensive commercial forestry operations are in the Pacific Northwest, in the Southeast, in the northeastern part of New England, particularly in Maine, and in northern Wisconsin, Minnesota, and Michigan.

Although the primary justification for the industry's investment in private wireless communications is safety, private radio is also essential for the control and management of the often far-flung forest and logging operations. It is used to dispatch personnel and repair vehicles, to shift resources and to deal with emergencies. Mobile communications are also used to control remotely many logging and transportation operations (such as cable logging); in security systems; in production processes; in signaling devices; to control intake gates; regulate speed of machines; read meters;

sound warning signals (in case of fire, or theft, or release of excess noxious air pollutants); and to operate cranes and conveyer belts. Reliable radio communications are essential in these operations.

**Commercial service is not
an adequate alternative**

As the Commission has recognized, commercial mobile radio communications are not readily available in rural areas. See, e.g., Southern Company, Memorandum Opinion and Order, DA 98-2496, released December 4, 1998, para. 14; Pittencrieff Communications Inc., 13 FCC Rcd 8935-8956-57 (WTB 1997). The forest products industry operates predominantly in remote, forested areas, often over relatively large areas. In those areas, commercial mobile radio service is at best limited. To provide adequate service, the radio communications systems are designed to meet the unique requirements of the user in the area to be covered. Such systems are fairly complex. They include mobile relay facilities used to extend the range of mobile units, fixed relays that relay the signal from one mobile relay to another and thus broaden the coverage of the system. Microwave fixed facilities are often used to connect the control center to one or more of the relays. Forest products mobile systems must communicate with relatively high power vehicular mobile units, as well as with lower power transportable or even hand held units. Specialized systems have been developed to meet some unique logging operations. One of them is a radio controlled "whistle" system for so-called "High-Lead" logging in the Pacific Northwest. Another is a "tally system" using computer based voice and recognition software for inventory of woodlands and

products.

Forest related radio systems are frequently located on high mountain tops or are mounted on towers up to 400 feet tall so that they can provide the wide area coverage needed for communications between the remote logging sites, truck drivers and crews, offices and mills, and wood yards. It is not unusual for a logging crew to work 30 or 40 miles from the nearest town or for a log truck to travel over 100 miles one way for a load of logs. Effective communication over wide areas is vital and is best served by Low Band (25-50 MHz) and High Band (150-160 MHz) systems, often requiring effective radiated power (ERP) in excess of 250 watts.

Members of forest products industry are heavy users of commercial mobile communication services. However, commercial service have not and are not expected to accommodate the unique communications requirements briefly described above. Those requirement have been met and must continue to be met by reliable private mobile communications systems.

**The forest products industry has
successfully shared frequencies
with the utilities and the petroleum industry**

Until the Commission consolidated the private land mobile radio services in the "Refarming" proceeding, the forest products industries shared many frequencies with the utilities and with the petroleum industries for many years, either nationwide or on a regional basis. See 47 CFR 90.63(d)(4)(5); 90.65(b)(10)(13)(14); 90.67(b)(2)(6)(7)(8) (1995). Sharing had been highly successful primarily because of the regional nature of the activities of the industries involved. The forest products industry operates in limited

parts of the country and even there in remote rural areas. Thus, including the industry as eligible in the proposed new service pool would not adversely impact the availability of the frequencies to the industries represented by the petitioners. Including the forest industry, however, would promote the more efficient use of the spectrum involved and will enhance protection of safety of life and property in the remote areas where that industry operates. Because of the regional nature of operations and in light of the historically successful sharing with the petroleum and the utility industries, continued sharing with those industries as well and with the railroad industry will be successful in the future as well. Moreover, since practically all of existing forest product mobile communications systems are operating on frequencies previously shared with either the utilities or the petroleum industries, or both, expanding forest products industry eligibility in the proposed service pool will avoid the massive disruptions that would otherwise result.

Conclusion

The use of mobile wireless communications in the forest products industry is sufficiently related to public safety as to fall within the "public safety services" exception of the 1997 Balanced Budget Act. Moreover, the public interest would be served by

providing the forest industry reasonably reliable frequencies it needs to continue to promote safety in the remote forestry areas where it predominantly conducts its operations. Accordingly, if the Commission decides to propose to adopt a new Public Service Radio Pool, as proposed in the above-referenced petition, the forest products industry should be included as an eligible industry.

Respectfully submitted,

FOREST INDUSTRIES
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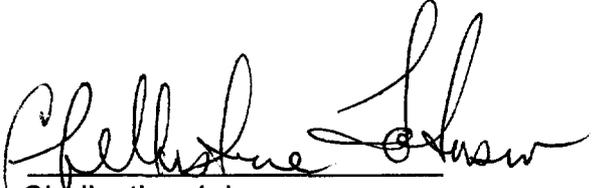
CERTIFICATE OF SERVICE

I, Chellestine Johnson, a secretary in the law firm of Fletcher, Heald & Hildreth, P.L.C. do hereby certify that true copies of the foregoing Comments were sent this 23rd day of December, 1998, by first-class United States mail, postage prepaid, to the following:

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