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*By ECFS*

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

**RE: ITA Informal Request for Certification To Coordinate the Power Radio Service, Railroad Service, and Automobile Emergency Radio Service Under Part 90 of the Commission's Rules, RM-10687**
**Notice of *Ex Parte* Presentation**

Dear Ms. Dortch:

On behalf of the American Automobile Association ("AAA"), this is to notify you of an *ex parte* meeting regarding the above-captioned proceeding on January 15, 2004 with certain members of the Commission's staff. Gary Ruark (Manager, Network Communications), Kathleen Marvaso (Managing Director, Government Relations), my colleague, Angela Giancarlo, and I represented AAA.

We met with the following staff of the Wireless Telecommunications Bureau's Public Safety & Critical Infrastructure Division:

- D'Wana Terry, Chief
- Michael Wilhelm, Acting Deputy Division Chief - Legal
- Brian Marenco, Acting Deputy Division Chief - Engineering

During the meeting, AAA discussed the issues raised in the attached presentation, which reflect positions discussed in previous comments filed by AAA over the course of the proceeding. In addition, Mr. Ruark discussed in greater detail the analysis that he typically undertakes in responding to frequency coordination requests from AAA clubs and entities such as ITA, as set forth on page four of the presentation and on the contour map that follows the presentation.

Please contact me with any questions concerning this presentation.

Respectfully submitted,

Michele C. Farquhar
Counsel for the American Automobile Association

Attachments

Electronic copies to:
D'Wana Terry
Michael Wilhelm
Brian Marenco
Angela Giancarlo
Gary Ruark, AAA
Kathleen Marvaso, AAA
Thomas Keller, AAR
Nicole Donath, Keller and Heckman LLP
Jill Lyon, UTC
Jeremy Denton and Robin Landis, ITA

# Opposition to the ITA Informal Request

(RM-10687)

American Automobile Association

January 2004

# AAA's Longstanding Role Serving the Public Interest as a Frequency Coordinator

- 102 year-old, non-profit, federation of 77 auto clubs with more than 46 million members in the U.S. and Canada
- Consistent with its non-profit status, AAA's Frequency Coordination Department is not driven by revenue – in fact, AAA does not actively market its frequency coordination services and this department operates at a modest loss annually
- Primary mission is to promote highway driver safety, including provision of emergency road services
- Responds to over 80,000 road service calls per day – almost one third of which involve immediate threat to life or property
- Exclusive frequency coordinator for the former Automobile Emergency Response Service ("AERS") channels

# ITA Does Not Possess the Unique Knowledge of Auto Emergency Operations Necessary to Avoid Catastrophic Interference

- ITA's self-described "nationwide coordination capability" is only one of many tools required to effectively coordinate quasi-public safety AERS channels
- ITA's request reveals *no* understanding of the idiosyncrasies of these channels, but naively dismisses all PLMR systems as basically identical
- AAA's frequency coordinators do not merely "support day-to-day business" but provide an integral service for AAA's federated clubs' operations
  - AAA Missouri's comments state that "AAA's frequency coordinator has been particularly helpful in assisting in the design of a radio system that meets [our] needs in the major metropolitan areas throughout our region, ensuring that frequency interference is nonexistent, while simultaneously allowing us to design a system that maximizes the flexibility of equipment inventories."
- AAA's frequency coordinators are knowledgeable and well-versed in the intricacies of the auto emergency response industry, and monitor and control the frequency coordination function for the industry

# AAA's Coordinators Best Protect Users and Maintain the Highest Quality of Service

- By treating the standard computerized frequency search as a mere preliminary step, and by following with at least three specialized (and more costly) engineering analyses, AAA's coordinators limit the safety exposure of operations by maintaining a high degree of sensitivity to the implications and special requirements of the various automobile emergency response units
- Only AAA's coordinators are intimately familiar with the operating tendencies of tow trucks, the size of their territories, the status of their communications services (*i.e.*, data, voice, or both), and how their operations affect the communications needs of their drivers and dispatchers
- AAA's coordinators best understand the nexus between geographic operating areas and radio coverage needs that is particular to tow trucks – for example, AAA takes special care in coordinating police radios located in tow trucks that are used for police recovery calls
- AAA's coordinators act with a unique appreciation for the competitive nature of the auto emergency response industry, and the resulting need to keep different operators located in the same geographic area on separate radio channels

# Reversal of the Current Procedure Would Create Needless Confusion and Complexity, and Reduce the Protection Afforded to AERS and Other Channel Users

- Rather than improve upon the frequency coordination process, grant of the Informal Request would add needless confusion and complexity, and could greatly reduce the quality of service to and level of protection for these channel users
  - Even under the current rules, there have been a number of instances when a licensee failed to obtain AAA's concurrence, thereby necessitating the time consuming and administratively burdensome process of seeking dismissal of a license application (or setting aside a license grant) in order to prevent harmful interference on these channels
  - It is easy to predict that the relatively few problems arising at present would be greatly exacerbated if the current procedure is overturned
- The current concurrence procedure also insulates private radio users against the possibility of causing interference to or receiving interference from the quasi-public safety users

# Users Overwhelmingly Support the High Quality Service and Protection Offered by AAA

- 38 separate comments were filed opposing the Informal Request, reflecting a wide range of railroad, utility, and automobile club users and user groups
- With respect to AAA, users overwhelming state that multiple coordinators for AERS channels without the necessary background and expertise would introduce needless (and possibly dangerous) complexity into the frequency coordination process, for example:
  - The Ohio Motorists Association, which has a 100-year history with AAA, states that AAA "best understands our needs and the road service business. They have a clear understanding of how frequency assignments on the AERS channels can be used efficiently and effectively."
  - The California State Automobile Association, Automobile Club of Southern California, and AAA North Jersey "are concerned by the 'mass production' approach employed by large coordinators such as ITA ..." and state that they are "completely satisfied with the high quality of service received from AAA ..."
  - AAA Southern New England indicates that AAA's coordinators "completely understand the special complexity, immediacy and uniqueness of the automobile emergency communications network"

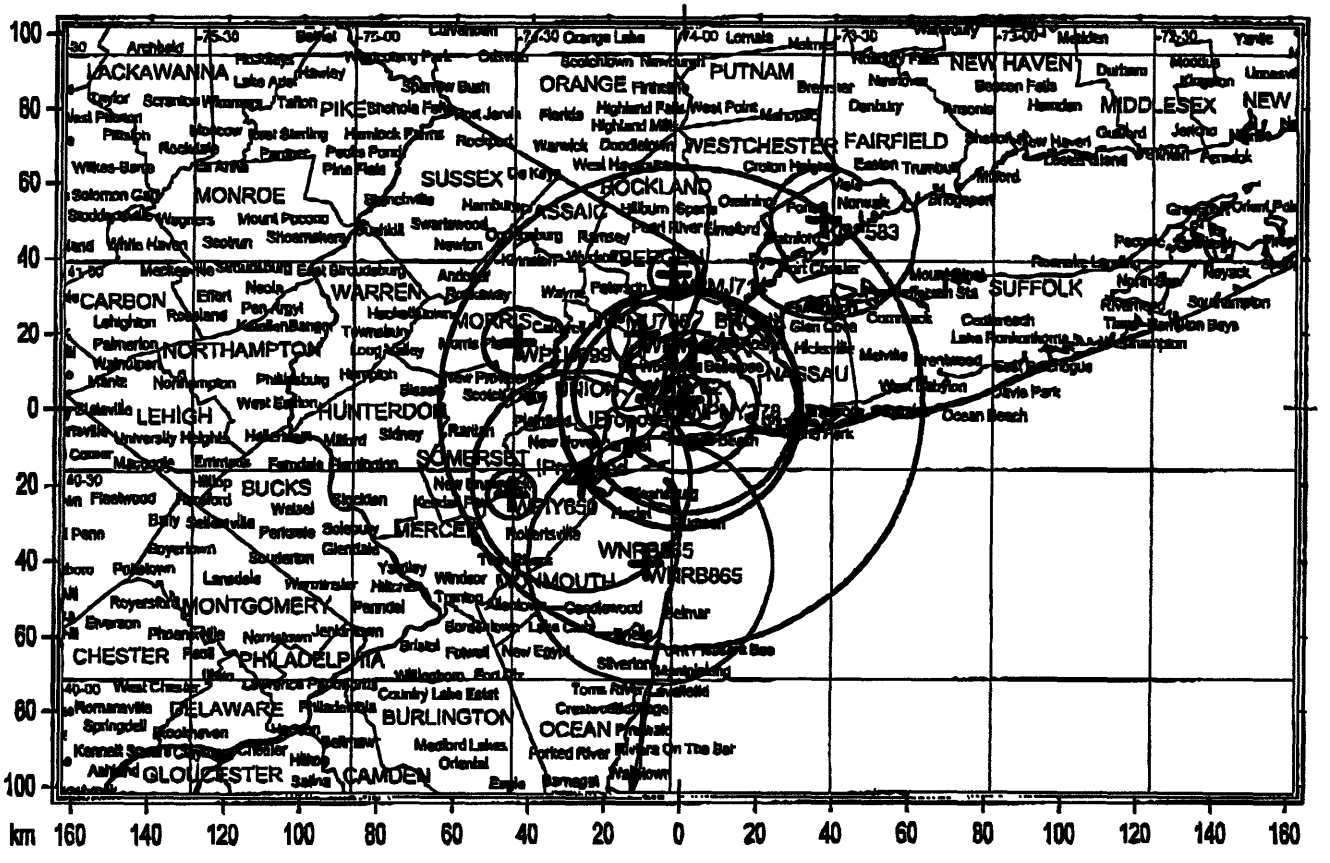
# The Informal Request is Inconsistent with the Recently Released *ARS Order*

- In the *ARS Order*, FCC 03-238, the Commission upheld Section 87.261(c) of its rules, known as the "one-licensee-per-location" rule, thereby permitting ARINC to continue to serve as the sole licensee of all domestic network aeronautical enroute stations in the continental United States
- In considering the possibility of allowing more than one aeronautical enroute licensee at a given location, the Commission found it "significant that the current rule has worked exceedingly well over the years, fostering safety, efficiency, competition, innovation and growth"
- Despite the different frequency bands and applicable rules, the Commission's findings are also relevant to AAR, UTC, and AAA's respective roles as exclusive frequency coordinators for the railroad, utility, and AERS channels:
  - Just as ARINC fosters safety through its use and management of the aeronautical enroute frequencies, there is no doubt that AAR, UTC, and AAA also foster safety through their management of the railroad, power, and auto emergency channels
  - While ARINC efficiently coordinates and uses the domestic network aeronautical enroute frequencies given the spectrum scarcity in the aeronautical enroute service (and in the ARS more broadly), AAR, UTC, and AAA also seek to maximize efficiency as they coordinate the congested railroad, power, and auto emergency frequencies
  - Just as ARINC equitably facilitates the entry of competing enroute communications service providers, and has not rejected requests for access to the spectrum on grounds of unavailability, AAR, UTC and AAA consistently cooperate with ITA and other frequency coordinators with respect to inter-service sharing requests and ultimately accommodate their clients in the vast majority of cases

# ITA Appears to be Motivated Solely by Profit Rather Than the Public Interest

- It is important to keep in mind that *all* PLMR I/B eligibles may be licensed on the former AERS, RRS and IW frequencies – eligibility is not limited
- Moreover, the Commission's rules *do* allow other I/B coordinators to coordinate these frequencies, provided that those coordinators obtain concurrence (which is provided on a regular basis without incident)
- This option permits competitive coordination without jeopardizing the critical communications systems that represent the predominant use of these frequencies, while simultaneously insulating private radio users against the possibility of causing or receiving harmful interference
- ITA and its coordination business has not been harmed, or even hampered, by the limited authority held by AAA (nor have the coordination businesses of PCIA, FIT or MRFAC, who have made filings supporting ITA and requesting similar consideration)
- In fact, the number of channels that require prior written concurrence from AAA, UTC, AAR, or API frequency coordinators is relatively small, especially when compared to the Industrial/Business Pool's more than 800 VHF channels and several hundred UHF channel pairs located in these frequency bands

**Mobile unit 21 dBu interference analysis applicant**




**Applicant's harmful interference to incumbents**

National Borders County Borders State Borders Lat/Lon Grid