

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

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FEDERAL COMMUNICATIONS COMMISSION  
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In the Matter of	)	
	)	
Amendment of Section 90.35	)	WT Docket No.
of the Commission Rules	)	
Regarding the Airport Terminal Use	)	Rm No.
Frequencies	)	

To: The Commission

**PETITION FOR RULEMAKING**

The Personal Communications Industry Association, Inc. ("PCIA"),<sup>1</sup> pursuant to Section 1.401 of the Commission Rules, 47 C.F.R. §1.401, through counsel, respectfully requests the Commission amend Sections 90.35(c)(11),(48) & (68) of the Commission's Rules 47 C.F.R. §90.35(c)(11),(48),(68), by removing the maximum allowable output power for the Airport terminal use frequencies. In support thereof, the following is shown:

**I. BACKGROUND**

In 1960, the Commission proposed to allocate ten (10) pairs of frequencies to accommodate land mobile operation at airports by airlines and support personnel in furtherance of their operational

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<sup>1</sup> PCIA is an international trade association representing the interests of both commercial mobile radio service ("CMRS") and private mobile radio service ("PMRS") users and businesses involved in all facets of the personal communications industry. PCIA's Federation of Councils include: the Paging and Narrowband PCS Alliance, the PCS Alliance, the Mobile Wireless Communications Alliance, the Site Owners and Managers Association, and the Private System Users Alliance. In addition, PCIA is the FCC-appointed frequency coordinator for the Business Radio Service, the 800 and 900 MHz Business Pools, 800 MHz General Category frequencies, and for the 929 MHz paging frequencies.

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duties.<sup>2</sup> In 1968, the Commission allocated ten (10) radio channel pairs in the 450-470 MHz band for airport terminal use ("ATU") at airports serving cities of a population of 200,000 or more.<sup>3</sup> In 1986, the Commission expanded its list of protected airports based upon findings that "...twenty years have passed since the Commission initially reserved these frequencies for air terminal use. Just as business radio operations have grown dramatically during that time, it is apparent that air terminal communications have expanded in several areas not initially protected."<sup>4</sup> The Commission's decision was based on its "... long standing policy of providing protection to air terminal operations on these frequencies."<sup>5</sup>

While the Commission's decision to allocate frequencies for airport terminal use has greatly assisted the airline industry with performing its operations, the existence of an output power limitations coupled with the implementation of the Universal Licensing System ("ULS") threatens the usefulness of the spectrum. Therefore, this Petition requests that the Commission continue its long-standing practice of recognizing the importance of the ATU frequencies by allowing for unrestricted output power for the applicable ATU frequencies.

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<sup>2</sup> Amendment of Parts 89,91,93 and 95 of the Commission's Rules, *Further Notice of Proposed Rulemaking*, Docket No. 13847, 10 FCC 2d 885 para. 26 (1967).

<sup>3</sup> Amendment of Parts 89,91,93 and 95 of the Commission's Rules, *Second Report and Order*, Docket No. 13847, 11 FCC 2d 648, para. 20 (1968).

<sup>4</sup> Amendment of Part 90 Rules of the Commission's Rules to Relax Restriction on Certain Frequencies in the Business Radio Service, *Report and Order*, PR Docket No. 85-273, 60 RR 379 para. 11 (1986).

<sup>5</sup> *Id.* at para. 8.

## **II. PETITION FOR RULEMAKING**

The current rules governing ATU frequencies establish a restriction for the output power of mobile units at 2 watts,<sup>6</sup> while repeaters are limited to 20 watts<sup>7</sup> and mobile stations are limited to 3 watts<sup>8</sup>. The limitations, while meant to protect against the harmful effects of interference, has largely placed an unnecessary burden on the airline industry. While the airline industry has grown exponentially, in the area of both supply and demand, the output power limitations have remained constant.

The continued growth of the airline industry due to increased air travel and shifting populations patterns have placed significant demands upon the industry. In relation to the output power restrictions, the development of larger airport facilities, and the increased numbers of cargo handlers and other support personnel seriously hampers the effectiveness of airport operations. Specifically, the vast distances that airport personnel are responsible for is often beyond the limits established by the output power requirements. As only one of many examples, the Dallas Fort-Worth airport facility is over 10 miles across in distance. In addition to the sheer distances of the facilities, the responsibilities of airline employees such as cargo handlers include accessing underground portions of the airport terminal. In these underground areas, 3 watt mobiles and 20 watt output repeaters often cannot communicate with each other.<sup>9</sup>

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<sup>6</sup> See 47 C.F.R. §90.35(c)(11).

<sup>7</sup> See 47 C.F.R. §90.35(c)(48).

<sup>8</sup> See 47 C.F.R. §90.35(c)(68).

<sup>9</sup> Repeaters at airport terminals are usually mounted on top of one of the terminals, or one of the hangers.

In the past, the Commission's licensing personnel have typically ignored these power limitation rules, as it is the position of some Commission personnel that these rules are inconsistent with other Commission Rules governing use of these frequencies, and the Commission's database is replete with ATU licenses for additional power. However, the implementation of the ULS necessitates the Commission address the issue in a more formal fashion. ULS requires that the output requirement be addressed by each applicant for a new license, a modification or a renewal thereof. Lacking human intervention, the ULS system automatically rejects applications not in strict accordance with each and every rule section. Thus, the Commission's policies of the past in not giving a "hard look" at the ATU power limitations is no longer possible.<sup>10</sup>

Therefore, it is the position of requesting party that the maximum output power requirement for ATU frequencies for ATU eligibles be removed, and that the Commission utilize the ERP limitations found in Table 2 of Section 90.205. The relief that is sought is both reasonable under the circumstances and is in the public interest.

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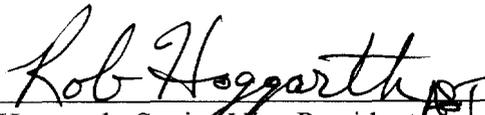
<sup>10</sup>On a related matter, PCIA is also concerned that ULS will not recognize airline-eligible licensees, which are entitled to operate on a primary basis on ATU frequencies, from Industrial/Business licensees, who may operate on ATU frequencies on a secondary basis with lower ERP. ULS does not provide for a separate class code for ATU frequencies, instead characterizing all applicants for the relevant frequencies as Industrial/Business ("IB") channels. Without the ability of an applicant to classify themselves as IB for secondary use or as an ATU eligible, compliance with Sections 90.35(c)(61)(ii),(iii) is confusing at best. PCIA understands that the Commission does not have the "editing function" on ULS "turned on" with regard to this issue, instead relying on frequency coordinators to ensure that the proper eligibles are afforded the proper limitations. PCIA requests that, should this situation change, the Commission work with PCIA to provide the proper coding in the ULS system to ensure that ATU eligible applications will not be rejected failure to comply with Section 90.35(c)(61)(ii) or (iii).

## II. CONCLUSION

WHEREFORE, the premises considered, it is hereby respectfully requested that the Commission AMEND Sections 90.35(c)(11),(48),(68) of the Commission's Rules, 47 C.F.R. §90.35(c)(11),(48),(68) to remove any limitation on the output power requirements for ATU frequencies, consistent with the views expressed herein.

Respectfully submitted,

PERSONAL COMMUNICATIONS  
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Date: June 25, 2001