

ORIGINAL

SWIDLER BERLIN SHEREFF FRIEDMAN, LLP

THE WASHINGTON HARBOUR
3000 K STREET, NW, SUITE 300
WASHINGTON, DC 20007
TELEPHONE (202) 424-7500
FACSIMILE (202) 424-7647
WWW.SWIDLAW.COM

DOCKET FILE COPY ORIGINAL

NEW YORK OFFICE
THE CHRYSLER BUILDING
405 LEXINGTON AVENUE
NEW YORK, NY 10174
TEL. (212) 973-0111
FAX (212) 891-9598

August 1, 2001

RECEIVED

AUG - 1 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Magalie Roman Salas, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Reply Comments of Deere & Company
WT Docket No. 01-108

Dear Ms. Salas:

On behalf of Deere & Company ("Deere"), enclosed please find an original and four (4) copies of Deere's reply comments in response to the Commission's Notice of Proposed Rulemaking Proceeding in the above-referenced docket.¹

Should you have any questions or require additional information regarding this matter, please contact the undersigned at (202) 424-7500.

Very truly yours,

Helen E. Disenhaus
Jeanne W. Stockman

Counsel to Deere & Company

Enclosures

cc: William M. Coopman
Steve Valla

No. of Copies rec'd 014
LEABODE

382854.1

¹ Year 2000 Biennial Regulatory Review - Amendment of Part 22 of the Commission's Rules to Modify or Eliminate Outdated Rules Affecting the Cellular Radiotelephone Service and other Commercial Mobile Radio Services, Notice of Proposed Rulemaking, WT Docket No. 01-108 (rel. May 17, 2001).

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

RECEIVED

AUG - 1 2001

**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

In the Matter of)
)
Year 2000 Biennial Regulatory Review)
Amendment of Part 22 of the) WT Docket No. 01-108
Commission's Rules to Modify or)
Eliminate Outdated Rules Affecting)
the Cellular Radiotelephone Service)
and other Commercial Mobile Radio)
Services)

REPLY COMMENTS OF DEERE & COMPANY

Deere & Company ("Deere"), through its undersigned counsel, hereby submits its reply comments in the above-referenced proceeding¹ in which the Commission proposes to eliminate the analog compatibility standard and modify other analog cellular rules. Deere, like other other telematics service providers,² opposes elimination of the analog compatibility standard. In addition, Deere also opposes the Commission's proposal to eliminate the current analog channelization scheme. Based on the requirements of current telematics users, the Commission should not modify or eliminate the analog compatibility standard and channelization plan for at least ten years.

¹ Year 2000 Biennial Regulatory Review - Amendment of Part 22 of the Commission's Rules to Modify or Eliminate Outdated Rules Affecting the Cellular Radiotelephone Service and other Commercial Mobile Radio Services, *Notice of Proposed Rulemaking*, WT Docket No. 01-108 (released May 17, 2001) ("NPRM").

² Telematics is the integration of wireless communications and location tracking devices into vehicles.

I. TELEMATICS SERVICE PROVIDERS AND USERS ARE DEPENDENT ON AMPS AND WOULD NEED AT LEAST A TEN-YEAR TRANSITION PERIOD BEFORE THE AMPS COMPATIBILITY STANDARD COULD BE ELIMINATED.

Deere shares the concern expressed by CaseNewHolland Inc. (“CNH”) that the NPRM’s recommendations with respect to the analog compatibility standard seem to be based primarily on urban cellular carrier concerns regarding capacity and on the potential adverse impact to “average subscribers” who may have to switch to digital handsets if analog compatibility were no longer required.³ While consideration of the interests of average subscribers should not be minimized, Deere emphasizes that due consideration should also be given to the interests of users in rural areas or requiring nationwide single-mode service who now rely on innovative applications and services such as Deere’s DeereTrax™ system⁴ that are based and dependent upon the existing and ubiquitous analog cellular network.⁵ These users would be displaced if the analog compatibility standard were eliminated.

Deere selected Advanced Mobile Phone Service (“AMPS”) as the underlying technology for its DeereTrax™ system because AMPS is available nationwide and because the only available “industry-hardened” modems (suitable for continuous long-term use in an industrial environment) are AMPS-compatible. As CNH and Onstar observe, although digital wireless technology has become more and more prevalent, the absence of a common digital standard has

³ See Comments of CaseNewHolland Inc. filed July 2, 2001 in WT Docket 01-108 at p. 3 (“CNH Comments”).

⁴ The DeereTrax™ system allows contractors and farmers to remotely track the locations and hours of operation of their heavy-duty equipment. Data received via wireless communications networks and the Internet can be exported in tabular form or displayed on maps, and the data can be input into spreadsheets and other programs, such as preventive maintenance software, that allow analysis of the data for such purposes as fleet management, improved productivity, establishing maintenance schedules, tracking progress of a project, and theft detection and vehicle recovery.

⁵ The NPRM recognized that elimination of the analog compatibility standard may have a unique impact on telematics services such as OnStar that “employ analog technology that will continue to be necessary.” See NPRM, ¶ 29.

led to multiple digital competing technologies that are incompatible with one another, making digital wireless technology unsuitable, at this time, nationwide telematics use.⁶ Even if a nationwide digital wireless standard emerges and is deployed nationwide, the Commission must consider a number of other factors before it eliminates the AMPS compatibility requirement to ensure an orderly transition and avoid adversely affecting the customers of Deere and other telematics service providers.

One of the factors to consider in planning any transition away from the AMPS system is the development cycle of telematics-equipped vehicles. Telematics systems such as DeereTraxTM are embedded in vehicles and heavy equipment. “Legacy” vehicles equipped with AMPS-based systems will likely be on the roads for at least the next ten (10) years, and perhaps longer.⁷ Further, it is neither simple nor inexpensive to replace these vehicles’ existing AMPS-based systems with new technology. The hardware basis of telematics service is significantly different from that of cellular handsets owned by ordinary subscribers. While traditional subscribers can easily purchase a new handset to migrate to a new technology, this is not possible for telematics service providers or users whose systems are integrated into the vehicles they track. Thus, any “flash-cut” to a new underlying technology will be unworkable, and the Commission must provide adequate transition time before the analog compatibility standard is eliminated in order to avoid displacing existing systems and leaving current users unserved.

Moreover, apart from the need to continue service to existing vehicles and to reach agreement on a nationwide digital standard, it will take substantial time to develop and deploy

⁶ See CNH Comments at 3; Comments of OnStar Corporation filed July 2, 2001 in WT Docket No. 01-108 at p. 6 (“Onstar Comments”).

⁷ See Comments of ATX Technologies, Inc. filed on July 2, 2001 in WT Docket No. 01-108 at p. 13 (“ATX Comments”); OnStar Comments at p. 6 (citing an average vehicle life of 8-9 years and acknowledging that vehicles are designed for a life of double that time).

nationwide a digital technology-based replacement system with the availability and robustness of AMPS. Until industry-hardened modems compatible with a new digital standard are developed and made commercially available, telematics systems such as DeereTrax™ must continue to use AMPS-based modems. No industry-hardened modem compatible with digital or dual-mode technology now exists, and development of such a modem will likely be tied to the emergence and nationwide deployment of a common digital standard. To the extent emergence of a digital standard is slowed or delayed, development of a next-generation industry-hardened modem may also be delayed, increasing the transition time required for telematics services to move from AMPS to the digital standard.

Deere therefore disagrees with the parties filing initial comments who have suggested that a five-year sunset period would be sufficient to resolve potential transition issues.⁸ In light of the unique issues facing telematics service providers and their customers with legacy vehicles, a longer transition period is essential. To accommodate the vehicle development cycle and to allow sufficient time for a digital standard to emerge as a substitute for AMPS and allow development of a compatible industry-hardened modem, Deere recommends that the Commission retain the analog compatibility standard for at least ten (10) years. Only with at least a ten-year transition period can the Commission be reasonably certain that existing users will not be deprived of vehicle tracking and other essential services on which they depend, and that the ubiquitous cellular coverage required for telematics will be available to the public in rural as well as urban areas.

⁸ See, e.g., Comments of Verizon Wireless filed on July 2, 2001 in WT Docket No. 01-108, at p. 8.

II. DEERE OPPOSES ALTERING THE CURRENT CHANNELIZATION REQUIREMENTS.

The NPRM proposes to eliminate the current channelization plan applicable to AMPS service.⁹ Under the existing uniform channelization plan implemented in all analog cellular systems, 21 paired channels in each block are designated as control channels.¹⁰ If the Commission's proposal is adopted, individual wireless carriers may independently elect to reduce the number of control channels they each employ in their respective systems. This will adversely affect telematics services. As OnStar observes, "[i]n order to deliver the most robust in-vehicle system that works across all cellular systems, telematics requires rigorous and exact performance standardization."¹¹ If the channelization plan can be modified by individual wireless carriers, the standardization critical to providing nationwide telematics services will be lost. To enable Deere to continue to provide its customers the benefits of the most robust tracking and monitoring system for heavy-duty equipment possible,¹² Deere respectfully requests the Commission to retain the current channelization requirements in their present form.

III. CONCLUSION

As the NPRM acknowledges, before going forward with its proposal, the Commission must fully consider the ramifications of eliminating the analog compatibility standard. In particular, it has long been Commission policy to strongly disfavor actions that would deprive existing users of a unique service.

⁹ NPRM, ¶ 38.

¹⁰ *Id.*, ¶ 37.

¹¹ OnStar Comments at p. 8.

¹² Use of the system is not limited to Deere's heavy equipment customers, as the system can be deployed in vehicles from any manufacturer.

In this case, at this time and for the foreseeable future, telematics service providers and their customers must rely upon the continued availability of AMPS coverage and the continuation of its mandatory channelization plan. The lack of a standardized digital wireless network with nationwide coverage, the absence of industry-hardened modems that are compatible with digital technology, and the large number of legacy vehicles with embedded AMPS-based telematics systems necessitate retention of the analog compatibility standard. Before a phase-out of the AMPS system can reasonably be implemented, a standardized digital replacement system with nationwide coverage must be available, as must be industry-hardened equipment suitable for telematics applications. As a result, even if a nationwide digital standard were to emerge to provide an alternative to AMPS, significant transition time would be needed to ensure that existing and future telematics service users are not deprived of a service on which they now depend or otherwise adversely affected.

Given the vehicle development cycle and the need for industry-hardened digital modems, as well as the time needed to reach agreement on a national digital standard, Deere respectfully submits that the Commission should retain the analog compatibility standard in its current form for a minimum of ten (10) years.

Respectfully submitted,


Helen E. Disenhaus
Jeanne W. Stockman

Counsel for Deere & Company
Swidler Berlin Shereff Friedman
3000 K Street, N.W., Suite 300
Washington, D.C. 20007
(202) 424-7500

Dated: August 1, 2001