

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Implementation of Sections 309(j) and 337)
Of the Communications Act of 1934) WT Docket No. 99-87
As Amended)
)
Promotion of Spectrum Efficient Technologies) RM-9332
On Certain Part 90 Frequencies)

To: The Commission

**COMMENTS OF THE
AMERICAN MOBILE TELECOMMUNICATIONS ASSOCIATION, INC.**

Respectfully submitted,

AMERICAN MOBILE TELECOMMUNICATIONS
ASSOCIATION, INC.

By: _____ /s/

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September 15, 2003

The American Mobile Telecommunications Association, Inc. (“AMTA” or “Association”) respectfully submits its comments on the Commission’s proposal to adopt a deadline for the migration to 6.25 kHz bandwidth technologies by Part 90 land mobile licensees operating in the 150-174 MHz and 421-512 MHz bands.¹ While AMTA has been an active proponent of ensuring the more efficient use of this spectrum, for the reasons detailed below it recommends that the FCC not adopt a date certain for conversion to 6.25 kHz technology at this time.

I. INTRODUCTION

AMTA is a nationwide, non-profit trade association dedicated to the interests of the specialized wireless communications industry. The Association’s members include trunked and conventional 800 MHz and 900 MHz Specialized Mobile Radio (“SMR”) service operators holding site-specific and/or geographic authorizations, as well as commercial licensees in the 217-220 MHz, 220-222 MHz and 150-512 MHz bands. In addition to operating commercial wireless systems, AMTA’s members frequently sell, construct and maintain private internal systems operated by their customers, many of which use spectrum in the bands in question. Thus, the Association and its members have a significant interest in the outcome of this proceeding.

II. IT IS PREMATURE TO ADOPT A 6.25 kHz MIGRATION DEADLINE

AMTA has been in the forefront of the effort to promote more efficient use of these key land mobile bands. Its 1998 Petition for Rulemaking urging the FCC to mandate the deployment of more efficient technologies was the catalyst for the Commission’s further inquiry into the efficacy of its refarming initiative.² The Association endorses the FCC’s recent decision to adopt

¹ WT Docket No. 99-87, *Second Report and Order and Second Further Notice of Proposed Rule Making*, 18 FCC Rcd 3034 (2003) (“FNPRM”).

² See WT Docket No. 99-87, *Report and Order and Further Notice of Proposed Rule Making*, 15 FCC Rcd 22709 (1999) at ¶¶ 141-2. *Rule Making*, 18 FCC Rcd 3034 (2003) (“FNPRM”).

mandatory migration deadlines for conversion to 12.5 kHz technology and even has recommended that those dates be accelerated.³

Nonetheless, AMTA believes it is premature to adopt a similar regulatory requirement for conversion to 6.25 kHz bandwidth technology.⁴ First, as the FCC is aware, no equipment manufacturer has yet secured certification for equipment that is capable of operating at 6.25 kHz. To the best of AMTA's knowledge, no manufacturer has even announced development or marketing plans for such equipment. The industry only recently has begun to deploy 12.5 kHz bandwidth technologies to any great extent and it will take some time for that migration process to be completed, even under the Association's recommended accelerated deadline. It simply is too early to know when it would be reasonable to require a second conversion to 6.25 kHz technologies.

In fact, as the FCC presumably is aware, the industry has not even completed the standard setting process for 6.25 kHz equipment. That effort is being conducted through the Telecommunications Industry Association ("TIA") as part of the second phase of the APCO 25 project in an effort to ensure the interoperability of equipment produced by different manufacturers, a vital characteristic of all future public safety systems. While many segments of the non-public safety community do not share that requirement, it is evident that equipment suppliers are not likely to finalize their 6.25 kHz development plans until those standards are defined. To impose a conversion deadline in advance of completion of the standard-setting process would be costly and counter-productive. Manufacturing resources would be diverted to the design of systems that may or may not conform to the interoperability standards ultimately adopted. In the end, of course, users would absorb the costs of that effort without necessarily

³ See Petition for Reconsideration filed jointly by AMTA, ITA and PCIA (filed August 18, 2003).

⁴ All references herein to 6.25 kHz technology or equipment include technologies and equipment that satisfy the spectrum efficiency equivalency standards set out in FCC Rule Section 90.203(j)(5). Current technical limitations dictate that most – perhaps all - equipment will meet a 6.25 kHz bandwidth requirement in the foreseeable future by satisfying the equivalency standard in that provision.

receiving a commensurate benefit in terms of needed technological improvements. At a minimum, therefore, the Commission should delay any decision on adoption of a 6.25 kHz migration deadline until the standards process has been completed.

Instead, AMTA recommends that the FCC take this opportunity to reaffirm what the Association and the Commission both have identified as the objective of this proceeding: promotion of highly efficient use of these workhorse land mobile bands. When the refarming initiative began more than a decade ago, deployment of narrowerband technologies was seen as the optimal way of achieving that objective. Since then, however, the wireless industry and the Commission have become increasingly aware of the efficiency advances that can be achieved on broader bandwidth channels. The heretofore unimaginable variety of applications available to users and the growing importance of data dictate that the FCC maintain a flexible standard for evaluating spectrum efficiency, a measurement based on the throughput and result rather than size of the pipeline. To the extent that technologies with 6.25 kHz bandwidth equivalence promote the more intensive use of these bands, AMTA fully supports their deployment at an appropriate time. In the meantime, however, the Association urges the FCC to ensure that its rules provide the land mobile community with the flexibility to meet their diverse requirements by taking advantage of efficiency-enhancing techniques that are already or that become available. The standards previously adopted in FCC Rule Section 90.203(j)(5) properly balance this need for flexibility with an obligation to implement improved technologies and should be reaffirmed in all Orders adopted in this proceeding.

III. CONCLUSION

For the reasons described above, AMTA at this time recommends against adopting a date certain for migration to 6.25 kHz technology.