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

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In the Matter of:)
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1998 Biennial Regulatory Review -)
47 C.F.R. Part 90 – Private Land Mobile)
Radio Services)
)
Replacement of Part 90 by Part 88 to Revise)
the Private Land Mobile Radio Services and)
Modify the Policies Governing Them)
)
and)
)
Examination of Exclusivity and Frequency)
Assignment Policies of the Private Land)
Mobile Services)

WT Docket No. 98-182
RM-9222

PR Docket No. 92-235

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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To: The Commission

COMMENTS OF MRFAC, INC.

MRFAC, Inc. ("MRFAC"), by its counsel, hereby submits its Comments regarding Petitions for Reconsideration filed by Motorola, Inc. ("Motorola") and Personal Radio Steering Group, Inc. (PRSG") in the above-captioned proceedings. As explained below, the Commission should reconsider the manner in which the five, low power VHF frequencies have been allocated to a new, Citizens Band-type service.

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 establishment as an independent, non-profit corporation in 1976, MRFAC has coordinated applications for many thousands of manufacturing and industrial applicants.

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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 this matter for private, internal use system operators, MRFAC is pleased to offer these Comments.

In its Report and Order in this proceeding, the Commission observed that there was extensive unlicensed use of the five, "color dot" VHF frequencies which have been reserved for low power use. Even though the Rules have required frequency coordination and licensing, few users were actually complying. Thus, bowing to reality, the agency reallocated the frequencies to a new Multi-Use Radio Service ("MURS") with licensing by rule under Part 95. The Commission envisioned that the frequencies would be used by the general public primarily for private communications of a personal or business nature -- in other words, like the Citizens Band or Family Radio Services.¹

Unfortunately, in the course of rationalizing its service rules, more harm may have been done than good. In particular, the MURS approach will lead to serious spectrum congestion on these channels, especially in and around larger metropolitan area where so many manufacturers have their plants. This congestion threatens harm to the business and industrial users who have used these frequencies for years, and who would continue to rely upon them in the future.

The above situation would be serious enough by itself. However, certain of the service rules adopted for the frequencies will exacerbate the sharing situation. For example, the new

¹ See Report and Order in WT Docket No. 98-182 et al, FCC 00-235, released July 12, 2000.

rules contain no prohibition on telephone interconnection. This will increase channel usage especially in the home environment, by facilitating the use of cordless telephones.

In addition, the MURS rules would appear to allow the use of these frequencies in a base-mobile or mobile relay configuration. This results from the absence of a MURS counterpart to Rules 90.35 (b) and (c) which, between them, limited the use of the frequencies for base or fixed purposes to secondary status and which limited antenna height to 25 feet. The absence of such restrictions in the MURS again compounds the potential for interference.

MRFAC supports, therefore, the thrust of the Petitions for Reconsideration filed by Motorola and PRSG, even if not necessarily all of their specifics. Each of the petitioners has adverted to the problems noted above although their suggested solutions are not entirely the same. For MRFAC's part, it is sufficient to urge that, if these frequencies are to be left in Part 95 at all, it should be with restrictions designed to ensure that they continue to be used primarily for business and industrial use. On the other hand, if the Commission should conclude that such restrictions can not be fashioned without doing violence to the spirit of Part 95 (featuring ease of entry, personal use, and licensing by rule), then the allocation to Part 95 should be rescinded and the frequencies left under Part 90 but with relaxed licensing and frequency coordination requirements.

Accordingly, MRFAC urges the Commission to grant the reconsideration requests in the respects noted above.

Respectfully submitted,

MRFAC, Inc.

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