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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of)	
)	
Reorganization and Revision of)	WT Docket No. <u>94-148</u>
Parts 1, 2, 21, and 94 of)	
the Rules to Establish a New)	
Part 101 Governing Terrestrial)	
Microwave Fixed Radio Services)	
)	
Amendment of Part 21 of the)	CC Docket No. 93-2
Commission's Rules for the Domestic)	
Public Fixed Radio Services)	
)	
McCaw Cellular Communications, Inc.)	RM-7861
Petition for Rule Making)	
)	
Amendment of Part 101 of the Commission's)	WT Docket No. 00-19
Rules to Streamline Processing of Microwave)	
Applications in the Wireless Telecommunications)	
Services)	
)	
Telecommunications Industry Association)	RM-9418
Petition for Rule Making)	

To: The Commission

COMMENTS OF THE COUNTY OF RIVERSIDE

The County of Riverside ("the County") hereby submits the following comments in response to the Commission's Notice of Proposed Rulemaking ("NPRM"), FCC 00-33 (released February 14, 2000), in the above-captioned proceeding concerning microwave radio communications.

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List A B C D E

I. Background

The County of Riverside is strategically located within the Inland Empire area of Southern California. The County of Riverside microwave network extends over 7200 square miles. This is a totally digital system which traverses the extremes of topography, from below sea level to 10,000 feet AMSL and extends from the Los Angeles border out to the Colorado River at the Arizona border. This expansive and varied territory offers substantial challenges in providing reliable service to our Public Safety community.

The County microwave system has authorizations for over 21 stations and has approximately 12 new requests for authorizations pending. These authorizations form the backbone of its extensive public safety communications network within a challenging terrain. In many areas of the County, wildlife conservation requirements preclude extensive use of underground communications alternatives. Microwave systems becomes the least intrusive system while providing highly reliable, secure links between sheriff's department, fire department, and other emergency command centers, and tie together the many mobile radio transmitter sites necessary for ubiquitous public safety radio coverage throughout the County's expansive and geographically varied jurisdiction. Many of these links, especially in the 6 GHz band, are new digital facilities installed to replace 2 GHz facilities the County was forced to vacate as a result of the reallocation of that band.

The County anticipates that it and other public safety agencies in Southern California and across the nation will require substantial amounts of new microwave facilities in the future. In particular, expanded use of wide area, multi-agency, radio communications systems will require many new mobile radio base stations to provide necessary coverage over relevant jurisdictional areas. New communications technologies requiring broadband capability will also lead to expanded public safety needs.

L AUCTIONS WILL BLOCK PUBLIC SAFETY USE OF MICROWAVE SPECTRUM.

The Commission has sought comments on several options that would involve the use of auctions to assign licenses in current and future microwave spectrum. The County is opposed to these options, as the result of each would be to block its ability to secure microwave radio spectrum in the future. For example, the Commission queries as to whether it should use auctions to assign blocks of microwave spectrum by geographic areas. Even assuming that incumbent microwave users are protected in such a scheme, geographic licensing through auctions will effectively prevent any future public safety licensing in the band. The only way to obtain future use of microwave spectrum would be either by participating in an auction, or by purchasing frequency rights from the auction winners. Neither are viable options for most state and local government public safety agencies. Nor should those be the only options available.

Congress has expressly excluded public safety services from spectrum auctions, just as the FCC has long excluded public safety from any regulatory or application fees. Those exclusions are based on the basic principle that state and local government entities should not be forced to pay for radio spectrum necessary for the protection of the safety of life, health, and property. Yet, that is exactly what would happen if Commission used auctions and geographic licensing for microwave spectrum.

Another option for which the Commission seeks comments concerns the relocation of incumbents to clear microwave spectrum for auction. Aside from the cost and disruption to incumbents, there simply is not sufficient alternative spectrum for the displaced systems. The County recently went through the relocation process in the 2 GHz band, and found it very difficult to find replacement frequencies. The County was also constrained in its frequency selection, as higher frequency microwave bands require much shorter path lengths, and the addition of “repeater” sites. Many of the County’s microwave paths link remote mountaintop mobile sites, for which there may be *no* intermediate location on which to place a new microwave repeater site. Furthermore, zoning problems in urbanized areas have made new site development extraordinarily difficult, if not impossible. Therefore, relocating incumbents is simply not an option in many cases, and must not be relied upon by the Commission in its ill-advised efforts to auction microwave spectrum.

The Commission also seeks comments regarding sharing and segmentation of microwave bands. The County’s fear is that such a process will inevitably reduce the spectrum for

fixed point-to-point operations, and disrupt many existing systems. Finally, the Commission inquires as to whether it should simply use auctions in the rare instances in which there might be mutually exclusive applications for microwave facilities. While far less problematic than the other options posed by the Commission, that could still create difficulties where one or both of the applicants are public safety entities. In short, the Commission should simply accept the fact that auctions are not always the best method of issuing licenses. If, however, the Commission insists on finding a way to force auctions upon microwave bands, it must accommodate both current and future public safety requirements. In most cases, that will require setting aside spectrum for public safety licensees. As the Commission notes, in addition to "Public Safety Pool eligibles (which would include the County), there are also a class of microwave users that are not eligible in the Public Safety Pool, but are nonetheless exempt from auctions pursuant to Section 309(j)(2)(A) of that Balanced Budget Act of 1997. Many of those are commercial enterprises that require radio communications to fulfill certain safety-related functions. While important, those services should not impede spectrum availability for Public Safety Pool eligibles. Thus, the County would recommend that any "Public Safety Radio Service" set-aside for auction exempt entities including a subset of spectrum reserved only for such entities that are also Public Safety Pool eligibles.

II. SHARED BANDS RARELY MEET PUBLIC SAFETY USER NEEDS.

The Commission also seeks comments regarding “shared bands,” especially the 2450-2483.5 MHz band.¹ This band is allocated by the Commission for fixed or mobile operation under Part 90, Part 101, and Part 74 of its rules, and is also used by a substantial number of unlicensed Industrial, Scientific, and Medical (ISM) devices pursuant to Part 18 of the Commission’s rules.

Regardless of any clarification of the rules governing the 2450-2483 MHz band, that band demonstrates the difficulty of forcing public safety agencies to share frequencies with non-public safety users, especially for temporary or mobile operations that require constant coordination to avoid interference. Airborne video is the perfect example of where public safety must have dedicated radio spectrum allocations. Otherwise, non-public safety users will rely on their superior resources and numbers to dominate the band to the exclusion of more critical public safety operations. Therefore, the County takes this opportunity to once again urge the Commission to identify and allocate dedicated spectrum for public safety airborne video operations.

CONCLUSION

The County believes there is no alternative to the use of microwave systems to support Public Safety in our varied geography. Further, bid competition with the public sector would substantially harm budget strapped Public Safety government agencies. However,

should the Commission elect to auction the microwave bands, Public Safety systems should be relocated to spectrum providing expansion growth to accommodate future systems requirements. Further, the County believes the winning bidder in such auctions should bear the cost of relocating those services. For those reasons, the County urges the Commission not to consider auctioning the microwave bands without consideration of alternatives for the Public Safety sector.

Respectfully submitted,

COUNTY OF RIVERSIDE

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