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Before the
Federal Communications Commission
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
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)

WT Docket No. 01-146
RM-9996

To: The Commission

COMMENTS OF THE CENTRAL STATION ALARM ASSOCIATION

The Central Station Alarm Association, and the related Alarm Industry Communications Committee (collectively "CSAA"), by its attorney, hereby responds to the Commission's call for comments in the above-captioned proceeding. CSAA supports the Commission's proposal, but requests certain modifications and clarifications, as discussed below.

The Central Station Alarm Association is a trade association representing companies providing central station electrical protection services listed by the Underwriters' Laboratories, Factory Mutual, and similar risk-rating agencies. It represents the entities that would be eligible for the group of low power frequencies that the Commission has designated as Group D in the proposed revision to Section 90.267 of the Commission's Rules. CSAA is also recognized by the Commission as a frequency coordinator for the private land mobile frequencies available under Part 90 of the Commission's Rules. Therefore, CSAA is in a unique position to provide

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comments in this matter on behalf of its members eligible to use the proposed Group D frequencies in the proposed revision to Rule Section 90.267.

I. The Commission Should Clarify That Rule Section 90.35(c)(64) Does Not Apply To Low Power Central Station Alarm Signalling Operations

The central station alarm industry uses certain former UHF offset frequencies primarily for low power fixed operations to send alarm signals (burglar, fire and medical alert) from protected premises to the central station, and to send interrogating signals to premises under the protection of the central station licensee.¹ For the most part, these fixed alarm transmitters have been licensed as mobiles, as previously required by FCC Rule Section 90.267. This system has worked well for many years, with several alarm companies each now operating thousands of low-power, fixed alarm transmitters on these frequencies.

In the Commission's "refarming" docket (PR Docket No. 92-235), the Commission adopted rules that would make most of the former UHF offset frequencies available for high power use, but allowed the frequency coordinators to designate certain channels for continued low power operations only. The "Group D" offset frequencies reserved for central station use are among those that the frequency coordinators, through the Land Mobile Communications Council (LMCC), designated as reserved for low power use. By Public Notice released June 29, 2000 (DA 00-1359), the FCC's Wireless Telecommunications Bureau formally accepted the LMCC

¹ These frequencies include 460/465.90625, 460/465.9125, 460/465.91875, 460/465.93125, 460/465.93750, 460/465/94375, 460/465.95625, 460/465.9625, 460/465.96875, 460/465.98125, 460/465.98750, 460/465.99375, 461/466.00625, 461/466.0125, 461/466.01875 MHz.

Low Power Plan designating the former UHF offset frequencies that would remain available for low power use. The Notice of Proposed Rule Making in WT Docket No. 01-146 now proposes operational rules on how these low power frequencies in the LMCC plan will be licensed under Section 90.267 of the Commission's Rules.

In the *Second Memorandum Opinion and Order* in PR Docket No. 92-235, the Commission amended Section 90.267 of the Rules to remove the requirement that all stations operating on designated low power channels must be licensed as mobile. *See Second Memorandum Opinion and Order*, PR Docket No. 92-235, FCC 99-68, released April 13, 1999 at paragraph 36. CSAA was concerned that the effect of this action was to require central station radio licensees to license each fixed alarm transmitter as a "fixed" station. The Commission subsequently clarified, in response to a CSAA petition, that customer premises fixed radios did not have to be separately licensed. *See Fifth Memorandum Opinion and Order*, PR Docket No. 92-235, FCC 00-439, released December 29, 2000 at paragraph 13. Moreover, the Commission clarified on reconsideration that such low power fixed customer operations would be considered co-primary in status. As the Commission observed "central station alarm frequencies are inherently 'primary' relative to other services because they are limited to alarm-related use by Sections 90.35(c)(63), 90.35(c)(64) and 90.35(c)(66)...." *See Sixth Memorandum Opinion and Order*, PR Docket No. 92-235, FCC 01-174, released May 25, 2001 at paragraph 6.

However, by Order dated adopted August 8, 2001, the Commission's Public Safety and Private Wireless Division issued an interpretation indicating that each of the former UHF offset frequencies used for alarm transmissions would be subject to the provisions of Section

90.35(c)(64) of the Rules, which places severe restrictions on the duration and repetition rate of alarm transmissions. See Order, DA 01-1905, released August 13, 2001.²

Research into the history of Rule Section 90.35(c)(64) -- originally adopted as Rule Section 90.75(c)(39) -- indicates that this rule section was adopted in 1978, to be applied only to the high power primary alarm channels at the request of the Central Station Alarm Association. The purpose of this restriction is to, *inter alia*, allow central station licensees to transmit alarm signals from protected premises directly to police and fire departments using these high power channels. See Report and Order, SS Docket No. 78-27, FCC 78-741, Mimeo 4172, released October 30, 1978. This rule did not apply to transmission of alarm signals on the adjacent offset frequencies that were reserved for low power use only. It appears that this rule was carried over to the former UHF offset frequencies as part of the refarming process that would have made the former UHF offset frequencies available for high power operations. However, as noted above, the former UHF offset frequencies reserved for central station operations have subsequently been included in the LMCC Low Power Plan adopted by the Commission. Therefore, application of this rule to the central station offset frequencies is unnecessary.

Rule Section 90.35(c)(64) imposes severe restrictions on fixed alarm signalling operations on the former UHF offset frequencies by imposing limits on the length of transmissions and number of repetitions. These limits would make the frequencies unusable for transmission of fire, burglary, and medical alert alarms between the central station and remote transmitters at protected premises, which has been the primary use of the former UHF offset

² D&I Electronics, Inc., the alarm company involved in that decision, filed a petition for reconsideration on September 12, 2001. This petition has not been opposed, and the interference problem referred to in that order has been resolved.

frequencies by the central station alarm industry. The Commission has found such alarm signaling operations to be in the public interest, in furtherance of safeguarding persons and property. *See, e.g., Sixth Memorandum Opinion and Order*, PR Docket No. 92-235, FCC 01-174, released May 25, 2001 at paragraph 6; *Fifth Memorandum Opinion and Order*, PR Docket No. 92-235, FCC 00-439, released December 29, 2000 at paragraph 13.

Accordingly, CSAA requests that the Commission modify Rule Section 90.267(a)(5) to confirm that Rule Section 90.35(c)(64) will not apply to low power operations on the frequencies listed in the NPRM as Industrial/Business Pool Group D Low Power Frequencies. This would not affect any other licensee, since Rule Section 90.35(c)(64) specifically refers to central station fixed operations and the frequencies would all be reserved for low power use only by proposed Rule Section 90.267(a)(5). The "central station only" restriction of Rule Sections 90.35(c)(63) and (66) should continue to apply to the Group D channels, as currently provided in the rules.

In this regard, the proposed wording of Rule Section 90.267(a)(5) also should be corrected to reflect that certain Group D frequency pairs (460/465.98125, 460/465.9875, 460/465.99375, 461/466.00625, 461/466.0125, 461/466.01875 MHz) are restricted to central station use throughout the country, while others are restricted to such use only in urban areas.

The current wording suggests that all Group D frequencies are available for non-central station use outside of urban areas. However, those frequencies to which Rule Section 90.35(c)(66) applies are allocated for central station only use nationwide.

Respectfully submitted,

Central Station Alarm Association



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CERTIFICATE OF SERVICE

I, Kathleen A. Kaercher, do hereby certify that on this 12th day of October, 2001, I had copies of the foregoing Comments sent via hand delivery or First Class Mail, postage prepaid, to the following:

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