

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Spectrum Policy Task Force)	ET Docket No. 02-135
Seeks Public Comment on Issues)	
Related to the Commission's)	
Spectrum Policies)	

COMMENTS OF ITRON, INC.

Itron, Inc. ("Itron"), by its attorneys, respectfully submits these Comments in response to the request for public comment from the Commission's Spectrum Policy Task Force ("Task Force").¹ In particular, Itron responds the Task Force's inquiries concerning increased flexibility for licensees and the impact that unlicensed Part 15 device have on spectrum congestion (item numbers 2 and 5 in the *Public Notice*, respectively).²

As the nation's leading supplier of automatic meter reading ("AMR") technologies using unlicensed Part 15 devices in the 902-928 MHz band, Itron urges the Commission to be wary of championing licensing policies under the rubric of "flexibility" at the expense of users in the unlicensed bands, which come very close to the ideal of spectrum flexibility. Contrary to the general concern expressed in the *Public Notice*, the service and operating rules applicable to the 902-928 MHz band are not

¹ See *Spectrum Policy Task Force Seeks Public Comment on Issues Related to Commission's Spectrum Policies*, Public Notice, DA 02-1211, ET Docket No. 02-135 (rel. June 6, 2002) (the "*Public Notice*").

² Specifically, the Task Force has solicited comment on, *inter alia*, (1) whether the "current, restrictive service and operating rules applicable in many bands" should be modified to provide licensees with greater flexibility (item number 2 in the *Public Notice*), and (2) the impact that the use of unlicensed devices have on spectrum congestion (item number 5 in the *Public Notice*).

overly “restrictive,”³ but were specifically designed to balance the interests of the many users in the band.⁴ The unfettered use of licensed spectrum in heavily used spectrum bands, such as 902-928 MHz, poses a much more serious risk of increasing spectrum congestion than the intermittent use of unlicensed, low power Part 15 devices in the same bands. For these reasons, Itron asks the Commission to retain its existing service rules intended to protect unlicensed Part 15 users and to approach with caution any request to eliminate or modify such rules submitted under the guise of increasing licensee flexibility.

Itron supplies RF-based AMR systems to electric, gas, and water utility companies nationwide. Itron’s AMR systems are based on a hybrid architecture that employs both licensed and unlicensed frequencies. On the unlicensed side, utility consumption information is transmitted from meter modules via unlicensed Part 15 devices operating in the 902-928 MHz band. To date, Itron has deployed more than 20 million meter modules for more than 850 utility companies nationwide. Itron’s customers have invested over \$1 billion in their AMR networks.

Given the extensive deployment of AMR systems nationwide in the 902-928 MHz band, Itron urges the Commission to be wary of espousing flexible licensing policies in this heavily used band to the detriment of low power unlicensed users.⁵ There is a real risk that such flexibility will encourage high power primary licensees to exploit the spectrum in ways not contemplated by the Commission’s service rules nor

³ *Public Notice* at 2.

⁴ See *In re Amendment of Part 90 of the Commission’s Rules to Adopt Regulations for Automatic Vehicle Monitoring Systems*, Report and Order, 10 FCC Rcd 4695, 4714-15 (1995).

⁵ The 902-928 MHz band currently is shared by, among others: (1) licensees in the Location and Monitoring Service (“LMS”); (2) government radiolocation systems; (3) industrial, scientific, and medical equipment operators; and (4) amateur radio operators. Part 15 operators are secondary to all other users in the band.

intended for the spectrum allocations in the band .⁶ Itron fears that such changes to usage of the 902-928 MHz band will crowd out AMR operators and place tens of millions of Part 15 devices at risk for harmful interference.

For these reasons, Itron urges the Commission to retain its existing service rules for operations in the 902-928 MHz band and approach with caution any proposal to eliminate or modify these rules in the interest of increased licensee flexibility. Only under this approach can the Commission ensure the continued coexistence of Part 15 device operators and other users of the already congested 902-928 MHz band free from harmful interference.

Respectfully submitted,

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⁶ See, e.g., Petition for Rulemaking of Progeny LMS, LLC, to Amend Part 90 of the Commission's Rules Governing the Location and Monitoring Service, RM-10403 (Mar. 5, 2002) (requesting, in the interest of "spectrum flexibility," elimination of the LMS service rules prohibiting LMS licensees from interconnecting with the public switched telephone network in real time and restricting the types of services that LMS licensees can provide.)