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UNITED STATES DEPARTMENT OF COMMERCE
The Assistant Secretary for Communications
and Information
Washington, D.C. 20230

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Mr. Bruce Franca
Acting Chief
Office of Engineering and Technology
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: Revisions to Broadcast Auxiliary Service Rules in Part 74, ET Docket
No. 01-75

Dear Mr. Franca:

The National Telecommunications and Information Administration (NTIA), an Executive Branch agency within the Department of Commerce, manages and authorizes the Federal Government's use of the radio frequency spectrum. NTIA is the President's principal adviser on domestic and international telecommunications policy, including policies relating to the Nation's economic and technological advancement in telecommunications. NTIA's responsibilities include both fostering new technology and assuring that the Federal agencies' access to the spectrum to perform their critical missions is free from interference.

The narrowbanding procedures adopted by NTIA in the Manual of Regulations and Procedures for Federal Frequency Management requires that all Federal Government Systems operating in the 162-174 MHz band must be capable of operating within a 12.5 kHz channel. In the Broadcast Auxiliary Service (BAS) Notice of Proposed Rulemaking (NPRM), the FCC proposes to change the Commission's rules to require that non-Government use of the 166.25 MHz and 170.15 MHz frequencies be in accordance with the same policy regarding 12.5 kHz channel size and that non-Government users in that band meet the January 1, 2005 implementation schedule that applies to Federal Government users.¹

In addition, the NPRM proposes to change the secondary status of non-Government remote pickup broadcast base stations operating as an integral part of the Emergency Alert System (EAS) to primary status. Title 47 C.F.R. section 2.106, footnote US11 formally acknowledges the existing protected status afforded by current coordination between the FCC, NTIA, and the Interdepartment Radio Advisory Committee (IRAC) for these stations. The adoption of these proposals would amend footnote US11, the Table of Frequency Allocations, and section 74.462 of the Commission's rules.

¹ Revisions to Broadcast Auxiliary Service Rules in Part 74, FCC 01-92, ET Docket No. 01-75, *Notice of Proposed Rulemaking* (rel. March 20, 2001).

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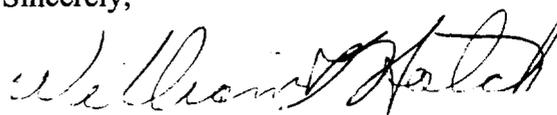
In consideration of the proposals set out in the NPRM, the FCC should note that the United States and Mexico are currently engaged in negotiations on a sharing arrangement for the 162-174 MHz band² (as part of the 148-174 MHz band). The effects of the proposals are detailed in Attachment I. Considering the potential impact of successful negotiations with the Mexican government regarding a sharing arrangement for the 162-174 MHz band, NTIA makes several recommendations concerning the proposed modifications in the NPRM.

First, the FCC's amendment of footnote US11 should change the status of non-Government remote pickup broadcast base stations from "secondary" to "protected" status, rather than to "primary" status as proposed in the NPRM. This new "protected" status can be written into NTIA's manual and the FCC's rules to give the same protection that currently is accorded this special set of FCC licensees.

Second, the FCC should prepare and provide NTIA with a list of stations on 166.250 MHz and 170.150 MHz that it proposes to give "protected" status under the revised footnote US11. NTIA recommends that this list of stations be incorporated in the allocation footnote by reference, and should not appear in the footnote. Since there is a specific subset of broadcast auxiliary stations (BAS) licensed under Part 74 on 166.250 MHz and 170.150 MHz that "are used as an integral part of EAS," any subsequent modifications can be made by mutual agreement without initiating a proceeding to change footnote US11.

Finally, depending on the number of proposed "primary" or "protected" status stations that have been authorized by the FCC in the U.S.-Mexico sharing zone, it may be necessary for NTIA to address this matter further with the FCC regarding its effect on the U.S.-Mexico negotiations. NTIA will keep you informed as the U.S.-Mexico sharing zone negotiations progress.

Sincerely,



William Hatch
Associate Administrator for the
Office of Spectrum Management

Attachments

² The U.S. government band under negotiation encompasses the following spectrum: 162.01875-173.20000 MHz and 173.40000-174.00000 MHz.

Attachment I

The policies proposed in the BAS NPRM would directly affect U.S.-Mexico negotiations regarding sharing of this band. Under the protocol that would result from successful negotiations between the U.S. and Mexico, either or both of the radio frequencies in question could be designated as primary for Mexico in the sharing zone defined in the protocol. If the channels in question should fall in spectrum designated as primary for Mexico, U.S. stations would be allowed to use those channels only on a secondary non-interference basis (NIB) while protecting the Mexican primary users. The northern limit of the sharing zone currently proposed in the draft protocol is located 145 kilometers north of the U.S.-Mexico border, except for Southern California.³ In the draft protocol currently being considered, the frequency 166.250 MHz is in a segment of spectrum designated as U.S. primary, and the frequency 170.150 MHz is in a segment of spectrum designated as primary for Mexico.

Mexico can be expected to insist on sharing the spectrum equitably because of the considerable number of exceptions that need to be made to allow continued operation of important users in the United States whose frequencies will fall into the spectrum segments designated as primary for Mexico. This means that the United States will need to find available radio frequencies in U.S. primary segments to "trade" to Mexico for the channels that are extremely important to the United States. The excepted frequencies in Mexico's primary segments will be designated U.S. primary by virtue of exception in a special annex. The United States would like to minimize the number of exceptions and consequently the number of frequencies "traded" to Mexico from U.S. primary spectrum.

As provided in the FCC rules, there are a number of radio channels within the 162.01875-173.20000 MHz band and the 173.40000-174.00000 MHz band that are routinely licensed by the FCC to non-government users on a secondary non-interference basis. Under the proposed sharing arrangement protocol in the common border area, neither the United States nor Mexico will be able to "grandfather" existing assignments that are designated as primary for the other country. Therefore, if the protocol as currently drafted is implemented, existing U.S. government stations in Mexico's primary spectrum will be secondary to Mexico's primary stations. Furthermore, the proposed protocol will require existing FCC licensees on Mexico's primary spectrum to accept secondary status and protect Mexico's primary stations. NTIA, therefore, will need to coordinate with the FCC regarding the responsibilities of the FCC licensees in the 162MHz-174 MHz band when the protocol is implemented. As a result of that coordination, it will be incumbent on the FCC to ensure that its licensees protect stations on Mexican primary allotments in the sharing zone as well as U.S. government users.

³ In Southern California the northern limit of the proposed sharing zone varies from approximately 145 kilometers north of the common border at Longitude 114° 28' 01" West thence along the great circle arc to approximately 220 kilometers north of the common border extension in U.S. territorial waters at Longitude 120° 00' 00" West. See Attachment II, United States-Mexico Sharing Zone, and Table I for greater detail.

Table I

The following geographic coordinates define the U.S.-Mexico Sharing Zone in the national territory of each country. Point 1 is located in the Pacific Ocean due west from the U.S.-Mexico common border and is the starting point in defining the Sharing Zone. The boundary of the Sharing Zone is then defined by plotting each geographic point in advancing numerical order in a clockwise direction. Each distance path between consecutive points is traversed by great circle arc.

1	32° 13' 33" N 120° 00' 00" W	19	24° 32' 41" N 097° 48' 43" W
2	34° 27' 25" N 120° 00' 00" W	20	25° 15' 14" N 099° 40' 56" W
3	34° 00' 15" N 114° 28' 01" W	21	25° 40' 41" N 100° 10' 59" W
4	32° 37' 24" N 110° 51' 01" W	22	27° 52' 00" N 101° 35' 15" W
5	32° 38' 24" N 109° 18' 02" W	23	28° 29' 18" N 101° 57' 45" W
6	33° 05' 47" N 108° 15' 42" W	24	27° 58' 15" N 102° 11' 48" W
7	33° 01' 27" N 106° 06' 29" W	24	27° 38' 21" N 103° 16' 31" W
8	32° 46' 32" N 105° 30' 37" W	26	27° 54' 33" N 103° 59' 10" W
9	31° 21' 30" N 103° 55' 51" W	27	28° 30' 30" N 105° 15' 57" W
10	30° 39' 31" N 103° 34' 01" W	28	29° 13' 29" N 105° 45' 37" W
11	31° 11' 40" N 102° 26' 12" W	29	30° 19' 17" N 106° 57' 15" W
12	31° 02' 47" N 101° 04' 18" W	30	30° 18' 00" N 107° 56' 47" W
13	30° 51' 19" N 100° 36' 43" W	31	30° 01' 17" N 111° 15' 28" W
14	29° 54' 02" N 099° 28' 55" W	32	31° 14' 09" N 115° 05' 27" W
15	27° 21' 20" N 097° 48' 03" W	33	31° 21' 25" N 115° 20' 30" W
16	27° 21' 05" N 095° 42' 13" W	34	31° 14' 33" N 116° 21' 25" W
17	25° 58' 49" N 095° 42' 21" W	35	30° 45' 06" N 120° 00' 00" W
18	24° 33' 14" N 095° 42' 46" W	36	32° 13' 33" N 120° 00' 00" W