

Before the  
**Federal Communications Commission**  
Washington DC 20554

In the Matter of	)	
	)	
Amendment of Section 90.20 and 90.175 of the	)	WT Docket No. 02-285
Commission's Rules for Frequency	)	RM-10077
Coordination Of Public Safety Frequencies	)	
in the Private Land Mobile Radio Below-470	)	
MHz Band	)	

**REPLY COMMENTS**

The United Telecom Council (“UTC”) hereby submits its reply comments in the above-referenced proceeding.<sup>1</sup> UTC agrees with APCO and those commenters in favor of competitive coordination among all certified Public Safety pool Frequency Advisory Committees (“FACs”, “coordinators”) on Public Safety pool frequencies in the above-referenced spectrum. However, UTC opposes the comments filed by the Industrial Telecommunications Association (ITA) to the extent they propose that ITA be certified to provide coordination on all PLMR frequencies in both the Public Safety (PS) and Industrial/Business (IB) frequency pools. UTC does not believe competitive coordination among all coordinators in both the PS and IB pools is appropriate at this time; moreover, it is outside the scope of the instant proceeding. Should the FCC agree in principle to the concept of inter-pool competitive coordination, it should apply established criteria of representation, experience and resources to determine in a different

---

<sup>1</sup> Amendment of Sections 90.20 and 90.175 of the Commission's Rules for Frequency Coordination of Public Safety Frequencies in the Private Land Mobile Radio Below-470 MHz Band, *Notice of Proposed Rulemaking*, WT Docket No. 02-285, 17 FCC Rcd. 17,534 (2002).

proceeding whether and which coordinators should be certified to coordinate frequencies in both pools.

**I. UTC Agrees that Competitive Coordination is Appropriate Among Certified Public Safety FACs.**

As a general matter, UTC supports competitive coordination among the certified Public Safety frequency advisory committees, as proposed by the FCC and APCO.<sup>2</sup> It also supports the contour overlap analysis proposed by the FCC that is modeled after the analysis for coordinating the formerly shared I/B Power, Petroleum and Railroad Radio Service channels.<sup>3</sup>

UTC believes that competitive coordination has resulted in more efficient, expeditious, and in some cases better-quality frequency coordination service. This enables radio service users to get on the air faster, providing better service to the public. Given the critical nature of the communications involved on Public Safety channels, these public interest reasons underlying the Commission's general competitive coordination policies apply with equal, if not more, force here than to the I/B channels.

UTC does support the establishment of safeguards to prevent interference to incumbent operations. While the Universal Licensing System (ULS) should mitigate the potential for improper frequency coordination,<sup>4</sup> UTC recommends that the FCC adopt its proposal to require concurrence from the licensee or the applicable FAC that previously was exclusively certified to coordinate the

---

<sup>2</sup> See *NPRM*. And see, Association of Public-Safety Communications Officials-International, Inc., Petition for Rulemaking, RM-10077 (filed Feb. 21, 2001) (Petition).

<sup>3</sup> *NPRM* at ¶¶ 21-23.

<sup>4</sup> *Id.* at ¶12.

frequency. This analysis has worked well in the I/B channels that were formerly shared by the Power, Petroleum and Railroad Radio Services, and should not unduly delay the process as feared by some commenters.<sup>5</sup>

The proposed contour analysis would give applicants the benefits of competitive coordination, but would protect incumbents on exclusive and non-exclusive channels. Moreover, the need to protect these incumbents is self-evident, as was the case with the I/B incumbents in the Power, Petroleum and Railroad Radio Services. To the extent that APCO has expressed concerns about warehousing of spectrum,<sup>6</sup> those concerns may be addressed by conditioning a denial of concurrence by requiring a written explanation as to the specific safety-related communications that would be directly and adversely affected by the proposed facilities.<sup>7</sup> That would prevent licensees from protecting facilities that are not actually used for public safety related communications.

## **II. The Commission Should Not Permit Competitive Coordination Across the PS and IB Pools at This Time.**

Although UTC does support competitive coordination among PS coordinators, UTC is compelled to oppose the comments filed by ITA that argue

---

<sup>5</sup> See Comments of APCO in WT Docket No. 02-285 at 12 (filed Dec. 5, 2002); and Comments of the American Association of State Highway and Transportation Officials, International Association of Fire Chiefs, Inc. and International Municipal Signal Association in WT Docket No. 02-285 at 13 (filed Dec. 5, 2002). *But see* Comments of Statewide Wireless Network, New York Office for Technology in WT Docket No. 02-285 at 6-7 (filed Dec. 5, 2002).

<sup>6</sup> *Id.*

<sup>7</sup> Such is the case for denials of concurrence in the I/B shared channels.

for a free-for-all among IB and PS coordinators regardless of expertise.<sup>8</sup> First, the proposal is beyond the scope of the proceeding, which only proposes competitive coordination among PS coordinators. Second, the potential risk to public safety systems and personnel from inexperienced coordinations outweighs the public interest benefit from competitive coordination by IB coordinators.

Although there are undeniable public interest benefits that accompany competitive coordination, the FCC wisely decided during its refarming proceeding<sup>9</sup> to safeguard the integrity of public safety and critical infrastructure communications by retaining exclusive coordination on those frequencies that had been allocated for those purposes on an exclusive basis.<sup>10</sup> Since then, the FCC has created similar rules to protect critical infrastructure communications – even in the IB pool, which is otherwise competitive -- on frequencies that formerly had been allocated for those purposes on a shared basis.<sup>11</sup>

UTC does not believe that it is appropriate at this time to expand competitive coordination to allow ITA or other IB coordinators to coordinate PS frequencies and vice versa, as ITA recommends. ITA vaguely asserts that ULS will solve any technical issues, and that similarities between PS and IB systems

---

<sup>8</sup> Comments of the Industrial Telecommunications Association in WT Docket No. 02-285 at 4 (filed Dec. 5, 2002) (hereinafter “Comments of ITA”).

<sup>9</sup> Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services and Modify the Policies Governing Them, *Second Report and Order*, PR Docket No. 92-235, 12 FCC Rcd. 14307 (1997) (*Second Report and Order on Refarming*).

<sup>10</sup> *Second Report and Order on Refarming* at ¶¶ 39, 41.

<sup>11</sup> See discussion *supra*; and see Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services and Modify the Policies Governing Them, *Fifth Memorandum Opinion and Order*, PR Docket No. 92-235, 16 FCC Rcd. 416 (2000).

justify eliminating restrictions on FACs coordinating frequencies in another pool.<sup>12</sup>

ITA also offers scant anecdotal evidence to suggest that it is qualified to coordinate PS frequencies.<sup>13</sup> These assertions are not true: Public Safety systems are different from those of a standard business user, even if they operate using similar technology. Great care must be taken in spacing these systems appropriately. Moreover, the design criteria for a Public Safety system are fundamentally different from a commercial system: based not upon maximizing capacity, but upon ensuring quick, clear and reliable communications. ITA's comments simply lack an adequate foundation upon which to eliminate restrictions that could undermine the integrity of public safety and safety-related communications, particularly at a time when homeland security concerns are critical.

**III. In the Alternative, the FCC Should Determine in a Separate Proceeding Whether and Which IB Coordinators Should Be Eligible to Coordinate PS Frequencies.**

If the FCC does decide to examine the benefits of competitive coordination in the PS pool beyond the bounds of PS coordinators, UTC recommends that the FCC only certify coordinators that meet well-established criteria for representation, expertise and resources to coordinate in both pools. In any event, the FCC should not decide in this proceeding to certify any particular coordinator to coordinate frequencies in both pools. Interested parties have not had an adequate opportunity to comment on the qualifications of any particular FAC, or inter-pool coordinators generally, to coordinate frequencies in

---

<sup>12</sup> Comments of ITA at 5.

<sup>13</sup> *Id* at 6.

other pools. Nor would it be appropriate to certify any coordinator so precipitously given the important public safety considerations at issue in any such decision.

**WHEREFORE, THE PREMISES CONSIDERED,** UTC urges the Commission to act in conformity with the views expressed herein, declining ITA's proposal that is beyond the scope of the proceeding, or in the alternative, initiating a separate proceeding to determine whether inter-pool FACs are desirable, and which FACs should be certified to coordinate frequencies both in the PS and IB PLMR pools.

Respectfully submitted,

**UNITED TELECOM COUNCIL**

By: \_\_\_\_\_/s/\_\_\_\_\_  
Jill M. Lyon  
Vice President & General Counsel

\_\_\_\_\_/s/\_\_\_\_\_  
Brett Kilbourne  
Director of Regulatory Services &  
Associate Counsel

**UNITED TELECOM COUNCIL**  
1901 Pennsylvania Avenue, N.W.  
Fifth Floor  
Washington, D.C. 20006

(202) 872-0030

January 21, 2003