

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

In the matter of

ITA Informal Request for Certification to	)	
Coordinate Power Radio Service, Railroad	)	RM-10687
Radio Service, and Automobile Emergency	)	
Radio Service Under Part 90 of the	)	
Commission's Rules	)	

**FURTHER COMMENTS OF PSEG SERVICES CORPORATION**

PSEG Services Corporation hereby submits comments only for the purpose of correcting and supplementing the record in this proceeding.

In its reply comments, the Industrial Telecommunications Association (“ITA”) provides us with additional concerns regarding its ability to coordinate frequencies on which critical infrastructure industries (“CII”) depend.<sup>1</sup>

In attempting to reinforce its own version of the facts, ITA interwove two separate and distinct cases into one; then it criticizes the result.

In our comments in this proceeding, we clearly indicate that together, ITA and PCIA then the exclusive coordinators for the 900 MHz channels in question, took eleven (11) months to re-coordinate an existing data system.<sup>2</sup>

In our comments in this proceeding, we clearly indicate that ITA defended an inherently defective coordination by PCIA involving a trunked VHF system owned by Horizon Communications (WPOY784), operating on 153.6125 MHz and located less than 300 yards from PSE&G's incumbent station (WPDH711) operating on 153.620 MHz.<sup>3</sup> ITA failed even to recognize that PCIA's original coordination was void *ab initio* for failing to secure the required approval of co-channel/adjacent channel incumbents.<sup>4</sup> It was ITA, not PCIA, that initiated the proceeding to revoke PSE&G's 'fill-in' license for WPQK581. In so doing, it not only advocated on behalf of PCIA's admittedly defective coordination, but also took a position adverse to PSE&G's.

In its reply comments, ITA intimates that the case was decided merely because ITA failed to file its objection in a timely manner and at the proper location<sup>5</sup>. The FCC's Wireless Telecommunications Bureau disagreed. While admonishing ITA for that procedural defect, the Bureau reached the merits of the underlying issue and by Memorandum, Opinion and Order ("MO&O") modified WPOY784 by deleting the frequency 153.6125 MHz.<sup>6</sup>

Had ITA not acted precipitously by initiating a petition to revoke PSE&G's license, it might have spared PSE&G, Horizon Communications, the FCC and itself needless effort and expense. It is just this kind of action that concerns us. As illustrated in this case, ITA's lack of understanding of FCC Part 90 rules raises questions concerning its qualifications for certification to coordinate frequencies in the former Power, Railroad and Automobile Emergency Radio

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<sup>1</sup> Comments of Industrial Telecommunications Association, RM-10687, May 12, 2003, at Page 6, fn 13

<sup>2</sup> Comments of PSEG Services Corporation, RM-10687, April 24, 2003, at Pages 5 & 6, fn 7

<sup>3</sup> Id at Page 6

<sup>4</sup> See 47 C.F.R. § 90.187

<sup>5</sup> Comments of Industrial Telecommunications Association, RM-10687, May 12, 2003, at Page 6, fn 13

<sup>6</sup> MO&O DA 01-1991, 16 FCC Rcd 15765, August 24, 2001; Order DA 02-54, 17 FCC Rcd 599, January 14, 2002.

Service pools. This is particularly troublesome given the sensitive nature of CII communications which represent the predominate use of those frequencies.

The Congress of the United States has determined that America's CII are a critical component of national security.<sup>7</sup> Wireless telecommunications systems used by CII merit the protection afforded by exclusive coordination performed by an entity that understands both the operating characteristics and the needs of CII. That entity is the United Telecom Council.

Respectfully submitted,

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<sup>7</sup> See USAPATRIOT Act § 1016 (The Critical Infrastructure Protection Act)