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October 9, 2001

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Magalie Roman Salas
Secretary
Federal Communications Commission
445 Twelfth St., S.W.
Washington, D.C. 20554

**Re: Biennial Regulatory Review – 47 C.F.R.
Part 90 – Private Land Mobile Radio Service
WT Docket No. 98-182**

Dear Ms. Salas:

I am writing on behalf of the American Automobile Association ("AAA") to notify you of an ex parte meeting regarding the above-captioned proceeding on Friday, October 5, 2001, with Kathleen Ham, Deputy Chief of the Wireless Telecommunications Bureau ("Bureau"), Barry Ohlson of the Bureau's Front Office staff, and Peter Daronco and Guy Benson of the Bureau's Public Safety and Private Wireless Division ("Division"). In addition to me, AAA was represented at the meeting by Gary Ruark, Manager, ERS Network Communications.

The meeting covered the dockside channel issues addressed in the two attached handouts, including: (1) the "AAA Update," which was provided to Division staff at a previous meeting on May 4, 2001 and in an ex parte filing on May 7, 2001, and (2) the attached AAA letter sent to the FCC on August 17, 2001. AAA stressed that its overriding concern regarding the potential high-power use of eight of the dockside channels is to protect existing Auto Emergency Radio Service ("AERS") channels, which can be paired with these eight dockside channels, as well as low-power incumbents from interference.

Specifically, AAA reviewed the background and history of its dockside channel proposal, including the refinements to its proposal discussed in the two attached handouts. In response to a question, AAA noted that it had not requested a particular power level for the eight dockside channels at issue, but had instead

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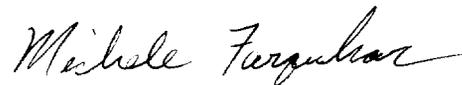
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asked for removal of the 2-watt power restriction on these channels. AAA added that if the power restriction is lifted, AAA clubs plan to locate mobile units on the dockside channels and high-power repeater stations on the corresponding AERS channels. Therefore, increasing the power level of the eight dockside channels to 50 watts would be adequate to enable emergency road service providers and other users to fulfill the potential of the AERS channels by enabling use of high-powered mobile relay stations through channel pairing.

If you have any questions, please contact me.

Respectfully submitted,



Michele C. Farquhar
Counsel for American Automobile
Association

Enclosure

cc: Kathleen Ham
Barry Ohlson
D'wana Terry
Peter Daronco
Brian Marengo
Guy Benson

AAA UPDATE ON DOCKSIDE CHANNEL FNPRM
Biennial Regulatory Review Proceeding, WT Docket No. 98-182

Background:

AERS channels were never paired, unlike most other UHF band channels assigned to the different private radio services, thereby preventing AAA from using "repeaters" to expand signal coverage areas and to overcome obstacles. AERS channels would have been paired with the eight dockside channels identified in AAA's filings.

AAA asked the FCC for: (1) high power use of the eight dockside channels that could be paired with AERS channels; and (2) designation of AAA as the sole frequency coordinator for these channels.

Public Interest Benefits of AAA's Position:

More Efficient AERS Spectrum Use -- Eliminating the power restriction would facilitate use of repeaters -- enabling expanded coverage areas and more efficient use of existing frequencies -- providing substantial public benefits to AAA's clubs and their members. Several AAA clubs have filed separate comments supporting this proposal, noting the specific advantages in providing emergency road service to members in their areas.

Protection of Existing AERS Channels -- If the low power restriction is lifted, then AAA should coordinate the eight channels to protect low power incumbents and to prevent interference on the corresponding AERS frequencies. Many technical and interference problems could result from repeater-mobile unit communications on these channels, with the potential for delaying AAA emergency road service dispatching. The FCC has already determined that the AERS frequencies merit special frequency coordination treatment because of their critical public safety role. *Therefore, AAA urges the FCC to retain the low power restriction on these eight channels unless it also provides a mechanism to protect the paired AERS channels from potential interference.*

General Benefits -- AAA's proposal is narrowly tailored and limited to just eight of the 30 dockside channels; it is not a broad effort to gain additional spectrum or to monopolize frequency coordination rights. Indeed, all Industrial/Business Pool users can benefit from AAA's proposal and the expanded ability to use and pair the eight dockside channels (AAA will merely ensure that there is no interference to its safety-critical operations).

Response to Opposition Arguments:

Overall -- MRFAC and PCIA have made broad policy arguments directed towards competition among frequency coordinators without directly responding to AAA's specific interference concerns.

AAA is not trying to monopolize frequency coordination on the dockside channels or on any other channels. Instead, AAA's objective is to protect its few AERS channels from interference in order to bring fast and efficient emergency road service to its members.

Contrary to MRFAC's assertions, these eight dockside channels differ from the many "shared" frequencies that the LMCC had addressed in its recent refarming proposal; these dockside channels have not been available for high power use in the past and there is no history of shared coordination at the higher power level. The opponents' frequency coordination suggestions will not work well in practice and do not adequately protect the AERS frequencies.

In addition, as the primary frequency coordinator, AAA can monitor for interference to existing low power users and prevent the interference concerns raised by PCIA.

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August 17, 2001

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Part 90 – Private Land Mobile Radio Service
WT Docket No. 98-182**

Dear Ms. Salas:

I am writing on behalf of the American Automobile Association (“AAA”) to respond to the July 25, 2001 ex parte letter filed in the above referenced docket on behalf of the Industrial Telecommunications Association, Inc., MRFAC, Inc. and the Personal Communications Industry Association (“ITA Letter”). AAA is concerned about the ITA Letter’s effort to mischaracterize AAA’s position as an attempt to return to outdated standards prevalent before refarming. Instead, since filing its original comments, AAA has continued to refine its proposal to narrow the circumstances where AAA would seek to coordinate any high power use of dockside channels. In this letter, AAA further refines its proposal to seek designation as the frequency coordinator only for those situations where AERS and high power dockside frequencies are paired.

As stated in prior filings, AAA does not seek a monopoly in coordinating frequency use for the eight 1/ dockside channels at issue. AAA heartily

1/ One of the eight channels originally proposed, 457.5375 MHz, is being considered by the Commission for low power operations as proposed by the Land Mobile Communication Council (“LMCC Plan”). If the Commission decides to retain this channel as part of the LMCC Plan, AAA agrees with ITA *et al.* that the channel should not be affected by AAA’s proposal. See *Amendment of Part 90 of the Commission’s Rules and Policies for Applications and Licensing of Low Power Operations in the Private Land Mobile Radio 450-470 MHz Band*, Notice of

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concur with the ITA Letter's statement that "in any given year AAA coordinates only a very small fraction of the applications coordinated by the typical industrial/business coordinator." AAA's underlying objective is not to expand its role in frequency coordination, but to ensure the effective prevention of interference to the licensees that use the Auto Emergency Road Service ("AERS") frequencies. ^{2/} AAA proposes, therefore, that *users of dockside channels not being paired with AERS frequencies should continue to work with their coordinators of choice*, thus preventing the "enormously disruptive" impact on existing licensee/coordinator relationships suggested by the ITA Letter.

Unlike non-paired operations, however, the pairing of high power dockside channels with an AERS channel creates a radio "system" situation that requires a heightened level of frequency coordinator scrutiny, which the AAA frequency coordinator is ideally suited to provide. For this reason, AAA strongly urges that the Commission designate the AAA frequency coordinator as the coordinator for the relatively few channels and expected applications requesting pairing between the high power dockside and AERS channels. Both Congress and the Commission have recognized the important public safety function provided by AERS frequencies and have indicated that these frequencies deserve special consideration, which can be achieved by designating one coordinator to be accountable for their proper usage. ^{3/} The same compelling public interest rationale that led the Commission to make AAA the frequency coordinator for the AERS frequencies should apply equally to these specific and few paired frequency arrangements.

Proposed Rulemaking, WT Docket No. 01-146, FCC 01-199 (rel. July 24, 2001) at ¶ 13.

^{2/} AAA has a special technical need to pair these channels to utilize them, where appropriate, for advanced digital data communications. Digital data is more spectrally efficient than analog voice radio and enables AAA to provide a more responsive road service to the public.

^{3/} See *In re Matter of 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 Services*, Second Memorandum Opinion & Order, 14 FCC Rcd 8642, 8650-51 (1999) (concluding that "the public interest would be best served by requiring that frequencies in the former AERS be coordinated only by AAA . . .").

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The most likely applicants for the channel pairings, moreover, are the auto clubs that predominantly already use the AERS half of the proposed pairing (and are already coordinated by the AAA frequency coordinator). If a non-auto club applicant applies for both channels and it is possible to grant the request without harmful interference to incumbents, the AAA frequency coordinator will do so, as it has always done. In any event, under current rules an applicant for AERS/dockside channel pairing would need to use the AAA frequency coordinator for the AERS frequency. Thus, using the AAA coordinator for the dockside frequency as well actually streamlines the process from the applicant's perspective.

Finally, the ITA Letter attacks AAA for suggesting that sound engineering analysis should be used to determine potential channel interference. By some considerable stretch of the imagination, ITA *et al.* speculate that AAA is seeking a return to a pool-specific "consensual arrangement" approach, whereby an applicant must demonstrate that no frequencies are available in its own pool before gaining access to frequencies in another pool. For the record, AAA contemplates no such arrangement, nor anything even remotely related. AAA's core concern in this proceeding has always been to protect existing AERS channels, as well as the incumbent dockside channel users, from interference using the established engineering standard of 39 and 21 dBu contour analysis. Recent experience has proven that a few coordinators have not been sufficiently diligent in preventing interference and in following the Commission's rules. ^{4/} While other coordinators are certainly capable of performing a sound analysis, the AAA frequency coordinator – as a not-for-profit entity – is uniquely motivated by the goal of protecting the AERS frequencies, and those paired with AERS, from harmful interference. For this reason, AAA believes the Commission should grant its very limited request for coordination authority over AERS/high power dockside paired frequencies.

Throughout this proceeding, AAA has presented the Commission with constructive proposals for: (1) increasing the availability and efficient use of spectrum for AERS as well as industrial/business pool users; and (2) protecting AERS licensees from harmful interference that threatens the public's safety. AAA

^{4/} See Supplemental Comments of AAA, WT Docket No. 98-183 (Aug. 26, 1999) at 4-6 (noting problems for auto club licensees caused by certain frequency coordinator assignments).

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has been open to compromise to achieve these objectives. In fact, AAA met with representatives of ITA *et al.* in an effort to craft a compromise addressing the concerns of all the parties. At that meeting, these organizations gave no indication that they misunderstood AAA's position, but AAA has used the insights gained from that meeting to further refine its proposal. We hope that this letter clarifies AAA's view that the greatest efficiency and level of protection could be achieved by designating it as the frequency coordinator for situations where high power dockside and AERS frequencies are paired.

Respectfully submitted,



Michele C. Farquhar
David L. Martin
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cc: D'wana Terry
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