

ANCHORAGE WATER & WASTEWATER UTILITY



Rick Mystrom,  
Mayor

General Manager's Office

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July 30, 1999

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

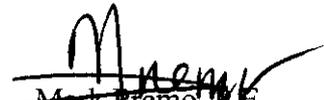
RE: WT Docket 99-87, Revised Competitive Bidding Authority

Dear Ms. Salas:

Enclosed are comments and 4 copies submitted by Anchorage Water & Waste Water Utility (AWWU) in response to the Federal Communication Commissions request for comments on WT Docket 99-87, Revised Competitive Bidding Authority.

AWWU appreciates the opportunity to offer the attached comments on this important rulemaking.

Best regards,

  
Mark Fremo, P.E.  
General Manager

cc: Senator Ted Stevens  
Senator Frank Murkowski  
Representative Don Young

Attachments

No. of Copies rec'd 043  
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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington D.C. 20554

In the Matter of )  
 )  
Revised Competitive Bidding Authority )  
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WT Docket 99-87

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To: The Commission

COMMENT

Anchorage Water and Wastewater Utility  
Mark Premo  
General Manager  
3000 Arctic Boulevard  
Anchorage, Alaska 99503-3898

Dated: July 30, 1999

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## EXECUTIVE SUMMARY

### Uses and Requirements of existing radio frequency spectrum by AWWU

In the Telecommunications Act of 1996 the Congress charged the Federal Communication Commission (FCC) with the requirement that radio frequency spectrum for communication, both voice and data, be assigned as a result of auctions. In this Act particular frequency spectrums were set aside for use by "public safety" organizations. In the Act, "public safety" was identified as police and fire protection services.

The Balanced Budget Act of 1997 directed the FCC to provide spectrum set-aside for a more broadly described "public safety services" including critical national infrastructure entities outside the auction process.

AWWU supports the rulemaking petition submitted by the UTC, American Petroleum Institute, and Association of American Railroads proposing to create a third radio pool, in addition to the Public Safety and Industrial/Business Radio Pools already used for private radio frequencies below 470 Mhz, to be known as the Public Service Radio Pool open to entities that do not qualify for Public Safety Radio Pool spectrum, but are eligible to use the public safety radio services that the Balanced Budget Act exempted from the Commission's auction authority. AWWU believes that this approach is feasible and appropriate for other frequency bands including PLMR frequencies above 470 Mhz.

## INTRODUCTION

My utility is municipal government agency. AWWU provides drinking water to 50,000 customers representing more than 260,000 people. This service area is geographically unique encompassing over 120 square miles and is comprised of very mountainous terrain with extreme climactic ranges. Much of this terrain is undeveloped and very difficult to access. In order to communicate across such a large, rugged and often hostile environment AWWU relies heavily upon VHF, UHF and 800 Mhz communication systems to provide the critical voice, telemetering and SCADA information required to maintain the normal day to day operation of our system.

Managing the Municipality of Anchorage's water supply to protect the health and safety of approximately 260 thousand citizens, AWWU maintains close communication ties to Alaska State Troopers, Anchorage Police, Fire and EMS departments using 800 Mhz, UHF and VHF frequencies. Due to the high level of seismic activity in our region AWWU must maintain an excellent capability to coordinate with the above mentioned agencies. This communication is required to minimize the potential of damage, injury and death that could occur during earthquake activity. These coordination processes are accomplished via the 800 Mhz, UHF and VHF radio systems that are currently in place.

## COMMENTS

The Balanced Budget Act of 1997, Public Law No. 105-33, Title III, 111 Statute 251 (1997) ("Balanced Budget Act"). The Balanced Budget Act revised the Commission's auction authority for wireless telecommunications services. AWWU believes that the timely implementation of the Balanced Budget Act provisions regarding spectrum access for critical infrastructure entities is critical to meeting a need expressly recognized by the U.S. Congress.

### Exemption from Auction

The Balanced Budget Act of 1997 and associated report language provide clear legislative direction to the FCC to insure that public safety radio services as defined in the Act and report language are exempt from auction. In determining that there was a specific need for access to spectrum outside of the auction process, Congress implicitly recognized the need for adequate availability of spectrum to activities deemed public safety radio services. And, that that spectrum should be made available to these activities through a mechanism other than auctions.

### Definition of Public Safety Radio Service

The definition for "public safety radio services" as stated by Congress is broader than the current "public safety radio services." The Act and associated report language specifically avoid the use of language that would limit the applicability of this section to the current definition of public safety (i.e., police, fire, rescue applications).

The Balanced Budget Act of 1997 by reference and specific language describes "public safety radio services" as including private internal radio services, that were:

1. Used by State and local government,
2. Used by non-governmental entities to protect safety of life, health or property, and not made commercially available to the public.

The Balanced Budget Act of 1997 was accompanied by report language that provides a clear descriptive summary of public safety radio services that meet the private internal radio services definition included in the Act:

"The 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."

Access to the exemption from competitive bidding authority for public safety radio service and associated spectrum allocations, is a function of the service provided "protection of safety of life, health, or property."

### Definition of Private Internal Radio Services

Access to the exemption from competitive bidding authority for private internal radio services should be held against the same yardstick as described above with the additional requirement that the radio service does not involve the commercial sale of the radio service itself. When applying this test of eligibility and the applicant will serve a group of users, all users must meet the eligibility tests of (1) used to protect safety of life, health or property and (2) radio service is not sold commercially.

### Establishing a Public Safety Radio Service Pool

{Utility Name} supports the formation of a public safety radio service pool to ensure that exempt spectrum is designated for the public safety needs identified in the Balanced Budget Act. Exemption from auction implies the formation of a core spectrum allocation to meet public safety radio service needs.

### Critical Infrastructure Entity Need Spectrum

Drinking water utilities, including AWWU should be eligible for auction exempt spectrum identified by the FCC as it implements the Balanced Budget Act provisions. AWWU and other drinking water utilities across the United States are finding it difficult to obtain suitable spectrum to meet critical system needs. At this time AWWU is in the process of designing a new SCADA system for the utility. This issue of spectrum is very critical to us in that we must use radio communications to many of the outlying areas that we have resources at that will be on the SCADA system.

UTC has estimated that at least 6 Mhz of spectrum (with the majority of that allocation being above 900 Mhz is need to meet power, pipeline, railroad, and water utility spectrum needs for the near future. While the public safety radio services pool will not meet this total need, as eligible entities the proposed pool would help address a portion of the spectrum needs identified by UTC for the critical infrastructure entities.

### Spectrum Utility

The spectrum provided in the public safety pool should have utility for the eligible entities, like AWWU For the public safety pool to assist AWWU and others with similar interoperability and private internal communication applications the pool should be developed from:

1. 928-952-956 Mhz MAS band, where current licensee is a member of the original Power Services Pool.
2. 932-941 Mhz MAS band, a minimum of 20 channel pairs
3. 6, 11, and 18 Ghz microwave bands, which are currently in use for private internal radio service.
4. 700 Mhz band for interoperability with emergency responders.

These bands are identified based on several general principles: (1) appropriateness for radio applications typical of critical national infrastructure entities which are eligible for this pool, (2) current installed equipment base and availability of equipment suitable for critical national infrastructure entity applications of this spectrum, and (3) historical use of this spectrum by critical national infrastructure entities. For example AWWU utilizes 450Mhz band and has identified a need for 900Mhz band in order to implement the new SCADA system through out the Municipality of Anchorage.