

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

In the Matter of)
)
The Establishment of Policies)
and Service Rules for the Mobile)
Satellite Service in the 2 GHz Band)

IB Docket No. 99-81

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: The Commission

**REPLY COMMENTS
OF THE
AMERICAN PETROLEUM INSTITUTE**

The American Petroleum Institute ("API"), by its attorneys, pursuant to Section 1.415 of the Rules and Regulations of the Federal Communications Commission ("Commission"), respectfully submits the following Reply Comments regarding Comments filed by other participants in response to the Commission's *Notice of Proposed Rule Making* ("NPRM") released in the above-captioned proceeding on March 25, 1999.^{1/} As further discussed below, API urges the Commission: (1) to move cautiously, if at all, in assigning spectrum in the 6, 11, 12 and 18 GHz bands for Mobile Satellite Service ("MSS") feeder links; and (2) to continue to address issues pertaining to the relocation of incumbent licensees in the 2.1 GHz band within the context of the

^{1/} 64 Fed. Reg. 16880 (Apr. 18, 1999).

Commission's separate proceeding, ET Docket No. 95-18,^{2/} in which an extensive record has been amassed concerning these issues.

I. PRELIMINARY STATEMENT

1. API is a national trade association representing approximately 350 companies involved in all phases of the petroleum and natural gas industries, including exploration, production, refining, marketing and transportation of petroleum, petroleum products and natural gas. Among its many activities, API acts on behalf of its members as spokesperson before federal and state regulatory agencies. The API Telecommunications Committee is one of the standing committees of the organization's Information Systems Committee. The Telecommunications Committee evaluates and develops responses to state and federal proposals affecting telecommunications facilities used in the oil and gas industries.

2. API's Telecommunications Committee is supported and sustained by licensees that are authorized by the Commission to operate, among other telecommunications facilities, point-to-point and point-to-multipoint systems in the Fixed Microwave Service ("FS") that is governed by Part 101 of the Commission's Rules and

^{2/} In the Matter of Amendment of Section 2.106 of the Commission's Rules to Allocate Spectrum at 2 GHz for Use by the Mobile-Satellite Service.

Regulations. These telecommunications facilities are used to support the search for and production of oil and natural gas. Such systems also are utilized to ensure the safe pipeline transmission of natural gas, crude oil and refined petroleum products, and for the processing and refining of these energy sources, as well as for their ultimate delivery to industrial, commercial and residential customers. The facilities licensed to API's members are therefore essential to the provision of our nation's energy sources.

3. More specifically, API's members utilize private FS systems to serve a variety of vital point-to-point and point-to-multipoint telecommunications requirements, including communications between remote oil and gas exploration and production sites, for supervisory control and data acquisition ("SCADA") systems, to communicate with refineries, and to extend circuits to remote pipeline pump and compressor stations. The oil and gas industries were among the pioneers in the development of private microwave, utilizing their systems to monitor and operate petroleum and natural gas pipelines.

4. The API Telecommunications Committee participated in the Commission's earliest rule making proceeding that addressed private microwave use of the spectrum; and, it has continued to be an active participant in every subsequent major proceeding affecting the FS. Accordingly, API has been actively involved in each phase of the Commission's ongoing proceeding in ET Docket No. 95-18, which entails the reallocation of spectrum in the 2.1 GHz band for the MSS and the adoption of relocation

and reimbursement provisions for those FS licensees and other incumbents required to vacate their assignments. API is also a member of the Fixed Wireless Communications Coalition ("FWCC"), which filed Comments in response to the Commission's *NPRM* in this proceeding.

II. REPLY COMMENTS

A. **The Commission Must Not Allow MSS Feeder Link Allocations to Hamper Existing FS Operations or Future Access to FS Spectrum**

5. As the FWCC correctly notes in its Comments, "[a] sequence of apparently independent policy decisions in several bands has seriously curtailed Fixed Service operators' access to spectrum for forced relocation and to accommodate needed growth."^{3/} Such policy decisions include, among other things: the reallocation of the 1850-1990 MHz and 2.1 GHz bands for the Personal Communications Service and the MSS, respectively; the proposed designation of the upper 6 GHz band for MSS feeder links (ET Docket No. 98-142); and the proposed blanket licensing of the 18 GHz band by Fixed Satellite Service Earth Stations (IB Docket No. 98-172).^{4/} In light of the critical importance of existing FS operations to API members and their continuing need for access to FS spectrum to meet vital public safety and other operational requirements, API

^{3/} Comments of the FWCC at 2.

^{4/} See Comments of the FWCC at 2-3; Comments of UTC at 3.

vociferously joins with the FWCC and UTC in urging the Commission not to further erode FS spectrum availability by designating this spectrum for MSS feeder links.^{5/}

6. Should the Commission nonetheless proceed with the licensing of MSS feeder links in various FS bands, API supports the adoption of various sharing and coordination rules that have been advocated by several commenting parties. For example, API agrees with the Association of American Railroads ("AAR") that MSS feeder link gateways should be limited in number and located away from major population centers, where the demand for FS facilities is highest.^{6/} In accordance with the FWCC, API also urges the Commission to: collocate MSS feeder link earth stations to the greatest extent possible; require feeder link earth stations to use the largest feasible antennas; shield feeder link earth stations so as to permit FS operations in closer proximity; set standards for earth station spectrum efficiency; and, establish certain coordination procedures that enable FS licensees to have equitable access to shared spectrum.^{7/}

^{5/} The Comments of the FWCC regarding feeder link issues also were supported by the Association of Public-Safety Communications Officials-International, Inc. ("APCO"). (See Comments of APCO at 2).

^{6/} Comments of AAR at 4-5. See also Comments of the FWCC at 4; Comments of UTC at 4.

^{7/} Comments of the FWCC at 4-7.

7. API believes that the foregoing proposals and limitations are reasonable and necessary to "minimize the impact" of MSS feeder link operations on FS licensees.^{8/} API further concurs with UTC, however, that these proposals will not address the growing spectrum shortage faced by FS users.^{9/} Accordingly, API supports UTC's recommendation that the Commission initiate a new rule making proceeding to identify additional spectrum for use by the fixed services.^{10/}

B. Issues Pertaining to the Rights of Incumbent Licensees in the 2.1 GHz Band Should Be Addressed in ET Docket No. 95-18

8. In ET Docket No. 95-18, the Commission is in the process of adopting rules and policies for the relocation of FS licensees and other incumbents in the 2.1 GHz band that are unable to share spectrum with MSS providers. Numerous parties have filed comments in that proceeding, including those representing the interests of MSS entities, as well as incumbent licensees. API simply wishes to remind the Commission that its decisions regarding the important relocation and reimbursement issues raised and debated in ET Docket No. 95-18 should be made on the basis of the extensive record gathered in that proceeding, rather than in the context of the present docket or in light of any of the comments filed herein.

^{8/} Comments of UTC at 4.

^{9/} Id.

^{10/} Id.

9. As a related matter, API welcomes the Commission's apparent intention to consider in this proceeding the impact of the various potential MSS band plans on MSS/FS sharing issues.¹⁴ At the same time, however, API and other members of the FS community continue to be skeptical about the feasibility of such spectrum sharing in the 2.1 GHz band. Therefore, although API takes no position on which particular band plan should be selected, API urges the Commission to ensure that the band plan that it ultimately adopts will be consistent with the rules that have been and are being established in ET Docket No. 95-18 and, accordingly, will not frustrate or limit the reimbursement rights of incumbent licensees who are unable to share spectrum with MSS providers.

III. CONCLUSION

10. API believes that the Commission should recognize the importance of FS spectrum links to petroleum and natural gas companies, as well as the numerous other industries represented in the membership of the FWCC, by: (1) preventing further encroachment on this spectrum by MSS providers; (2) adopting appropriate limitations on any MSS feeder link allocations in the FS bands; and (3) vigilantly enforcing the reimbursement rights of FS incumbents in the 2.1 GHz band, as established in ET Docket No. 95-18.

¹⁴ See *NPRM* at ¶ 113.

WHEREFORE, THE PREMISES CONSIDERED, the American Petroleum Institute respectfully submits the foregoing Reply Comments and urges the Federal Communications Commission to act in a manner consistent with the views expressed herein.

Respectfully submitted,

**THE AMERICAN PETROLEUM
INSTITUTE**

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