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Before the
FEDERAL COMMUNICATIONS COMMISSION
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FEDERAL COMMUNICATIONS COMMISSION
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In the Matter of)
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**Reallocation of the 216-220 MHz,
1390-1395 MHz, 1427-1429 MHz,
1429-1432 MHz, 1432-1435 MHz,
1670-1675 MHz and 2385-2390 MHz
Government Transfer Bands**

) ET Docket No. 00-221
) RM-9267
) RM-9692
) RM-9797
) RM-9854
)

To: The Commission

REPLY COMMENTS

The Alarm Industry Communications Committee of the Central Station Alarm Association ("AICC"), by its attorneys, hereby submits its reply comments in the above-captioned proceeding. AICC applauds the Commission's efforts to accommodate private radio use in designing its plan to reallocate 27 megahertz of spectrum from Government to non-Government use.

I. BACKGROUND

AICC is an industry group representing the interests of the central station alarm industry. Its members are dedicated to "promoting the safety of life and property" through a network of alarm monitoring stations in virtually every population center in the country. The safety services provided fulfill a fundamental spectrum management goal articulated by the Communications Act of 1934, as amended (the "Act").¹ AICC members use fixed low-power radio transmitters to send burglary, fire, medical and other emergency alarm warning signals from a customer's

¹ Section 1 of the Communications Act, 47 U.S.C. §151 (1996).

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premises to centrally located alarm monitoring facilities. Radio-based systems are used where telephone lines are vulnerable to vandalism or sabotage, to preserve the historic character of a building, or where insurance underwriters require businesses to use two methods of sending an alarm signal for an added measure of security.

The Commission's Notice of Proposed Rule Making (NPRM)² proposes to reallocate 27 megahertz of spectrum from federal government to non-government use, pursuant to Congress's directives codified in the Omnibus Budget Reconciliation Act of 1993³ and the Balanced Budget Act of 1997.⁴ Certain of the spectrum bands discussed in the NPRM must be auctioned per Congress's express instruction, but the Commission has the option of not auctioning other portions of those bands. AICC respectfully requests that the Commission refrain from auctioning where feasible.

II. AICC SUPPORTS THE USE OF BAND MANAGERS

AICC supports a reallocation plan that would result in the spectrum that must be auctioned, being auctioned to only private users, or to band managers who would be restricted to permitting only private users to operate systems. AICC agrees with Land Mobile Communications Council ("LMCC") that private wireless operators have special needs not addressed by geographic licensing or the Commission's auction program. LMCC Comments at page 5.

² Reallocation of the 216-220 MHz, 1390-1395 MHz, 1427-1429 MHz, 1429-1432 MHz 1432-1435 MHz, 1670-1675 MHz and 2385-2390 MHz Government Transfer Bands, *Notice of Proposed Rule Making*, ET Docket No. 00-221, FCC 00-395, Released: November 20, 2000 (NPRM).

³ Pub. L. 103-66, 107 Stat. 312 (1993).

⁴ Pub. L. 105-33, 111 Stat. 251 (1997).

Of that spectrum which is not required to be auctioned, AICC would prefer it to be set aside for site-by-site licensing, under the current frequency coordination scheme, to any legitimate private users (i.e., those using the radios in conjunction with the internal operations of their business). Private users are not selling a commercial radio service, but are using the spectrum in the course of their business, to assist them in doing their business. The Commission should retain and reinforce the distinction between commercial uses of the spectrum and non-commercial uses of the spectrum, and provide a substantial portion of the 27 megahertz of government spectrum to non-commercial users outside of the auction scheme.

In the context of private user operations, the Commission's auctions program, regardless of the size of the market, results in a coverage mismatch. A licensee is forced to bid for a larger market, or more spectrum, than it needs, or to abandon a portion of a desired market because it falls outside some arbitrary geographical boundary. Spectrum lies fallow because licensees are not required to cover the entire market. The Commission is currently exploring the possibility of loosening some of its rules to permit spectrum leasing and the operation of secondary markets,⁵ but that proceeding has just begun. Perhaps the Commission's site-by-site licensing system seems cumbersome in the world of auctions, but it is the most spectrally efficient allocation system at the Commission's disposal, for purposes of enabling private users to access the spectrum they need for their operations. Applicants are limited to applying for only that spectrum, and that area, that they can use. The Commission should encourage and reward such efficient use of the spectrum with an additional allocation not subject to auction because despite

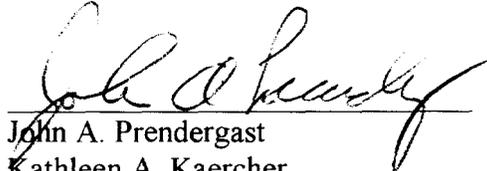
⁵ Promoting Efficient Use of the Spectrum Through Elimination of Barriers to the Development of Secondary Markets, *Notice of Proposed Rule Making*, WT Docket No. 00-230, FCC 00-402, Released: November 27, 2000 (Secondary Markets NPRM).

the efficiencies, private use spectrum is heavily congested in the major markets and is becoming so throughout the remainder of the country.

III. CONCLUSION

In sum, AICC again applauds the Commission's efforts to reallocate spectrum from Federal Government to non-Government use. The existing land mobile allocation is extremely congested, and this congestion can have an adverse effect on current land mobile operations as well as limit potential new uses. Land mobile operations serve a vital purpose to the nation's economy and infrastructure; these operations need to be encouraged and nourished.

Respectfully Submitted,

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Dated: April 9, 2001

CERTIFICATE OF SERVICE

I, Kathleen A. Kaercher, do hereby certify that on this 9th day of April, 2001, I had copies of the foregoing Reply Comments sent via hand delivery or First Class Mail, postage prepaid, to the following:

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