

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended)	WT Docket No. 99-87
)	
Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies)	RM-9332
)	
Establishment of Public Service Radio Pool in the Private Mobile Frequencies Below 800 MHz)	

**COMMENTS
OF
THE PERSONAL COMMUNICATIONS INDUSTRY ASSOCIATION, INC.**

The Personal Communications Industry Association, Inc. (“PCIA”), through counsel and pursuant to Section 1.405 of the Commission’s Rules, 47 C.F.R. §1.405, hereby submits its Comments in response to the Further Notice of Proposed Rule Making issued by the Commission in the above-captioned rule making proceeding.

I. BACKGROUND

In this stage of the proceeding, the Commission is requesting comments on two proposals: (1) the mandatory conversion to spectrum efficient technology equipment by land mobile operations; and (2) whether the Commission should permit the conversion of 900 MHz Business and Industrial/Land Transportation frequencies to commercial operation.

PCIA has previously commented on both of these issues. PCIA's current comments reflect and are consistent with PCIA's prior positions,¹ and those comments should be incorporated herein by reference.

A. PCIA Supports Mandatory Conversion In The Bands Below 800 MHz

The Commission's request for comments is in response to the Petition for Rule Making filed by the American Mobile Telecommunications Association ("AMTA"). AMTA wants all non-public safety users between 222 MHz and 896 MHz to migrate to more narrowband equipment.

PCIA supported mandatory conversion for the so-called "Refarming" bands almost eight years ago. On May 28, 1993, one of PCIA's predecessor organizations, the National Association of Business and Educational Radio, Inc. ("NABER"), filed Comments in PR Docket No. 92-235. Among other items, NABER at that time introduced a concept of a "migration funnel" into the so-called "Refarming" proceeding. The migration funnel is in most respects similar to the mandatory narrowbanding which is being considered in this proceeding. Unfortunately, the Commission chose not to adopt the migration funnel. Instead, the Commission elected to utilize the type acceptance rules to manage the transition.

PCIA continues to believe that a mandatory conversion deadline for wide-band equipment for the bands below 800 MHz is a valid means of accomplishing the Commission's goals in this proceeding. Further, PCIA believes that a rule change requiring mandatory conversion continues to be necessary to achieve any advancement in spectrum efficiency at 150 MHz and 450 MHz. In 1993,

¹See, PCIA's Comments filed August 2, 1999 in this proceeding, and PCIA Comments filed August 31, 1998 in RM-9332 (in response to AMTA's Petition).

PCIA's advocated a mandatory conversion deadline of January 1, 2004, which in 1993 would have given users adequate time to amortize equipment and plan a transition. However, that date is now too close to an adoption date of a rule change to provide sufficient implementation time.

Therefore, PCIA believes that the new date should be January 1, 2005 for mandatory conversion from 25 kHz operation to 12.5 kHz. This date would be consistent with the deadline for the end of type acceptance of new 12.5 kHz equipment. The conversion should be nationwide (not market specific), because of the difficulty in defining a market's location, and defining how operations within and without the market definition area must coordinate. Further, PCIA believes that licensees should have the option of not converting. However, licensees not converting should have their operations designated as secondary to narrowband operations.

As discussed in PCIA's August 31, 1998 Comments in RM-9332, PCIA believes that the narrowband conversion should not apply to operations above 470 MHz. AMTA's assumption that 25 kHz bandwidth 800 MHz Business and Industrial/Land Transportation systems are somehow inefficient is without merit. Spectrum efficiency comes in many different forms which cannot be merely classified as number of voice paths per MHz. For example, a large percentage of these 800 MHz systems are trunked. Such systems would be far more "efficient" than the same number of channels operating in conventional mode, however AMTA's Petition does not differentiate between an 800 MHz conventional system and an 800 MHz trunked system.

In addition, while PCIA speaks of "narrowband" operation in this proceeding, PCIA does not seek to exclude equipment which has equivalent efficiency to 12.5 kHz bandwidth analog equipment. Thus, for example, a digital system, properly coordinated and operating within a 25 kHz bandwidth channel, should continue to be permitted on a primary basis after 2004.

Initially, PCIA advocates a January 1, 2011 mandatory conversion deadline to 6.25 kHz (or equivalent) equipment. In adopting such a rule, however, the Commission should recognize that it may need to revisit that date in the future.

B. PCIA Supports Limited Conversion Of 900 MHz Business And Industrial Frequencies

The Commission has requested comments on a proposal to permit 900 MHz Business and Industry Pool licensees to be converted to commercial operation. In the same document, the Commission permitted incumbent 800 MHz Business and Industry Pool licensees to make such conversions. However, the Commission stated that new 800 MHz Business and Industrial Pool licensees could not make commercial conversions until at least five years after the grant of their initial authorizations.

The Commission's action at 800 MHz was consistent with PCIA's comments in this proceeding. PCIA advocated limited inter-category sharing, with appropriate safe-guards to deter speculation and keep some limited opportunities for internal system users. The Commission's response, permitting incumbent conversions, but prohibiting allocations of new CMRS systems utilizing Business and Industrial Pool frequencies, will provide opportunities, but limit speculation.

Unlike the 800 MHz band, inter-category sharing was never permitted for the 900 MHz Business and Industrial Pools. Therefore, the 900 MHz Pools have not experienced the same level of pressure to permit existing inter-category sharing licensees to expand their authorizations, and there are no "wide-area" CMRS licensees on these frequencies as there are on the 800 MHz frequencies. Nevertheless, there may be some need on the part of existing licensees to cooperate with CMRS providers to expand the geographic reach of their systems, or create other ventures which will enhance their communications systems and capabilities. While the Commission should not permit

wholesale conversion of private spectrum, an approach similar to that adopted for 800 MHz would be appropriate at 900 MHz.

On this basis, PCIA recommends that the Commission permit existing, incumbent licensees on 900 MHz Business and Industrial Pool frequencies to convert (or assign) their authorizations to CMRS operation. However, the Commission should require that new 900 MHz Business and Industrial Pool licensees hold their non-CMRS authorizations for a minimum of five (5) years before conversion or sale to a CMRS entity. Further, the Commission should not permit new CMRS authorizations on vacant spectrum in these Pools. This policy, consistent with the 800 MHz rules, will promote opportunities for internal system users, without fully depleting spectrum opportunities in the band.²

²PCIA recognizes that the Land Mobile Communications Council (“LMCC”), of which PCIA is a member, has taken a position that the Commission should delay its decision on this issue at this time. While PCIA advocates a more aggressive approach, PCIA would not oppose a “go slow” approach as recommended by LMCC. However, PCIA totally opposes a complete relaxation of the current limitation.

III. CONCLUSION

PCIA supports a mandatory conversion of wideband systems operating on frequencies below 800 MHz to narrowband operation by January 1, 2005. PCIA believes that such action is necessary to achieve spectrum efficiency in the band, which thus far has not been accomplished under the present rules. PCIA does not support mandatory narrowbanding in the 800 MHz band, however PCIA does support the limited conversion of existing, incumbent 900 MHz Business and Industrial Pool licenses to commercial operation.

WHEREFORE, the premises considered, it is respectfully requested that the Commission act in accordance with the views expressed herein.

Respectfully submitted,

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