

MAR 5 2001

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

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of	)	
	)	
Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended	)	WT Docket No. <u>99-87</u>
	)	
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	)	RM-9405
	)	
Petition for Rulemaking of the American Mobile Telecommunications Association	)	RM- 9705
	)	

**COMMENTS OF THE  
LAND MOBILE COMMUNICATIONS COUNCIL**

The Land Mobile Communications Council ("LMCC") hereby submits its  
Comments on the *Further Notice of Proposed Rulemaking* ("*Further Notice*") in the  
above-captioned proceeding.<sup>1</sup>

**I. INTRODUCTION**

LMCC is a non-profit association of organizations representing virtually  
all users of land mobile radio systems, providers of land mobile services, and

<sup>1</sup> Implementation of Sections 309 (j) and 337 of the Communications Act of 1934 as Amended; Promotion  
of Spectrum Efficient Technologies on Certain Part 90 Frequencies; Establishment of Public Service  
Radio Pool in the Private Mobile Frequencies Below 800 MHz; Petition for Rulemaking of the  
American Mobile Telecommunications Association, WT Docket No. 99-87, RM-9332, RM-9405,  
RM-9705, *Report and Order and Further Notice of Proposed Rulemaking*, (rel. Nov. 20, 2000).  
(FNPRM)

No. of Copies rec'd 014  
List A B C D E

manufacturers of land mobile radio equipment. 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 the several frequency bands regulated by the Commission. Membership includes the following organizations:

- American Association of State Highway and Transportation Officials (AASHTO)
- American Automobile Association (AAA)
- American Mobile Telecommunications Association, Inc. (AMTA)
- American Petroleum Institute (API)
- Association of American Railroads (AAR)
- Association of Public Safety Communications Officials-International, Inc. (APCO)
- Central Station Alarm Association (CSAA)
- 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)
- Aeronautical Radio, Inc. (ARINC)
- International Association of Fish and Wildlife Agencies (IAFWA)
- International Municipal Signal Association (IMSA)
- MRFAC, Inc. (MRFAC)
- National Association of State Foresters (NASF)
- Personal Communications Industry Association (PCIA)
- Taxicab, Limousine, and Paratransit Association (TLPA)
- Telecommunications Industry Association (TIA)
- United Telecom Council (UTC)

## II. DISCUSSION

By its *Further Notice*, the Commission first seeks comment on whether the current pace of migration to more spectrally efficient technology in the Private Land Mobile bands is not rapid enough.<sup>2</sup> Current Commission rules rely on a policy of type

---

<sup>2</sup> *Id.* at ¶ 141.

accepting only increasingly efficient equipment, but do not impose a mandatory date for actual use of such equipment.

The *Further Notice* additionally seeks comment on whether to allow 900 MHz Business and Industrial/Land Transportation licensees to assign or transfer their spectrum to CMRS licensees for use in CMRS operations, as was recently adopted at 800 MHz.<sup>4</sup>

LMCC hereby offers its comments on these issues.<sup>5</sup>

**A. LMCC Supports Date-Certain Migration to Spectrum Efficient Technologies**

LMCC agrees with the Commission that the current pace of migration to spectrum efficient technologies is not occurring fast enough. The existing rules that were adopted in the refarming proceeding have resulted in some movement towards more spectrally efficient narrowband operations, but not enough. The frequency advisory committees that make up a portion of the LMCC's membership can attest to the continuing daily receipt of applications for frequency coordination of *new* 25 kHz wideband systems. The operating environment for many radio users today is a patchwork of wideband and narrowband systems that often results in interference that can negate any potential gains from using narrowband equipment. Unless a regulatory framework is in place that actively promotes the deployment of spectrum efficient equipment, the same sluggish pace of migration will continue. The Commission should adopt such a framework.

---

<sup>3</sup> See 47 C.F.R. § 90.203.

<sup>4</sup> *Id.* at ¶ 143-144.

<sup>5</sup> The Association of American Railroads (AAR) does not support adoption of a date-certain conversion to narrowband technology. AAR will file separate comments reflecting its views.

While spectrum efficient technologies are not merely limited to narrowband equipment, it is in that context that the private land mobile community has viewed spectrum efficiency, especially since the adoption of the initial refarming order.<sup>6</sup> Since February 14, 1997, the Commission has certified equipment only capable of operating on 12.5 kHz channels or less. LMCC believes the Commission should now go one step further and adopt a date-certain by which all existing and new licensees must migrate to 12.5 kHz equipment, or accept secondary status. However, LMCC's diverse membership has been unable to reach consensus on just what exactly that date-certain should be, and members will express their respective views in their own comments.

The refarming rules also envisioned an eventual transition to 6.25 kHz operations. However at this juncture, LMCC believes the Commission should carefully monitor the transition to 12.5 kHz equipment before considering a date certain for mandatory migration to 6.25 kHz equipment. After a 12.5 kHz transition has been implemented and its progress monitored, the Commission and the private land mobile community may offer an informed opinion on the notion of a date certain for a 6.25 kHz migration.

Another spectrum-efficient solution frequently being turned to by a growing number of private wireless users is data service, and it brings with it a range of issues. The migration to digital modulation and the ability to provide data service on digital voice systems is blurring the distinction between 'voice' and 'non-voice' signals and systems. FCC rules currently treat integrated voice and data systems as co-equal to voice only systems. However, private data systems are not treated as co-equal to voice

---

<sup>6</sup> 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 Radio Services, PR Docket No. 92-235, *Report and Order and Further Notice of Proposed Rulemaking*, (rel. June 23, 1995).

systems. This affects the operating environment, particularly co-channel use. LMCC is currently reviewing data systems and their impact on spectrum efficiency and operations in the land mobile bands, and will share the results of that review with the Commission shortly.

**B. The Commission Should Defer 900 MHz Flexibility**

In the *Report and Order* portion of this item, the Commission adopted rules allowing 800 MHz Business and Industrial/Land Transportation licensees to assign or transfer their spectrum to CMRS licensees for use in CMRS operations, or to modify their licenses to CMRS use in their own systems.<sup>7</sup> In the *Further Notice*, the Commission asks whether those same provisions should now be extended to the 900 MHz band.<sup>8</sup>

The LMCC urges the Commission to defer a decision on 900 MHz flexibility at this time. We believe it is important for the Commission to first monitor the effects of 800 MHz flexibility before moving forward at 900 MHz. Significant differences in the service provided distinguish the 800 MHz and 900 MHz wireless environments. For example, at 800 MHz, traditional SMR technology development has long been co-mingled with private wireless licensees, while at 900 MHz, the private land mobile environment remains unfettered by substantial commercial use on private land mobile channels.

---

<sup>7</sup> *FNPRM* at ¶ 108-119.

<sup>8</sup> *FNPRM* at ¶ 143-144.

After monitoring the developments at 800 MHz, and observing the evolution of technology and market conditions at 900 MHz, the Commission can then take the 900 MHz environment and its conversion possibilities into consideration.

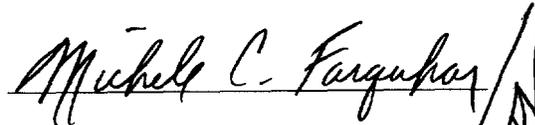
### III. CONCLUSION

Wherefore, the LMCC respectfully requests that the Commission act in accordance with the views expressed herein.

Respectfully submitted,

**LAND MOBILE COMMUNICATIONS  
COUNCIL**

1110 North Glebe Road, Suite 500  
Arlington, Virginia 22201-5720  
(703) 528-5115

A handwritten signature in black ink that reads "Michele C. Farquhar" followed by a stylized flourish or initials.

Michele C. Farquhar, Esq.  
President

March 5, 2001

## **CERTIFICATE OF SERVICE**

I, Jeremy W. Denton, do hereby certify that on the 5th day of March 2001, I forwarded to the parties listed below a copy of the foregoing Comments of Land Mobile Communications Council via hand delivery:

Peter A. Tenhula, Esq.  
Senior Legal Advisor  
Office of Chairman Michael K. Powell  
445 12th Street, S.W., 8-B201  
Washington, DC 20554

Mark Schneider, Esq.  
Senior Legal Advisor  
Office of Commissioner Ness  
445 12th Street, S.W., 8-B115  
Washington, DC 20554

Bryan Tramont, Esq.  
Legal Advisor  
Office of Commissioner Furchtgott-Roth  
445 12th Street, S.W., 8-A302  
Washington, DC 20554

Adam Krinsky, Esq.  
Legal Advisor  
Office of Commissioner Tristani  
445 12th Street, S.W., 8-C302  
Washington, DC 20554

Thomas J. Sugrue, Esq.  
Chief, Wireless Telecommunications Bureau  
445 12<sup>th</sup> Street, SW, Room 3-C252  
Washington, DC 20554

Kathleen Ham, Esq.  
Deputy Chief, Wireless Telecommunications Bureau  
445 12<sup>th</sup> Street, SW, Room 3-C255  
Washington, DC 20554

D'wana R. Terry, Esq.  
Chief, Public Safety & Private Wireless Division  
Wireless Telecommunications Bureau  
445 12<sup>th</sup> Street, SW, Room 4-C321  
Washington, DC 20554

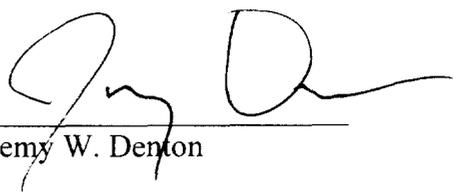
Ramona E. Melson, Esq.  
Deputy Chief, Public Safety & Private Wireless Division  
Wireless Telecommunications Bureau  
445 12<sup>th</sup> Street, SW, Room 4-C237  
Washington, DC 20554

Mr. Herbert W. Zeiler  
Deputy Chief, Public Safety & Private Wireless Division  
Wireless Telecommunications Bureau  
445 12<sup>th</sup> Street, SW, Room 4-C343  
Washington, DC 20554

Leora Hochstein  
Auctions and Industry Analysis Division  
Wireless Telecommunications Bureau  
445 12<sup>th</sup> Street, SW, Room #4-A633  
Washington, DC 20554

Scot Stone  
Public Safety and Private Wireless Division  
Wireless Telecommunications Bureau  
445 12<sup>th</sup> Street, SW, Room #4-B408  
Washington, DC 20554

Office of the Secretary  
445 12<sup>th</sup> Street, SW, Room TW-325  
Washington, DC 20554

  
\_\_\_\_\_  
Jeremy W. Denton