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**ELECTRONIC FILING**

William F. Caton, Acting Secretary  
Office of the Secretary  
Federal Communications Commission 12<sup>th</sup> Street, S. W.  
Room TW – A325  
Washington, D. C. 20554

Dear Mr. Caton:

*Re: Notice of Proposed Rule Making; Improving Public Safety Communications in the 800 Mhz Band Consolidating the 900 Mhz Industrial/land Transportation and Business Pool Channels Wt Docket No. 02-55*

Questar Corporation (“Questar”) appreciates the opportunity to comment on the Notice of Proposed Rule Making (“NPRM”) in the above-entitled docket. Questar is a \$2.9 billion vertically-integrated energy provider. Questar engages in oil and gas exploration and production, and operates an interstate natural gas pipeline system as well as local distribution company serving 750,000 retail customers.

In its production, transmission and distribution systems, Questar uses its 800 MHz system to coordinate day-to-day communications, emergency response, and “man down” alarms for employees working in hazardous and remote areas in the intermountain region of Utah, Wyoming, Colorado, Idaho, New Mexico and Arizona. Questar’s SMR system provides communications for company offices, natural gas compressor plants, telemetry stations and security. In the event of a mutual disaster that effects the integrity of Questar’s internal gas systems, its SMR system is relied upon to ensure uninterrupted service when immediate response is required. Questar also provides PMRS SMR service to third-party companies throughout Utah and Southwestern Wyoming.

Questar is a licensee of 800 MHz SMR channels that provide reliable, high quality communication. Over a period of 13 years and at a substantial cost, Questar has developed an SMR system that accommodates the following:

- Priority access for telephone interconnect
- Priority access for fleet wide dispatch calls
- Priority access for unit to unit dispatch calls
- Control of maintenance of the SMR system

- Reliable continuous communications

Questar's SMR system provides reliable, dependable communications in all situations—including emergencies and disaster recovery. Questar's mobile communications needs cannot be met by any of the commercial systems available. CMRS carriers cannot guarantee priority access for emergency purposes.

The Commission's request for comments regarding improvements for public safety communications in the 800 MHz band was prompted by a white paper submitted by Nextel Communications entitled, "Promoting Public Safety Communications." The NPRM asks specifically how best to remedy the interference caused to public safety systems by digital SMR and "A" band cellular operators.

The 800 MHz band contains a mix of licensees including public utilities, public safety providers, as well as business and commercial radio system operators. Questar has operated mobile radio systems for 50 years and as an SMR licensee for 13 years and considers itself a senior provider with public safety responsibilities. As new technologies have been developed and installed, many of these incumbent operators are experiencing unacceptable levels of interference that must be resolved. New low site high power digital topologies have compounded this problem. Public utilities like Questar currently operate many of the largest systems in the band and are planning advanced innovative uses that demand interference free, exclusive use channels.

Nextel's rebanding proposal would give itself a nationwide exclusive license for operation of 10 MHz of spectrum in the 2100 MHz band. For this it would relegate incumbents to secondary non-interference status, with no guarantee of continued use of their established frequencies. Nextel would have incumbents choose to move to 900 MHz and incur heavy costs to replace existing 800 MHz systems. 700 MHz equipment is not currently available but is expected to be just as costly. Meanwhile, Nextel is unable or unwilling to propose a unilateral technical solution that requires the costs to follow the cost-causer. Questar does not cause harmful interference to public safety users or others and should not be required to incur the significant expenses to relocate to other spectrums or be relegated to secondary status within the 800 MHz band. Displaced or disenfranchised private B/ILT licensees should not be required to help fund the relocation of public safety licensees to solve interference problems principally caused by operators like Nextel.

Nextel's transparent bait and switch tactic should be viewed for what it is: The white paper ignores the incumbents' enormous investment and establishment of effective SMR systems, brushes aside the substantial role it has played as a cause of interference, and would force a massive land-rush scramble while it stakes a claim on the choicest contiguous frequencies. The price it proposes to pay for this grab? A donation of up to \$500 million to generally aid in public safety relocation (with a decidedly narrow view of what qualifies as "public safety." If Nextel's rebanding proposal is adopted, the true cost of its proposal will dwarf this offering. But Nextel's proposal begs the question. If it is so anxious to send everyone else packing, why shouldn't Nextel pay the freight? Put another way, why isn't the causer of the interference paying for the remedy?

Questar supports the market-based solution proposed by United Telecom Council (“UTC”) for the 800 MHz band, combining changes to the technical rules and authorizing regulatory flexibility to:

- Mitigate interference
- Require the interfering party to pay for resolution of the interference
- Permit “swaps to modify channel position for future system upgrades
- Prohibit low site cellularization below 860 MHz
- Implement regulatory safeguards to prohibit speculation
- Promote the use of advanced systems
- Allow manufactures to develop improved filter technologies
- Encourage growth of PMRS services in 800 MHz

Questar agrees with UTC that regulatory flexibility should also allow consolidation of the business and industrial pools. With appropriate protections, market-based solutions will tend to self-correct use of the band by all licensees with various technologies at the lowest cost. The regulatory flexibility for incumbents to work together to retune rather than replace systems will greatly reduce the cost of migration and expedite the resolution of interference issues.

Questar applauds the Commission for it’s diligent and proactive response to resolve interference problems in the 800 MHz band. Questar believes that UTC’s plan to use market-based solutions combined with regulatory flexibility will provide the most economical solution for eliminating interference in the 800 MHz band with the least impact to public utilities, public safety providers and other incumbents using the spectrum.

Respectfully submitted,  
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Senior Corporate Counsel

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cc: Chairman Michael Powell  
Commissioner Kathleen Abernathy  
Commissioner Michael Copps  
Commissioner Kevin Martin  
Thomas Sugrue, Chief, Wireless Telecommunications Bureau  
Kathleen O’Brien Ham, Deputy Chief, Wireless Bureau  
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