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A customer-owned public utility district

Commissioners

Nancy Barnes  
Carol Curtis  
Jane Van Dyke

Interim General Manager

Wayne W. Nelson

October 9, 2001

The Honorable Michael K. Powell, Chairman  
Federal Communications Commission  
445 12th Street, SW  
Washington, D.C. 20554

Re: ET Docket No. 00-221

Dear Mr. Chairman:

In midst of our present national security crisis, it is important not to lose sight of the fact that there is still an energy crisis in the United States. Indeed, it is now more important than ever to assure an abundant, secure and reliable flow of energy to the American people and industry. In this regard, the FCC has it within its power to give utilities state-of-the-art tools that will facilitate load management and real-time pricing, which will go a long way toward alleviating the country's energy crisis.

An immediate allocation of the 1.4 GHz band, as proposed by the American Hospital Association, Itron, Inc., and a large number of utilities, will accomplish this goal. The allocation, however, must be made to utility telemetry and not to general telemetry services. A general allocation could lead to a further rulemaking proceeding to sort out who gets to use the telemetry frequencies. Such a further proceeding will add two years or more to a proceeding that already has taken almost two years to reach this point. Even if utilities ultimately can gain access to this spectrum, it will delay the deployment of new energy-saving technologies that are vitally needed today. Moreover, we cannot abide the uncertainty that a generic telemetry allocation will create throughout the utility industry. We have an investment to make in telemetry technologies and we will not make it until a utility telemetry allocation is secure.

There is no reason why the allocation to utility telemetry cannot be made now. The frequencies already are used for utility meter reading and, from the outset of this proceeding, the focus for a telemetry allocation has been on utility telemetry. The Commission recognized this in its Notice of Proposed Rulemaking and made clear in its discussion of its allocation options that it is considering an upgrade to primary status for utility telemetry in the 1.4 GHz band, not all telemetry. The Commission placed all parties on notice that it was considering such an allocation and the parties commented on that proposal. We urge you to do so without further delay.

Sincerely,

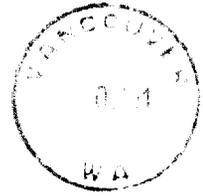
A handwritten signature in dark ink, appearing to read "Richard A. Dyer Jr.", written over a horizontal line.

Richard A. Dyer Jr.  
Director of Finance/Treasurer  
Clark Public Utilities

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