

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

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

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

To: The Commission

**COMMENTS OF MRFAC, INC.**

MRFAC Inc. (“MRFAC”), by its counsel, hereby submits its comments on the Report and Order and Further Notice of Proposed Rule Making (the “Further Notice”) in the above-captioned proceeding. In particular, MRFAC addresses two issues raised in the Further Notice, i.e., the proposed eligibility change for school and park districts; and the American Automobile Association (“AAA”) request to be designated as the coordinator for eight (8) dockside channels. Details follow.

**INTRODUCTION**

As the Commission is aware, MRFAC and its predecessor-in-interest have been private land mobile coordinators for nearly 50 years. Starting with its roots in the National Association of Manufacturers, and continuing with its creation as an independent, non-profit corporation in

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1976, MRFAC has coordinated applications for many thousands of manufacturers and industrial applicants.

Besides its coordination functions MRFAC serves as an advocate for the spectrum concerns of private, internal use system operators. These entities are typically large industrial concerns which own and operate radio facilities in order to enhance employee productivity and safety.

Given the importance of the Further Notice to frequency coordination and private, internal users, MRFAC is pleased to offer these Comments.

## **DISCUSSION**

### **Park/School District Eligibility**

The Further Notice proposes to amend Rule 90.20 so as to allow park and school district use of Public Safety Pool channels; the Notice would also make a corresponding change in Rule 90.35 so as to eliminate park and school district eligibility in the Industrial/Business Pool. Id. at paragraphs 43-46.

MRFAC supports the proposal. Schools and park districts belong in the Public Safety Pool, rather than the Industrial/Business Pool. With the recent addition of 24 MHz to the Public Safety inventory, and the spectrum management/technical enhancements referenced in the Further Notice (at paragraph 44), there is even less reason not to make the conversion to the Pool where these entities naturally belong. Finally, making the conversion will help, even if only in a small way, to alleviate the spectrum shortage facing large industrial users. The change should be made.<sup>1</sup>

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<sup>1</sup> The Further Notice does not propose, nor does MRFAC urge, a requirement that existing park and school district licensees be required to relocate to Public Safety channels – except possibly in circumstances where the licensee proposes major changes to its system. The disruption that would be caused from forced relocation outweighs the gains that would accrue to Industrial/Business licensees.

## **Dockside Frequencies**

The Further Notice also addresses a request by AAA relative to the thirty (30) dockside low power channels. That request is in two parts: (1) increase the power limit on eight (8) of the channels so as to allow regular base-mobile operation; and (2) designate AAA as the sole coordinator for the eight (8). MRFAC supports the first request; the second is inappropriate.

Insofar as the first request is concerned, MRFAC agrees with AAA's observation that "there is a severe shortage of private radio spectrum."<sup>2</sup> Moreover, allowing high-power use of these frequencies will make for much more efficient use of the channels. AAA's second request is a different matter.

That request is based on AAA's notion that its designation as sole coordinator "is necessary both to protect incumbents on the Dockside channels, and to prevent interference on the corresponding Emergency Road Service Frequencies." Id. at pg. 5.

AAA's request is contrary to fundamental principals of re-farming, and is also unnecessary. One of re-farming's basic tenets is increased spectral efficiency – achieved in good part by consolidation of the individual radio services -- and marketplace competition – achieved by allowing any of the Industrial/Business Pool coordinators to coordinate any frequency in the Pool. See Second Report and Order, FCC 97-61, released March 12, 1997 at pg. 34 and 40 ("further competition will be introduced into the frequency coordination process"); Second Memorandum Opinion and Order, FCC 99-68, released April 13, 1999, at paragraph 41 ("reconsideration of service consolidation denied on the grounds that, inter alia, "market forces will motivate each frequency coordinator to provide the best realizable protection for each user, not only for those users who meet the eligibility criteria for their former radio services").

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<sup>2</sup> Supplemental Comments of the American Automobile Association filed August 26, 1999 at pg. 3.

AAA's request is a throw-back to the days before consolidation. It amounts to giving one coordinator exclusive control over shared spectrum to the detriment of marketplace competition between and among Industrial/Business coordinators. It is for such reasons that the Commission saw fit to stay a similar Rule adopted in the Second Memorandum Opinion and Order in re-farming. Specifically, in the Fourth Memorandum Opinion and Order the agency stayed a rule which would allow coordinators for the old Power, Petroleum and Railroad Services sole coordination rights over channels shared with other services prior to consolidation.<sup>3</sup>

Furthermore, there is no need to confer coordination monopolies in order to protect against interference, whether to AAA members or anyone else. All that is needed is an agreed-upon standard for notifying incumbent licensees, or their coordinators, of proposed application(s) which could impact them. Just such a standard has been offered by the Land Mobile Communications Council in respect of the channels shared by Power, Petroleum, Railroad, and Automobile Emergency prior to consolidation.<sup>4</sup> In particular, LMCC has proposed that the Commission adopt a "coordination trigger" rule under which a sponsoring coordinator is required to notify an incumbent licensee or its coordinator in any situation where the interfering contour of an applicant would overlap the service contour of an incumbent occupying one of the above-referenced channels. The proposal attracted overwhelming support from LMCC's membership including UTC, API AAR – and AAA. It is pending before the Commission.

Adoption of LMCC's proposal will do much to enhance spectrum management in the frequency bands shared by the designated services prior to consolidation. The very same approach should be employed with respect to the eight (8) frequencies suggested by AAA for

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<sup>3</sup> FCC 99-203 released August 5, 1999 at pg. 14 ("substantial issues [raised] regarding the propriety and utility of the rule changes adopted in the Second Memorandum Opinion and Order").

<sup>4</sup> See LMCC Supplemental Comments filed April 28, 2000 in PR Docket No. 92-235.

high power operation. In this fashion, Industrial/Business coordinators and their constituents would indeed be placed on an "equal footing."<sup>5</sup>

### **CONCLUSION**

For the foregoing reasons, MRFAC supports the transfer of school/park district licensees to the Public Safety Pool, and allowance of high-power operation on the eight (8) referenced dockside channels. However, MRFAC urges the Commission to reject the request for a AAA coordination monopoly over the dockside channels.

Respectfully submitted,

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<sup>5</sup> AAA Supplemental Comments at pg. 5.