

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
Service Rules for the 746-764 and)
776-794 MHz Bands, and Revisions of) WT Docket No. 99-168
Part 27 of the Commission's Rules)
)

Comments of the Land Mobile Communications Council

The Land Mobile Communications Council (LMCC), in response to the *Public Notice* released January 7, 2000,¹ hereby respectfully submits these Comments. The LMCC is a non-profit association of organizations representing virtually all users of land mobile radio systems, providers of land mobile services, and manufacturers of land mobile radio equipment. The LMCC acts with the consensus, and on behalf, of the vast majority of public safety, business, industrial, private, commercial, and land transportation radio users on several frequency bands regulated by the Federal Communications Commission (Commission). Membership includes the following organizations:

- Aeronautical Radio, Inc. (ARINC)
- American Association of State Highway and Transportation Officials (AASHTO)
- American Automobile Association (AAA)
- American Mobile Telecommunications Association, Inc. (AMTA)
- American Petroleum Institute (API)
- American Trucking Associations, Inc. (ATA)
- Association of American Railroads (AAR)
- Association of Public Safety Communications Officials-International, Inc. (APCO)
- Central Station Alarm Association (CSAA)

¹ See Public Comment Sought on Issues Related to Guard Bands in the 746-764 MHz and 776-794 MHz Spectrum Block (WT Docket No. 99-168), *Public Notice*, WT Docket No. 99-168, DA 00-31 (rel. Jan. 7, 2000) (*Public Notice*).

- Forest Industries Telecommunications (FIT)
- Forestry-Conservation Communications Association (FCCA)
- Industrial Telecommunications Association, Inc. (ITA)
- Intelligent Transportation Society of America, Inc. (ITSA)
- International Association of Fire Chiefs (IAFC)
- International Association of Fish and Wildlife Agencies (IAFWA)
- International Municipal Signal Association (IMSA)
- International Taxicab and Livery Association (ITLA)
- MRFAC, Inc. (MRFAC)
- National Association of State Foresters (NASF)
- Personal Communications Industry Association (PCIA)
- Telecommunications Industry Association (TIA)
- United Telecom Council (UTC)

On January 7, 2000, the Commission released the above-mentioned *Public Notice* seeking comment on what technical and operational standards the Commission should establish for the 6 MHz of spectrum immediately adjacent to public safety that the Commission allocated as guard bands in the *First Report and Order* released on January 7, 2000.² The Commission specifically sought comment on the following questions: (i) what out-of-band emission limits should be applied to the guard bands to protect public safety; (ii) should eligibility for the guard bands be limited to those entities that would not use cellular-like architecture; (iii) what other restrictions should be placed on the nature of the system architecture of the licensees operating in the guard bands.³

The LMCC applauds the Commission for recognizing the need to protect the public safety community from interference in the 746-806 MHz band and for setting up 6 MHz of guard bands for this very purpose. As an organization consisting of both public safety and private wireless user representatives, the LMCC is pleased to have this opportunity to provide the Commission with its insight into the importance of continuing

² See In the Matter of Service Rules for the 746-764 and 776-794 MHz Bands, and Revisions to Part 27 of the Commission's Rules, *First Report and Order*, WT Docket No. 99-168, FCC 00-5 (rel. Jan. 7, 2000).

³ See *Public Notice* at 2.

to protect the newly-allocated public safety spectrum from interference and input as to how the Commission might accomplish this goal.

The private wireless community and the public safety community currently share spectrum – and have for years. This relationship has worked well because it is based on interference protection procedures that have been in place for decades. While shared use between the public safety community and the private wireless community works well, shared or adjacent band use between the public safety community and commercial providers will be problematic.⁴ One of the reasons the public safety and private wireless communications are compatible is that private wireless licensees, unlike commercial providers, offer “localized” or “campus-like” services and only require limited operating areas. Commercial providers, on the other hand, offer wide-area geographic services to large segments of the public and function within extended operating areas with intensive transmitter locations and use. This type of use is likely to cause harmful interference to adjacent band public safety users.⁵ To avoid harmful interference to public safety users in the 746-806 MHz band, the LMCC strongly urges the Commission not to allow any commercial providers using cellular-like system architecture to operate in the 6 MHz designated as the guard band.

We applaud the Commission for recognizing that the public safety allocation needs protection and urge the Commission to *carefully* evaluate the proposals in setting the interference protection criteria, especially when it involves new technologies. We

⁴ AMTA generally agrees with the essence of this argument but would prefer to limit any exclusions to cellular-like system configurations.

⁵ For example, there have been several instances where a public safety licensee has experienced interference from a commercial provider, both of whom are operating in complete compliance with the Commission’s rules. In these instances interference resolution becomes difficult, if not impossible, and the Commission is forced to attempt to strike a balance between two licensees, neither of whom has violated any rules.

suggest that the Commission look to the private wireless community's interference resolution methodologies as an example of how a protected contour approach is both more efficient and less likely to result in harmful interference to public safety systems.

The Congressional mandates associated with this spectrum have placed the Commission in the difficult position of having to move quickly to establish service rules for this band and to adopt realistic processes to sustain interference protection for public safety users. The LMCC commends the Commission for its endeavors in this area and urges the Commission to *carefully* craft technical rules in the guard bands that will provide for the maximum protection for public safety users in the adjacent bands and which are premised on ***proven*** interference-avoidance techniques.

Respectfully Submitted,

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