

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

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In the Matter of)	
)	
Implementation of Sections 309(j) and)	WT Docket No. 99-87
337 of the Communications Act of 1934)	
as Amended)	
)	
Promotion of Spectrum Efficient)	
Technologies on Certain Part 90)	RM-9332
Frequencies)	
)	
Establishment of Public Service Radio)	
Pool in the Private Mobile)	RM-9405
Frequencies Below 800 MHz)	
)	
Petition for Rulemaking of the American)	RM- 9705
Mobile Telecommunications Association)	
)	

**REPLY COMMENTS OF THE
LAND MOBILE COMMUNICATIONS COUNCIL**

The Land Mobile Communications Council ("LMCC")¹ hereby respectfully submits its Reply Comments on the *Further Notice of Proposed Rulemaking* ("*Further Notice*") in the above-captioned proceeding.² LMCC commends the Commission's efforts to promote the use of spectrum efficient technologies in the private

¹ LMCC members the International Association of Fire Chiefs (IAFC) and the American Petroleum Institute (API) (which will file its own Reply Comments) do not support the filing of these Reply Comments. Additionally, the Association of American Railroads (AAR) does not support adopting a date certain that would be applicable to all land mobile user groups (see Comments of AAR at 3-5).

² 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)

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land mobile frequency bands. As noted in our initial comments, establishing a date certain by which licensees must implement spectrum efficient technologies would be a solid step toward attaining the goals originally set out by the Commission in their refarming proceeding.³ LMCC takes this opportunity to comment on a few of the proposals raised by other commenters.

I. DISCUSSION

A. Refarming Must Be Completed to Spur the Migration to Spectrum Efficiency

As an initial matter, LMCC agrees with those commenters that point out that the migration to spectrum efficient technologies is hampered by the regulatory uncertainty that exists in the PLMR bands due to the fact that all issues in the refarming proceeding have not been fully addressed.⁴ The single most important issue the Commission still needs to address is the adoption of the complete LMCC “Low Power Proposal”.⁵ Speedy adoption of the proposal will provide the land mobile community with a clearer picture of the UHF spectrum environment, which is essential if applicants and licensees are expected to make the capital investment in new spectrum efficient equipment.

³ 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, *Notice of Proposed Rulemaking*, 7 FCC Rcd 8105 (1995)

⁴ See Comments of Motorola at page 4; Comments of the Industrial Telecommunications Association at page 8.

B. Narrowband Emissions for New/Renewal Applications

A number of commenters suggested the Commission can speed its desired migration to spectrum efficient technologies by addressing the issue at the point of initial licensing or renewal. Motorola suggests that applications for new systems, or modification applications to add frequencies to existing systems should be required to specify 12.5 kHz (or equivalent efficiency) operations or better. They state this policy should take effect six months after the effective date of the *Report and Order* resulting from this proceeding.⁶ The American Mobile Telecommunications Association (AMTA) goes one step further and advocates an immediate freeze on the acceptance of applications for new wideband systems in the refarming bands, at least in the major urban markets.⁷ Additionally, ITA suggests that all applications for renewal of existing licenses be required to include narrowband emission designators, or accept secondary status.⁸

LMCC concurs that the problem must be addressed at the source. It is futile to continue to license new wideband operations; it is patently contrary to the Commission's goal of improved spectrum efficiency. Narrowband equipment is, and has been widely available for some time now, so adoption of such a rule would not create an extraordinary problem for licensees. While LMCC's members cannot achieve consensus on an effective

⁵ See LMCC Petition for Rulemaking filed September 11, 2000

⁶ See Comments of Motorola at page 6.

⁷ See Comments of the American Mobile Telecommunications Association at page 5.

⁸ See Comments of ITA at page 9.

date, they do support a rule requiring all new licensees to use 12.5 kHz narrowband equipment.

C. Data Operations Require Further Consideration Outside of This Proceeding

In its initial comments, LMCC noted that spectrum efficient private data operations are becoming a growing part of the land mobile landscape, and that such operations can have a major impact on the operating environment.⁹ Motorola, a manufacturer of these private data systems, advocates adoption of a rule that would permit such systems to obtain a protected service area similar to that currently available to FBS/centralized trunked operations in the VHF/UHF bands.¹⁰ Appended to their comments was a description and analysis of private data operations that even included specific recommendations for protection criteria.

LMCC has reviewed Motorola's document and has found it formidable to digest in the amount of time allocated for comment in this proceeding. Nonetheless, LMCC believes the issue merits further examination. Given the potential wide-ranging ramifications of what Motorola is proposing, LMCC believes it would be appropriate for the Commission to initiate a rulemaking proceeding to determine the criteria pursuant to which private data systems would be granted protected service areas, and how such systems would be implemented and integrated into the existing land mobile environment.

⁹ See Comments of LMCC at pages 4-5.

¹⁰ See Comments of Motorola at page 8.

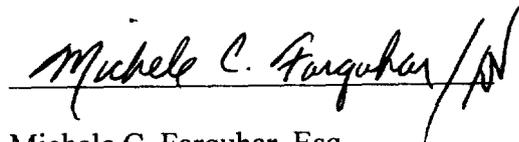
II. CONCLUSION

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

Respectfully submitted,

**LAND MOBILE COMMUNICATIONS
COUNCIL**

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

Michele C. Farquhar, Esq.
President

April 2, 2001

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