

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

<b>In the Matter of</b>	)	
	)	
<b>1998 Biennial Regulatory Review --</b>	)	<b>WT Docket No. 98-182</b>
<b>47 C.F.R. Part 90 - Private Land Mobile</b>	)	<b>RM-9222</b>
<b>Radio Services</b>	)	
	)	
<b>Replacement of Part 90 by Part 88 to Revise</b>	)	<b>PR Docket No. 92-235</b>
<b>the Private Land Mobile Radio Services and</b>	)	
<b>Modify the Policies Governing Them</b>	)	
<b>and</b>	)	
<b>Examination of Exclusivity and Frequency</b>	)	
<b>Assignment Policies of the Private Land</b>	)	
<b>Mobile Services</b>	)	

**UTC COMMENTS ON  
NOTICE OF PROPOSED RULEMAKING**

Pursuant to Section 1.415 of the Federal Communications Commission's (FCC) Rules, UTC, The Telecommunications Association (UTC), hereby comments on the *Notice of Proposed Rulemaking (NPRM)* in the above-captioned proceeding to review its private land mobile radio (PLMR) licensing rules in 47 C.F.R 90. UTC supports the Commission's efforts to streamline its licensing rules by extending license terms to ten years and establishing uniform twelve-month construction periods. UTC recommends that the Commission consider other changes to provide flexibility in the PLMR rules by: (1) eliminating the restriction on the use of low power frequencies in the 450–470 MHz band, currently restricted for cargo handling, to permit other low power use of these channels; and (2) permitting the development of shared radio systems by Public Safety (PS) and Industrial/Business (IB) eligibles on either PS or IB channels. Finally, UTC

urges the Commission to protect the frequency coordination process by ensuring accurate and complete licensing records.

## **I. Background**

UTC is the national representative on communications matters for the nation's electric, gas, water and steam utilities, and natural gas pipelines. UTC's members provide public safety- and public service-related services throughout the United States. UTC's members range in size from large combination electric-gas-water utilities that serve millions of customers, to smaller, rural electric cooperatives and water districts that serve only a few thousand customers each. Serving on UTC's Board of Directors are representatives from its affiliated trade associations, including:

- American Gas Association
- American Public Power Association
- American Water Works Association
- Edison Electric Institute
- Interstate Natural Gas Association of America
- National Rural Electric Cooperative Association

All UTC members depend on reliable communications systems in carrying out their important public service obligations, and many operate private land mobile systems in the bands below 512 MHz. UTC serves as the authorized frequency advisory committee for the radio channels formerly allocated exclusively to the Power Radio Service. UTC's members rely on their private land mobile systems to provide a variety of critical services, including communications with emergency dispatch and restoration crews.

## **II. UTC Supports the Extension of License Terms to Ten Years**

In the *NPRM*, the Commission proposes to extend the license term for PLMR licenses from five to ten years, noting that this would harmonize the license terms of PLMR licensees with those of Part 90 commercial mobile radio service licensees, lower the licensing costs to PLMR licenses and reduce the Commission's licensing processing costs.<sup>1</sup> UTC supports this proposal and urges the Commission to take an additional step to ease the administrative burden on licensees. Within a specified period after adoption of these rules (i.e., six months), UTC urges the Commission to permit licensees to seek renewal of all existing Part 90 licenses without waiting for the existing license term to expire. By permitting this pre-emptive renewal of existing licenses, licensees can establish a single date for their future renewals and take advantage of the longer licensing period.

## **III. UTC Supports the Establishment of a Consistent Twelve-Month Construction Period for Part 90 Licensees**

The Commission proposes to harmonize its construction rules in Section 90.155, which currently require stations not subject to extended implementation periods to be placed in operation either at eight or twelve months, to provide a uniform twelve month construction period.<sup>2</sup> UTC supports this proposal. A twelve-month period is more reasonable in today's communications environment, given the difficulties that many entities face in designing and implementing new radio systems as well as obtaining appropriate zoning and antenna siting approvals.

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<sup>1</sup> *NPRM*, ¶9.

**IV. UTC Supports the General Industrial/Business Use of Cargo Handling Frequencies in Section 90.35(c)(60)**

Section 90.35(c)(60) specifies certain PLMR frequencies that are to be assigned for low power use for communications concerned with cargo handling to vessels, and for other general low power use. In response to the request of the Personal Communications Industry Association (PCIA) that the Commission clarify the use of these channels, the Commission proposes to amend Section 90.35(c) to indicate that these channels may be used at any location for low power, non-voice operations, as well as for low power voice operations when used for cargo handling communications. The Commission also seeks comment on whether it should simply eliminate the distinction between cargo handling and other uses and allow any low power use.<sup>3</sup> UTC supports the elimination of this distinction and recommends that the frequencies specified in Section 90.35(c)(60) be available to all IB licensees for low power voice and non-voice communications.

**V. UTC Supports the Development of Shared Systems between Public Safety and Industrial Business Eligibles**

UTC fully supports the development of shared public safety/industrial communications systems, and urges the Commission to amend its rules to promote these systems. In particular, UTC urges the Commission to amend Section 90.179(a) of its rules to allow the not-for-profit sharing of systems by PS and IB licensees, such as utilities and pipelines, on frequencies allocated to either the Public Safety or Industrial\Business Pool.

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<sup>2</sup> *NPRM*, ¶11.

<sup>3</sup> *NPRM*, ¶¶6-7.

Currently, Section 90.179(a) limits the sharing of systems to only those frequencies for which all participants would be separately eligible. As a result, combined industrial and public safety systems are not permitted without a waiver of this rule. As the Commission noted in the *NPRM*, the Wireless Bureau has already granted waiver requests of Section 90.179 to permit the establishment of shared public safety and industrial systems.<sup>4</sup> Many of these systems have involved utilities, such as Texas Utilities and SCANA Corporation, which seek to deploy shared state-of-the-art systems for use by the utilities and state public safety agencies.<sup>5</sup> These systems permit participants to establish advanced and reliable communications systems that individually the participants might not be able to cost-justify. Shared public safety and utility systems also permit better interoperability among public safety agencies and between these agencies and public utilities.

UTC fully supports the development of shared public safety/utility systems and urges the Commission to amend its rules to provide for the sharing of either public safety or IB channels for the deployment of these systems. This amendment is consistent with the express wishes of members of Congress as well. During deliberations on the Balanced Budget Act of 1997, Senator McCain, Chairman of the Senate Commerce Committee, and Senator Bryan voiced their support for public service entities leading the effort to develop public safety shared systems.

Sen. Bryan: I rise in support of the proposal to ensure that sufficient radio spectrum is made available for public safety and maintenance of the

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<sup>4</sup> *NPRM*, ¶22.

<sup>5</sup> On August 17 1998, the Commonwealth of Pennsylvania and GPU Energy, filed for a waiver of 90.179(a) to establish just such a shared system. UTC understands from announcements in trade journals that at least one for-profit association representing industrial interests has indicated that it will oppose this waiver.

Nation's critical infrastructure, such as pipeline, railroad, and electric, gas and water utility services . . . I hope the FCC will promote the development of shared public safety/public service radio systems . . .

Sen. McCain: I would also like to offer my support for the allocation of new spectrum for use by public safety and public services organizations and would urge the FCC to adopt rules that would facilitate, if not promote, the development of shared radio systems by such entities.<sup>6</sup>

## **VI. UTC Urges the Commission to Protect the Frequency Coordination Process by Ensuring Accurate and Complete Licensing Records**

As an authorized frequency coordinator, UTC recognizes the need for complete and accurate licensing records. UTC, therefore, supports the recommendations of the Land Mobile Communications Council (LMCC) regarding the licensing of trunked systems. Specifically, UTC supports the utilization of a station class code to designate on a single license those frequencies that may be monitored by the mobile user, and those that are not monitored by a mobile user but which are monitored by automated means in the form of a monitor attached to a repeater transmitter. As LMCC notes, it is vital that frequency coordinators and other users be able to determine the operational mode of the system in order to recommend appropriate frequencies and to determine potential sources of interference.

Moreover, UTC urges the Commission to amend its rules to adopt the proposal recently recommended by UTC in its *Petition for Reconsideration (Petition)* of the Commission's universal licensing system (ULS) rules.<sup>7</sup> In its *Petition*, UTC urged the Commission to reconsider its rules regarding ULS and the adoption of new radio license

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<sup>6</sup> *Congressional Record* at p. S6325 (June 25, 1997).

application forms to provide for the identification of Power, Petroleum and Railroad Radio Systems. UTC noted that the Commission's ULS rules would result in the immediate elimination of these licensing codes from the Commission's licensing records, thereby undermining efforts to protect these important systems from interference. If ULS were to be implemented as planned for the private land mobile services, UTC noted, it would be virtually impossible for the Commission or the frequency coordinators to determine which existing systems are operated by public safety-related entities. They would therefore be unable to take into account important operational characteristics when recommending or approving coordination requests, and additional instances of harmful interference to important public service radio systems could result.

### **Conclusion**

UTC supports the Commission's efforts to streamline its licensing rules by extending license terms to ten years and establishing uniform twelve-month construction periods. UTC recommends that the Commission eliminate the restriction on the use of low power frequencies currently restricted for cargo handling to permit other low power use of these channels. UTC also recommends that the Commission permit the development of shared radio systems by Public Safety (PS) and Industrial/Business (IB) eligibles on either PS or IB channels. Finally, UTC urges the FCC to protect the frequency coordination process by ensuring accurate and complete licensing records by requiring the identification of trunked systems not monitored by a mobile unit, but by a monitor employed at the repeater transmitter, as well as all channels licensed to Power, Petroleum and Railroad Radio Services.

**WHEREFORE, THE PREMISES CONSIDERED,** UTC requests the Federal Communications Commission to take action in accordance with the views expressed above.

Respectfully submitted,

**UTC**

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