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FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
ACCESS 220, LLC)
)
Request for Waivers to Provide Band)
Management Services Utilizing Licenses)
In the 220-222 MHz Band)

WT Docket No. 02-224

To: The Chief, Wireless Telecommunications Bureau

**REPLY COMMENTS OF ARRL, THE NATIONAL ASSOCIATION
FOR AMATEUR RADIO**

ARRL, the National Association for Amateur Radio, also known as the American Radio Relay League, Incorporated (ARRL), by counsel, hereby respectfully submits its Reply Comments in response to the comments of Data Comlink, Inc. (DCI) in the instant proceeding. Comments in this proceeding were solicited by the *Public Notice*, DA 02-1939, released August 6, 2002. That *Public Notice* sought comment on the very specific proposal of Access 220, LLC to provide band management services on 220-222 MHz spectrum, and to extend the construction deadlines for Part 90 licensees in that band. Relative to the specific comments of DCI in this proceeding, which in part propose to allocate additional spectrum, at 222-225 MHz, for Commercial Mobile Radio Service (CMRS) or Private Mobile Radio Service (PMRS) use, ARRL states as follows:

1. ARRL filed no comments in this proceeding, nor has it participated in the proceeding heretofore. The issues raised in the *Public Notice* relate to the service rules applicable to the 220-222 MHz band, in which the Amateur Service has no current allocation. Nothing in the *Public Notice* relates to any Amateur allocation, nor has the Commission otherwise proposed any reallocation of the spectrum between 220 and 225

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MHz. Therefore, ARRL has no direct interest in this proceeding as it is defined in the *Public Notice*.

2. However, the comments of DCI are not limited to the issues raised in the *Public Notice*. DCI, which allegedly represents certain partner electrical cooperatives, in addition to objecting to the band manager proposal, raises a series of other issues, including bandwidth limitations in the 220-222 MHz band. It suggests that narrow bandwidth requirements in this band are hindering its development. It suggests that 12.5 kHz bandwidths would be more acceptable. The comments urge other technical regulatory changes as well, including perhaps a “refarming study” of the 220-222 MHz band. Beginning on page 10 of its comments, it suggests that the 222-225 MHz band which “is currently held by the Amateur Radio Service is being underutilized.” While not taking issue with the Amateur Service’s use of its allocations to provide communications in the event of disaster or emergency, DCI states that the Amateur Service has not utilized the 222-225 MHz band “as well as Amateur Radio licensees have claimed it would be.” It suggests that “only handfuls” of individuals in the Amateur Radio Service use this spectrum “while hundreds of thousands of commercial users wait with no alternatives.” In essence, DCI attempts to slide Access 220 upward into the 222-225 MHz band. It also suggests reallocation of the 217-220 MHz band for CMRS/PMRS use, thus to permit a contiguous band where stations may utilize 12.5 kHz bandwidths.

3. ARRL presumes that the proposal by DCI for reallocation of the 222-225 MHz band¹ will not be seriously evaluated by the Commission, as it is well outside the scope of this proceeding. This is not an allocation proceeding, but rather one addressing service

¹ DCI does not acknowledge the Amateur Service allocation at 219-220 MHz for wideband data links. See, 47 C.F.R. §§97.301, 97.303(e). The issues discussed herein relative to 222-225 MHz apply as well to the 219-220 MHz Amateur allocation.

rules under part 90. However, to the extent that the Commission might consider any reallocation of the 222-225 MHz band in a separate proceeding, the following is submitted.

4. The allocation of the 220-225 MHz band was the subject of much dispute in Gen. Docket No. 87-14, a proceeding which ultimately resulted, after administrative and judicial appeal, in the reallocation of 220-222 MHz from the Amateur Service to the Land Mobile Service and the allocation of 222-225 MHz exclusively to the Amateur Service, each on a primary basis. In that proceeding, the Commission determined, in order to develop narrowband land mobile operations, that the Amateur Service should be excluded from the 220-222 MHz segment, and limited to the remainder at 222-225 MHz. Since then, the Commission has, through fits and starts, sought to implement the 220-222 MHz band in the Land Mobile Service. In the process, it has at least retained its plan to limit emissions in the band to narrow bandwidth technologies. At the same time, it found that, for the long term, a primary allocation for the Amateur Radio Service at 222-225 MHz would be sufficient, and would “adequately meet the communications requirements of any emergency or natural disaster.” *Memorandum Opinion and Order*, FCC 89-206, released August 17, 1989, at ¶5.

5. DCI claims that the band is “underutilized” without even an attempt at defining this subjective evaluation. ARRL asserts that the band is absolutely not underutilized, and remains a critical VHF allocation in the Amateur Service. Without taking into account the numerous and varied Amateur uses of this band, suffice it to note that there are 1,690 voice repeaters listed in the ARRL’s 2002 Repeater Directory (which is not a complete listing of repeaters) throughout the United States. This would indicate a large number of

individual users, since many dozens of Amateurs typically utilize a given repeater. Indeed, the number of individual Amateurs using this band has increased steadily since 1989, when the Amateur allocation at 220-225 MHz was reduced by 40 percent, and now much commercially manufactured equipment is available to Amateurs. It is available to entry-level Amateur licensees, and the band is actively used by Amateurs for various emissions and communications purposes.

6. Furthermore, the premise of DCI, that additional allocations contiguous to 220-222 MHz would permit wider bandwidths for land mobile operations is directly contrary to the entire allocation plan for the 220-222 MHz band (and for the refarmed land mobile bands at 30-50, 150-174, and 450-470 MHz as well).

7. Finally, the argument that additional PMRS allocations are necessary belies the fact that there has just been allocated eight megahertz of spectrum for land mobile operations at 1390-1395 MHz and 1432-1435 MHz. See, the *Report and Order and Memorandum Opinion and Order*, FCC 01-382, released January 2, 2002 in ET Docket 00-221/WT Docket 97-153. Any suggestion that additional allocations are required for any CMRS or PMRS application must take into account this vast allocation, which has not yet had occasion to be implemented in the Land Mobile Service.

8. In short, each and all of DCI's arguments in favor of the reallocation of 222-225 MHz from the Amateur Service to the Land Mobile Service are invalid, and in any case, the proposal is well beyond the scope of this proceeding.

Therefore, the foregoing considered ARRL, the National Association for Amateur Radio, respectfully requests that the Commission do nothing with the suggestion of Data

Comlink, Inc., in this proceeding or otherwise, that bands in addition to 220-222 MHz be allocated to the Land Mobile Service.

Respectfully submitted,

**ARRL, the National Association
for Amateur Radio**

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September 5, 2002

CERTIFICATE OF SERVICE

I, Christopher D. Imlay, do hereby certify that I caused to be mailed, via first class U.S. Mail, postage prepaid, a copy of the foregoing REPLY COMMENTS OF ARRL, THE NATIONAL ASSOCIATION FOR AMATEUR RADIO, to the following, this 5th day of September, 2002.

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