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February 26, 2004

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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

Dear Ms. Dortch:

As discussed below, the American Automobile Association ("AAA") would like to bring to the Commission's attention several filings that highlight interference concerns related to the Automobile Emergency Radio Service ("AERS") frequencies, as well as letters from Senators and federal and state government agencies demonstrating the historic, widespread support for AAA's role as exclusive coordinator for the AERS frequencies.

First, Exhibits A and B contain filings, originally submitted to the Commission by AAA in 1998, which discuss the significant interference problems that arose on the AERS frequencies as a result of the Commission's 1997 decision to relegate these frequencies to the general Industrial/Business Pool. 1/ As set forth in Exhibit A, the California State Automobile Association, AAA Carolinas, and AAA North Jersey had challenged six land mobile applications or assignments that were jeopardizing AAA's provision of emergency services in Northern California, Utah, North Carolina, and New Jersey. The licensing of already-occupied frequencies was threatening public safety by damaging AAA's ability to respond to frequent and important emergency road service calls from the public as well as public safety

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1/ *See* Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services and Modify the Policies Governing Them and Examination of Exclusivity and Frequency Assignment Policies of the Private Land Mobile Services, *Second Report & Order*, 12 FCC Rcd 14307 (1997).

agencies in those areas. Similarly, Exhibit B details the Tennessee Department of Transportation's immense concern regarding the potential for interference with its operations on AERS channels and its arduous efforts to mitigate the problem. During that period, the general Industrial/Business Pool frequency coordinators were making inappropriate AERS assignment recommendations that had the potential to interfere with the agency's critical use of the channels.

Second, AAA would like to highlight new examples that demonstrate the potential for interference even after the Commission's 1999 reconsideration ruling that recognized AAA's status as a quasi-public safety entity and designated AAA the exclusive frequency coordinator for the AERS frequencies. 2/ Specifically, despite the current requirement that frequency coordinators obtain a concurrence from AAA before assigning AERS channels, there have been at least five instances when a license applicant obtained and submitted an associated coordination that did not contain the necessary AAA concurrence, and therefore raised the potential to cause harmful interference to the communications of AAA clubs. These cases are summarized in Exhibit C.

Finally, as noted above, AAA wishes to remind the Commission of the high-level support for its quasi-public safety status and corresponding role as exclusive coordinator for the AERS channels. As set forth in Exhibit D, U.S. Senators Conrad Burns, Sam Brownback, Byron Dorgan, and Bill Frist (among others), as well as the National Highway Traffic Safety Administration, the Office of Highway Safety of the National Transportation Safety Board and the National Association of Governors' Highway Safety Representatives have written to the Commission supporting AAA's quasi-public safety status and stressing the importance of AAA's role in improving and facilitating safety on the nation's roadways. Of course, AAA's role is even more critical today, given the nation's exponential traffic growth and homeland security efforts to manage and protect the national highway infrastructure.

The Commission's reconsideration ruling (and resulting concurrence requirements) went a long way toward resolving the potential and real interference and coordination problems that resulted from its initial ruling. Yet, interference concerns continue to arise from time to time even under the current system. This

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2/ Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services and Modify the Policies Governing Them and Examination of Exclusivity and Frequency Assignment Policies of the Private Land Mobile Services, *Second Memorandum Opinion & Order*, 14 FCC Rcd 8642, 8650-52 (1999).

fact, coupled with the prominent endorsements and recognition of AAA's significant contributions toward protecting safety on the nation's roadways, lend additional support for maintaining AAA's role as an exclusive coordinator for the AERS channels.

Respectfully submitted,

Michele C. Farquhar
Angela E. Giancarlo
Counsel for the American Automobile Association

Attachments

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

Exhibit A

HOGAN & HARTSON
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EX PARTE OR LATE FILED

August 28, 1998

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Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, N.W. Room 222
Washington, D.C. 20554

RECEIVED
AUG 28 1998
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

ORIGINAL

Re: Ex Parte
PR Docket No. 92-235

Dear Ms. Salas:

The American Automobile Association ("AAA") would like to bring to the FCC's attention several recent filings with the Wireless Telecommunications Bureau which highlight new interference problems that will endanger the emergency road service operations of several AAA Clubs.

Specifically, the California State Automobile Association, AAA Carolinas, and AAA North Jersey have challenged six recent land mobile applications or assignments that jeopardize AAA's provision of emergency services in Northern California, Utah, North Carolina, and New Jersey (*see* attached filings). As these filings demonstrate, the licensing of these already-occupied frequencies would threaten public safety by damaging AAA's ability to respond to frequent and critical emergency road service calls from the public as well as public safety agencies.

Because AAA utilizes less than 43 frequencies and responds to an emergency road service call every 4.5 seconds, or 80,000 calls per day, it uses its radio frequencies more intensively and efficiently than most other users of the Industrial/Business Pool. Based on recent assignments by other frequency coordinators and the specific applications referenced above, AAA continues to fear that other coordinators may be unfamiliar with the unique needs and usage patterns of auto emergency users and will make problematic assignments that cause interference on the former Auto Emergency frequencies.

Granting AAA's pending request for "quasi-public safety" status in this proceeding would prevent further interference problems of this nature and would enable AAA to ensure that its critical safety operations are not endangered by new frequency assignments. As noted in AAA's June 12, 1998 letter to the FCC and its

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July 23, 1998 "Myths and Realities" paper, AAA has already established that it meets the FCC's own stated criteria for "quasi-public safety" status. Moreover, comments filed on behalf of AAA by U.S. Senators Conrad Burns and Byron Dorgan, the National Highway Traffic Safety Administration, National Transportation Safety Board, and more than thirty state and local public safety agencies and officials, as well as Congress' express acknowledgment of AAA's public safety role in the 1997 Balanced Budget Act, lend additional support to AAA's petition.

Finally, AAA is submitting a copy of a recent National Transportation Safety Board press release (attached) highlighting the need to improve highway safety, which notes that "highway fatalities accounted for more than 94 percent of the transportation deaths (42,000) in 1997." Because AAA serves more than 40 million members, a very large percentage of motorists rely on AAA every day to provide emergency road service, and one-third of their calls involve immediate threat to life or property. Just as the FCC has taken steps to ensure that wireless subscribers will have improved access to public safety services through enhanced 911, the FCC should ensure that these 40 million AAA members and the public safety agencies who rely on AAA receive the best possible service, not a decreasing level of service due to interference concerns.

Therefore, AAA respectfully requests that the FCC grant its pending reconsideration petition.

Respectfully submitted,

Michele C. Farquhar
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555 13th Street, N.W.
Washington, D.C. 20004
(202) 637-5600

Counsel for the American Automobile Association

cc: Chairman Kennard, and Commissioners Susan Ness, Harold Furchtgott-Roth, Michael Powell, Gloria Tristani
Wireless Legal Advisors to the Commissioners (Ari Fitzgerald, Daniel Connors, Paul Misener, Peter Tenhula, Karen Gulick)
Wireless Telecommunications Bureau staff (Daniel Phythyon, Josh Roland, D'wana Terry, Herbert Zeiler, Laura Smith, Ira Keltz)

NEWS

National Transportation Safety Board
Washington, D.C. 20594

FOR IMMEDIATE RELEASE: August 10, 1998 SB 98-30

TRANSPORTATION FATALITIES HOLD STEADY IN 1997; HIGHWAY DEATHS HIT 42,000, NTSB REPORTS

WASHINGTON, D.C. – The number of persons who died in transportation accidents in the United States and its territories remained virtually steady between 1996 and 1997, according to preliminary statistics released today by the National Transportation Safety Board. Total transportation fatalities, in all modes, were 44,619 in 1996, compared to 44,603 last year.

Highway fatalities accounted for more than 94 percent of the transportation deaths (42,000) in 1997.

"It is encouraging that transportation fatalities did not rise in 1997, even though more and more people are traveling every year," NTSB Chairman Jim Hall said. "However, highway deaths, among the more preventable in transportation, continue to account for most transportation fatalities, emphasizing the importance of Safety Board initiatives in drunk driving, seat belt and graduated licensing legislation."

The largest increase in highway deaths occurred in the category of light trucks and vans, which experienced 422 more fatalities in 1997 than in 1996. This continues a five-year trend in which this category has accounted for a larger share of highway deaths each year, from 21 percent in 1993 to 25 percent last year. Passenger car fatalities have remained at about 54 percent each year.

The number of persons killed in aviation accidents dropped from 1,093 in 1996 to 976 in 1997, despite a large increase involving aircraft not registered in the United States. The 236 deaths in that category, compared with just 5 in 1996, are mostly attributable to the 228 persons who died aboard a Korean Air Boeing 747 that crashed in Guam in August. While general aviation fatalities increased from 631 to 646, airline deaths fell from 380 in 1996 – the year of the ValuJet and TWA flight 800 accidents – to 8 in 1997.

Fatalities involving rail transportation fell from 752 to 746 in 1997, with the vast majority (584) being persons walking along or crossing tracks. Deaths among train passengers dropped from 12 to 6.

Marine deaths increased from 814 to 870, due to an increase in recreational boating fatalities of almost 100. Fatalities in marine cargo transportation and commercial fishing declined.

Pipeline fatalities fell from 53 in 1996 (33 of them in one accident in Puerto Rico) to 11 in 1997.

Aviation statistics are compiled by the NTSB. Data on the other modes of transportation are reported to the Board from the U.S. Department of Transportation. The attached table and chart provide a further breakdown of 1996 transportation fatality statistics. **All 1997 data are preliminary.**

- 30 -

NTSB Media Contact: Ted Lopatkiewicz
(202) 314-6100

Note to Editors: This release and other NTSB information can be found on the World Wide Web at www.ntsb.gov.

National Transportation Safety Board
1997 U.S. Transportation Fatalities

		1996	1997[1]
Highway:	Passenger cars	22,416	22,227
	Light trucks and vans	9,901	10,323
	Pedestrians	5,412	5,300
	Motorcycles	2,160	2,099
	Pedalcycles	761	800
	Medium and heavy trucks	621	711
	Buses	21	15
	All other	615	525
	Total	**41,907**	**42,000**
Grade Crossings: [2]		(488)	(450)
Rail:	Intercity		
	Trespassers and nontrespassers [3]	570	584
	Employees and contractors	42	49
	Passengers on trains	12	6
	Light and commuter rail	128	107
	Total	**752**	**746**
Marine:			
	Recreational boating	709	800
	Cargo transport	29	16
	Commercial fishing[4]	76	54
	Total	**814**	**870**
Aviation:	General aviation	631	646
	Airlines	380	8
	Air taxi	63	40
	Commuter	14	46
	Foreign / unregistered [5]	5	236
	Total	**1,093**	**976**
Pipeline:	Gas[6]	48	11
	Liquids	5	0
	Total	**53**	**11**
Grand Total:		**44,619**	**44,603**

[1] 1997 figures are preliminary estimates supplied by modal agencies within Department of Transportation.

[2] Grade crossing fatalities are not counted as a separate category for determining the grand totals because they are included in the highway and rail categories, as appropriate.

[3] Does not include motor vehicle occupants killed at grade crossings.

[4] Refers to only operational fatalities.

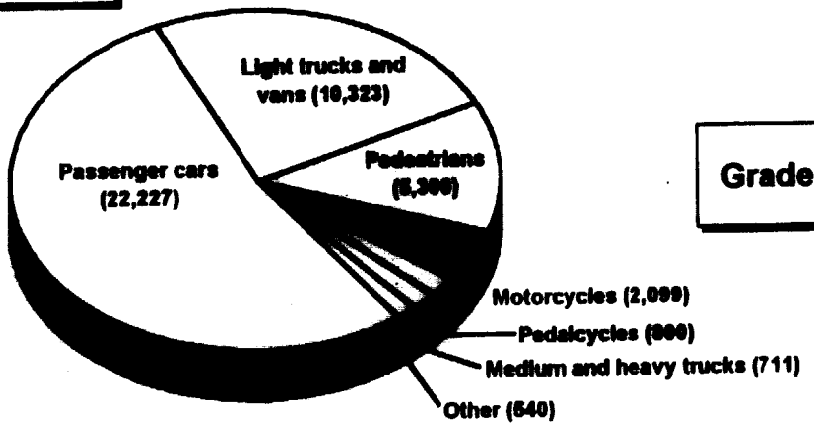
[5] Includes non-U.S. registered aircraft involved in accidents in the U.S.

[6] The number of pipeline-related fatalities for 1996 gas systems includes 33 associated with the explosion in San Juan, Puerto Rico on November 21, 1996.

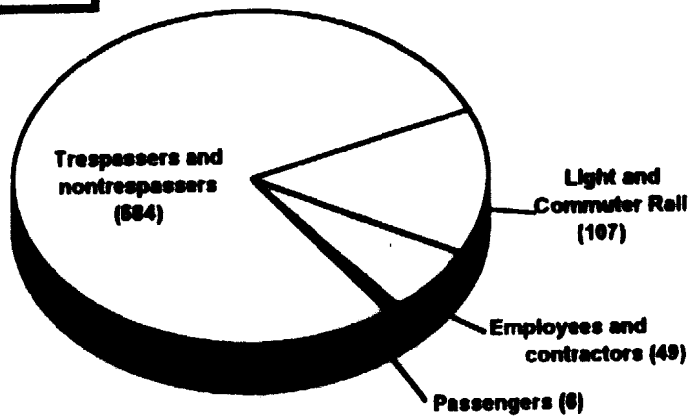
National Transportation Safety Board

44,603 Transportation Fatalities in 1997

Highway: 42,000

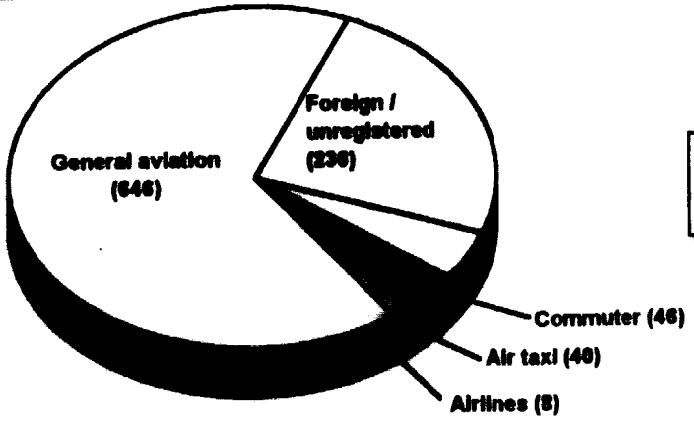


Rail: 746

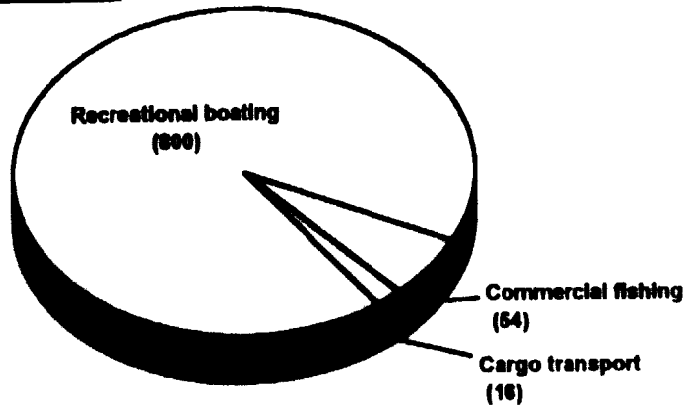


Grade crossings: 450

Aviation: 976



Marine: 870



Pipeline: 11

Note: All data are preliminary estimates. Grade crossing fatalities are not included in the grand total because they were counted in the rail and highway categories, as appropriate. The pie charts are not drawn proportionately to each other. Aviation data come from the NTSB, all other data are from the U.S. Department of Transportation (DOT).

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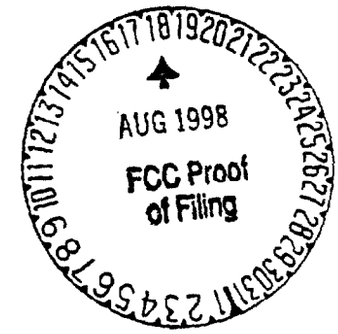
*ADMITTED ONLY IN MAINE;
SUPERVISION BY HAROLD MORDKOFSKY,
A MEMBER OF THE DC BAR

WRITER'S DIRECT DIAL NO.

August 18, 1998

BY HAND DELIVERY

Mary Shultz, Chief
Licensing and Technical Analysis Branch
Public Safety & Private Wireless Division
Wireless Telecommunications Bureau
Federal Communications Commission
1270 Fairfield Road
Gettysburg, PA 17325-7245



RE: Landlinx Communications
Application for 150.935 MHz
File No. C002966
Attention: MMS, BJE

Dear Ms. Shultz:

Enclosed please find an original and two copies of an informal protest filed on behalf of the California State Automobile Association in the above-referenced matter.

If you have any questions regarding this matter, please do not hesitate to contact this office.

Respectfully submitted,

John Prendergast

John A. Prendergast

cc: William Phillips

California State Automobile Association

SERVING THE MOTORIST SINCE 1900

150 VAN NESS AVENUE
P.O. BOX 429186
SAN FRANCISCO, CALIFORNIA 94142-9186

August 18, 1998

Mary Shultz, Chief
Licensing & Technical Analysis Branch
Public Safety & Private Wireless Division
Wireless Telecommunications Bureau
Federal Communications Commission
1270 Fairfield Road
Gettysburg, PA 17325-7245

RE: Landlinx Communications
Application for 150.935 MHz
File No. C002966
Attention: MMS, BJE

Dear Ms. Shultz:

The California State Automobile Association, Inc. (CSAA), doing business in the state of Utah as the Auto Club of Utah, hereby requests that the Commission grant the application of Landlinx Communications, LLC (Landlinx) (File No. C002966) on a more suitable frequency since the channel coordinated (150.935 MHz) is already occupied by an incompatible user. As discussed below, granting a license to Landlinx on the frequency 150.935 MHz would be adverse to the public interest, considering the intensive use of this frequency by CSAA for emergency road services, and in light of Congress' explicit recognition of the vital public safety role of such radio operations. At the very least, we ask the Commission to refrain from processing Landlinx's application until the Commission has reached a final determination on how to implement Congress' mandate concerning the "quasi-public safety" status of automobile emergency radio operations.

CSAA is a not-for-profit organization responsible for providing emergency road services to approximately 3.8 million members in Northern California, Nevada and Utah. CSAA is currently licensed to operate on the channel 150.935 MHz, under Call Signs KUY548, KAS450, WXF950, KDV613, and KMP828. During the frequency coordination process, the Personal Communications Industry Association (PCIA) recommended that this frequency be assigned to Landlinx, despite the fact that it is currently being used by CSAA as a primary dispatch channel in the Salt Lake City area.

As discussed below, the recommendation of frequency 150.935 MHz is objectionable on a number of grounds, including: (1) it

creates the problem of frequency congestion which raises public safety concerns; (2) it presents the prospect that a regulatory scheme will be implemented which conflicts with congressional intent; and (3) Landlinx's proposal for multiple frequencies in the same area appears to be inconsistent with Rule Section 90.35(e).

Granting a license to Landlinx on the 150.935 frequency raises serious safety concerns. CSAA has been providing emergency road services for nearly one hundred years. It is evident, based on the number of emergency calls received by CSAA, that the public has come to rely on these services. Over the course of a year, CSAA responds to over 3 million emergency road service calls from motorists experiencing a wide variety of problems, many of which endanger the safety of drivers and passengers. Such situations require immediate attention. For example, CSAA often assists motorists who have been stranded on the road where they are vulnerable to harm from high-speed vehicles, adverse weather conditions, or crime.

State and local public safety agencies have also come to rely on the public safety services performed by CSAA. To facilitate communications between CSAA and public safety agencies, the telephone numbers of CSAA's dispatch centers have been programmed into the police and highway patrol databases and speed dialing systems. Police departments, 911 operators, and other public service agencies regularly call CSAA for assistance because they know that CSAA has the equipment, expertise and most importantly, the ability to respond quickly in these situations. In the absence of a prompt response by CSAA, these government agencies would be compelled to devote their own resources to clearing such hazards.

Indeed, this ability to respond immediately in urgent situations is the key to providing reliable automobile emergency road services. For this reason, it is essential that 150.935 MHz remains useable for its present operations. This frequency is already congested, particularly during the morning and evening rush hours when traffic accidents commonly occur, and CSAA is called into action. Typically, our tow truck operators use the channel 45-50 minutes out of the hour during rush hour or during extended storm periods. If Landlinx is allowed to use the same frequency, it is foreseeable that important automobile emergency calls may not get through in time, which could threaten the safety of the motorists involved, and contribute to substantial traffic delays.

Granting a license to Landlinx on the 150.935 MHz frequency would also be inconsistent with Congress' mandate to afford AAA and its auto clubs protection as quasi-public safety entities. In the Conference Report accompanying the Balanced Budget Act of 1997, Congress explicitly recognized the important public safety

role played by AAA auto clubs, noting that "the services offered by these entities protect the safety of life, health, or property and are not made commercially available to the public." H.R. Rep. No. 105-217, at 572 (1997). To ensure that auto clubs can continue to provide emergency road services to the public, Congress expressly exempted from the FCC's auction authority all licenses issued "for public safety radio services, including private internal radio services used by State and local governments and non-government entities and including emergency road services provided by not-for-profit organizations." Budget Act, Sec. 3002(a)(2)(A). Congress explained in the conference report that "[t]his service exemption also includes radio services used by not-for-profit organizations that offer emergency road services, such as the American Automobile Association. The Senate included this particular exemption in recognition of the valuable public safety service provided by emergency road services." H.R. Rep. No. 105-217, at 572 (1997). This language, which demonstrates Congress' intent to promote the types of public safety services offered by CSAA, supports our recommendation that Landlinx be granted a license on another frequency.

To ensure that the Commission recognized this action by Congress, AAA formally requested that the Commission provide greater protection to the Automobile Emergency Radio Service (AERS) frequencies in its Petition for Reconsideration in PR Docket 92-235 (as supplemented on September 5, 1997). In addition, AAA asked that the Commission refrain from licensing non-auto club entities on the AERS channels by letter dated November 24, 1997.

In its Public Notice dated October 15, 1997 (DA 97-2208) (Attachment A), the Commission acknowledged that the Balanced Budget Act, specifically Section 3002 (containing Congress' determination that the emergency road services constitute public safety services), may affect proceedings outside of the auction context. CSAA is exactly the kind of non-commercial organization Congress intended to protect. The Commission should therefore follow Congress' intent and protect CSAA, and the public, from the harm that would result if incompatible users are allowed to operate on the frequency 150.935 MHz.

We note that Landlinx has applied for a significant number of channels, in addition to the frequency 150.935 MHz. Rule Section 90.35(e) provides that "normally only one frequency, or pair of frequencies in the paired frequency mode of operation, will be assigned for mobile service operations in a given area." In light of the fact that Landlinx's proposal to acquire multiple channels at the same time will deprive safety related users of available spectrum, the requirements of Section 90.35(e) should be applied in this case.

For the above reasons, we ask that the Commission refrain from assigning Landlinx the frequency 150.935 MHz.

Respectfully submitted,

California State Automobile Association

Peter Fuerst
Emergency Road Service Supervisor

Attachment

cc: William Phillips

ATTACHMENT A

PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
1919 M STREET, N.W.
WASHINGTON, D.C. 20554

DA 97-2208

News media information 202/418-0500 Fax-On-Demand 202/418-2830 Internet: http://www.fcc.gov ftp.fcc.gov

Released: October 15, 1997

RULES ADOPTED IN THE REFARMING *SECOND REPORT AND ORDER* (PR DOCKET NO. 92-235) TO GO INTO EFFECT OCTOBER 17, 1997

On February 20, 1997, the Commission adopted the *Second Report and Order* (*Second R&O*) in PR Docket No. 92-235. By this action, the Commission consolidated the twenty Private Land Mobile Radio Services into two broad pools - Public Safety and Industrial/Business. Additionally, the *Second R&O* introduced competition into frequency coordination services and created opportunities for implementing centralized trunking technology on channels in the shared frequency bands below 800 MHz. The Commission made these rule changes effective six months after their publication in the Federal Register, which occurred on April 17, 1997.[1] Thus, these new rules become effective on October 17, 1997.

While these rules will become effective on October 17, 1997, we note the continued pendency of certain related matters. First, the Commission has received sixteen petitions for reconsideration of the *Second R&O* that challenge certain decisions regarding eligibility criteria for the two pools, the frequency coordination process, and the trunking rules. We take this opportunity to advise the public that licensing actions taken pursuant to these new rules will be subject to any relevant changes adopted by the Commission in its disposition of the pending reconsideration petitions. Second, on August 5, 1997, the Balanced Budget Act of 1997 (1997 Budget Act)[2] was signed into law. Sections 3002 and 3004 of the statute redefine "public safety" for certain purposes and expand the Commission's competitive bidding authority to apply to assignment of mutually exclusive applications in private wireless services.[3] While these provisions do not directly affect the rules scheduled to go into effect on October 17, 1997, they may bear on future consideration of these and related rules.

Notwithstanding the outstanding issues on reconsideration and the implementation of the provisions of the new statute, at this time the public interest would be best served by permitting the new rules to take effect on the scheduled date. These rules are designed to provide for a more efficient distribution of channels, permit licensees to better utilize technologically innovative and efficient equipment, and reduce costs and administrative burdens. Given these significant benefits, further delay is unwarranted.

By the Chief, Wireless Telecommunications Bureau.

Wireless Telecommunications Bureau contact: Ira Keltz at (202) 418-0680 or by E-Mail at mayday@fcc.gov.

--FCC--

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[1] The summary of the *Second R&O*, including the new rules, was published in the Federal Register on April 17, 1997. *See* 62 FR 18834 (April 17, 1997).

[2] *See* Balanced Budget Act of 1997, Pub. L. No. 105-33, 111 Stat. 251 (1997).

[3] *See id.* at §§ 3002, 3004, 111 Stat. at 258, 266.

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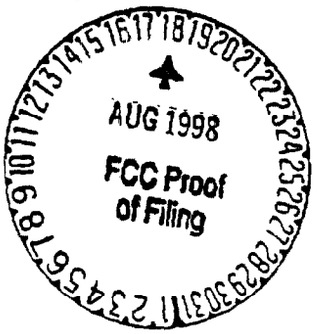

RE: Snows Lake Ranch
Application for 452.550 MHz/457.550 MHz
File No. AO19283/D108439

Dear Ms. Shultz:

Enclosed please find an original and two copies of an informal protest filed on behalf of the California State Automobile Association in the above-referenced matter.

If you have any questions regarding this matter, please do not hesitate to contact this office.

Respectfully submitted,

John A. Prendergast

John A. Prendergast

cc: George Meyers

California State Automobile Association

SERVING THE MOTORIST SINCE 1900

150 VAN NESS AVENUE
P.O. BOX 429186
SAN FRANCISCO, CALIFORNIA 94142-9186

August 18, 1998

Mary Shultz, Chief
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Public Safety & Private Wireless Division
Wireless Telecommunications Bureau
Federal Communications Commission
1270 Fairfield Road
Gettysburg, PA 17325-7245

RE: Snows Lake Ranch
Application for 452.550 MHz/457.550 MHz
File No. AO19283/D108439

Dear Ms. Shultz:

The California State Automobile Association, Inc. (CSAA) hereby requests that the Commission grant the application of Snows Lake Ranch (File No. AO19283/D108439) on a more suitable frequency since the channel coordinated (452.550 MHz) is already occupied by an incompatible user. As discussed below, granting a license to Snows Lake Ranch on the frequency 452.550 MHz would be adverse to the public interest, considering the intensive use of this frequency by CSAA for emergency road services, and in light of Congress' explicit recognition of the vital public safety role of such radio operations. At the very least, we ask the Commission to refrain from processing Snows Lake Ranch's application until the Commission has reached a final determination on how to implement Congress' mandate concerning the "quasi-public safety" status of automobile emergency radio operations.

CSAA is a not-for-profit organization responsible for providing emergency road services to approximately 3.8 million members in Northern California, Nevada and Utah. CSAA is currently licensed to operate on the channel 452.550 MHz, under Call Signs KQS607 and KGU645. During the frequency coordination process, the Personal Communications Industry Association (PCIA) recommended that the frequency 452.550 MHz be assigned to Snows Lake Ranch's proposed operation, paired with 457.550 MHz. As shown in Attachment A hereto, Snows Lake Ranch's proposed signal will overlap a substantial portion of CSAA' coverage on the same frequency.

As discussed below, the recommendation of frequency 452.550 MHz is objectionable on a number of grounds, including: (1) it

creates the problem of frequency congestion which raises public safety concerns; (2) it presents the prospect that a regulatory scheme will be implemented which conflicts with congressional intent; and (3) Snows Lake Ranch's proposed operation on the frequency 457.550 MHz appears to exceed the limit for maximum output power on this frequency, as prescribed in Section 90.35(c)(11) of the Commission's Rules.

Granting a license to Snows Lake Ranch on the 452.550 MHz frequency raises serious safety concerns. CSAA has been providing emergency road services for nearly one hundred years. It is evident, based on the number of emergency calls received by CSAA, that the public has come to rely on these services. Over the course of a year, CSAA responds to approximately 3 million emergency calls from motorists experiencing a wide variety of problems, many of which endanger the safety of drivers and passengers. Such situations require immediate attention. For example, CSAA often assists motorists who have been stranded on the road where they are vulnerable to harm from high-speed vehicles, adverse weather conditions, or crime.

State and local public safety agencies have also come to rely on the public safety services performed by CSAA. To facilitate communications between CSAA and public safety agencies, the telephone numbers of CSAA's dispatch centers have been programmed into the California Highway Patrol database and speed dialing systems. Police departments, 911 operators, and other public service agencies regularly call CSAA for assistance because they know that CSAA has the equipment, expertise and most importantly, the ability to respond quickly in these situations. In the absence of a prompt response by CSAA, these government agencies will be compelled to devote their own resources to clearing such hazards.

Indeed, this ability to respond immediately in urgent situations is the key to providing reliable automobile emergency road services. For this reason, it is essential that 452.550 MHz remains useable for its present operations. This frequency is already congested, particularly during the morning and evening rush hours when traffic accidents commonly occur, and CSAA is called into action. Typically, our tow truck operators use the channel 45-50 minutes out of the hour during rush hour, or extended storm periods. If Snows Lake Ranch is allowed to use the same frequency, it is foreseeable that important automobile emergency calls may not get through in time, which could threaten the safety of the motorists involved, and contribute to substantial traffic delays.

Granting a license to Snows Lake Ranch on the 452.550 MHz frequency would also be inconsistent with Congress' mandate to afford AAA and its auto clubs protection as quasi-public safety entities. In the Conference Report accompanying the Balanced

Budget Act of 1997, Congress explicitly recognized the important public safety role played by AAA auto clubs, noting that "the services offered by these entities protect the safety of life, health, or property and are not made commercially available to the public." H.R. Rep. No. 105-217, at 572 (1997). To ensure that auto clubs can continue to provide emergency road services to the public, Congress expressly exempted from the FCC's auction authority all licenses issued "for public safety radio services, including private internal radio services used by State and local governments and non-government entities and including emergency road services provided by not-for-profit organizations." Budget Act, Sec. 3002(a)(2)(A). Congress explained in the Conference Report that "[t]his service exemption also includes radio services used by not-for-profit organizations that offer emergency road services, such as the American Automobile Association. The Senate included this particular exemption in recognition of the valuable public safety service provided by emergency road services." H.R. Rep. No. 105-217, at 572 (1997). This language, which demonstrates Congress' intent to promote the types of public safety services offered by CSAA, supports our recommendation that Snows Lake Ranch be granted a license on another frequency.

To ensure that the Commission recognized this action by Congress, AAA formally requested that the Commission provide greater protection to the Automobile Emergency Radio Service (AERS) frequencies in its Petition for Reconsideration in PR Docket No. 92-235 (as supplemented on September 5, 1997). In addition, AAA asked that the Commission refrain from licensing non-auto club entities on the AERS channels by letter dated November 24, 1997.

In its Public Notice dated October 15, 1997 (DA 97-2208) (Attachment B), the Commission acknowledged that the Balanced Budget Act, specifically Section 3002 (containing Congress' determination that the emergency road services constitute public safety services), may affect proceedings outside of the auction context. CSAA is exactly the kind of non-commercial organization Congress intended to protect. The Commission should therefore follow Congress' intent and protect CSAA, and the public, from the harm that would result if incompatible users are allowed to operate on the frequency 452.550 MHz.

We note that Snows Lake Ranch has proposed to operate on frequencies 452.550 MHz and 457.550 MHz, and will have an output power on the frequency 457.550 MHz which exceeds the 2 watt limit prescribed in Rule Section 90.35(c)(11). In light of this potential violation of Rule Section 90.35(c)(11), in addition to the problems and concerns associated with Snows Lake Ranch's proposed use of 452.550 MHz, the licensing of Snows Lake Ranch on the proposed frequency pair would be inconsistent with the Commission's rules.

For the above reasons, we ask that the Commission refrain from assigning Snows Lake Ranch the frequency 452.550 MHz.

Respectfully submitted,

California State Automobile Association

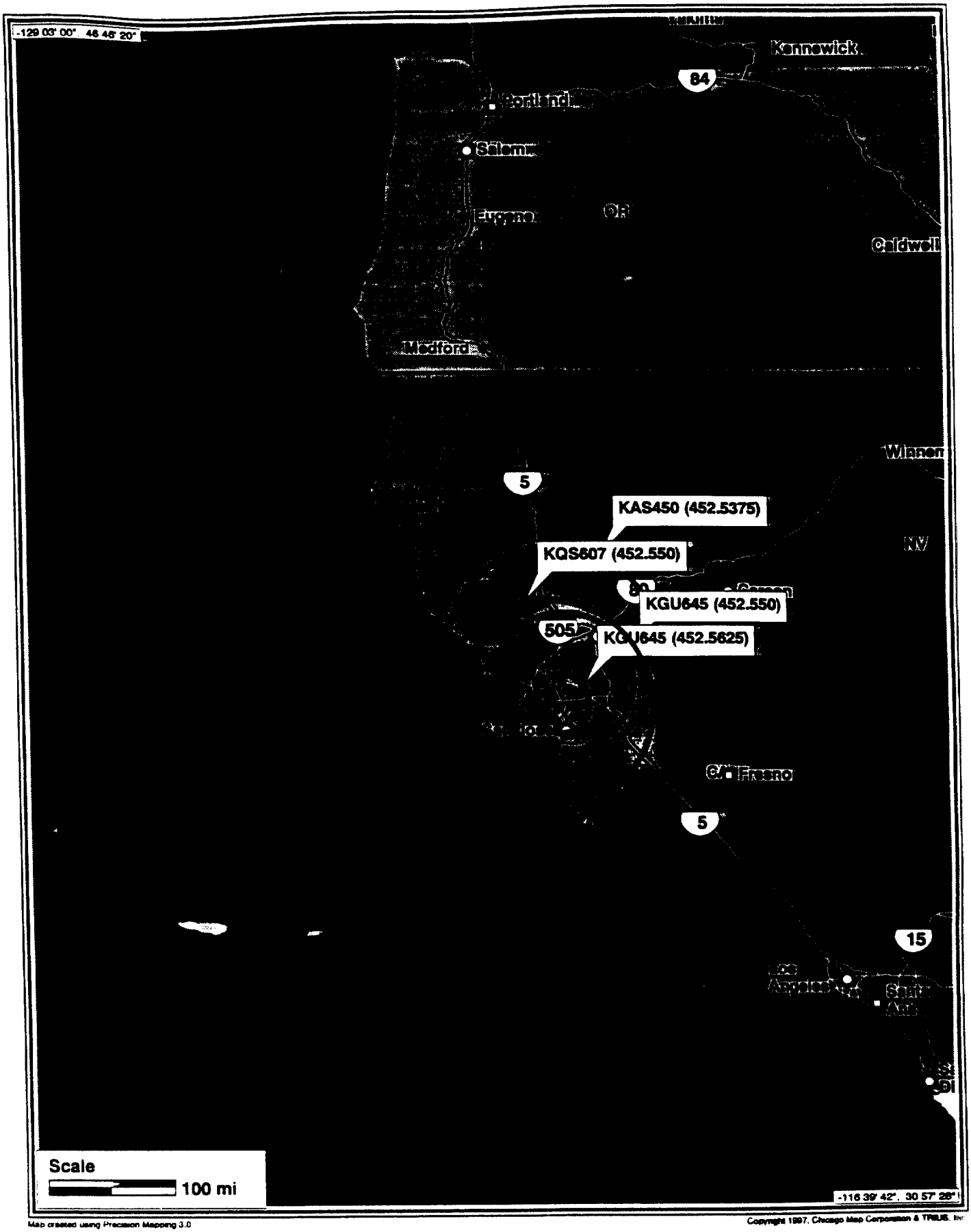
Peter Fuerst
Emergency Road Service Supervisor

Attachment

cc: George Meyers

ATTACHMENT A

CURRENT MAP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OR
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Winnem
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NV
KGU645 (452.550)
505
KGU645 (452.5625)
Fresno
5
15
Scale
100 mi
-116 39' 42", 30 57' 28"
Map created using Precision Mapping 3.0
Copyright 1997, Chicago Map Corporation & TRIUS, Inc.

ATTACHMENT B

PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
1919 M STREET, N.W
WASHINGTON, D.C. 20554

DA 97-2208

News media information 202/418-0500 Fax-On-Demand 202/418-2830 Internet: http://www.fcc.gov ftp.fcc.gov

Released: October 15, 1997

RULES ADOPTED IN THE REFARMING *SECOND REPORT AND ORDER* (PR DOCKET NO. 92-235) TO GO INTO EFFECT OCTOBER 17, 1997

On February 20, 1997, the Commission adopted the *Second Report and Order* (*Second R&O*) in PR Docket No. 92-235. By this action, the Commission consolidated the twenty Private Land Mobile Radio Services into two broad pools - Public Safety and Industrial/Business. Additionally, the *Second R&O* introduced competition into frequency coordination services and created opportunities for implementing centralized trunking technology on channels in the shared frequency bands below 800 MHz. The Commission made these rule changes effective six months after their publication in the Federal Register, which occurred on April 17, 1997.[1] Thus, these new rules become effective on October 17, 1997.

While these rules will become effective on October 17, 1997, we note the continued pendency of certain related matters. First, the Commission has received sixteen petitions for reconsideration of the *Second R&O* that challenge certain decisions regarding eligibility criteria for the two pools, the frequency coordination process, and the trunking rules. We take this opportunity to advise the public that licensing actions taken pursuant to these new rules will be subject to any relevant changes adopted by the Commission in its disposition of the pending reconsideration petitions. Second, on August 5, 1997, the Balanced Budget Act of 1997 (1997 Budget Act)[2] was signed into law. Sections 3002 and 3004 of the statute redefine "public safety" for certain purposes and expand the Commission's competitive bidding authority to apply to assignment of mutually exclusive applications in private wireless services.[3] While these provisions do not directly affect the rules scheduled to go into effect on October 17, 1997, they may bear on future consideration of these and related rules.

Notwithstanding the outstanding issues on reconsideration and the implementation of the provisions of the new statute, at this time the public interest would be best served by permitting the new rules to take effect on the scheduled date. These rules are designed to provide for a more efficient distribution of channels, permit licensees to better utilize technologically innovative and efficient equipment, and reduce costs and administrative burdens. Given these significant benefits, further delay is unwarranted.

By the Chief, Wireless Telecommunications Bureau.

Wireless Telecommunications Bureau contact: Ira Keltz at (202) 418-0680 or by E-Mail at mayday@fcc.gov.

--FCC--

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[1] The summary of the *Second R&O*, including the new rules, was published in the Federal Register on April 17, 1997. *See* 62 FR 18834 (April 17, 1997).

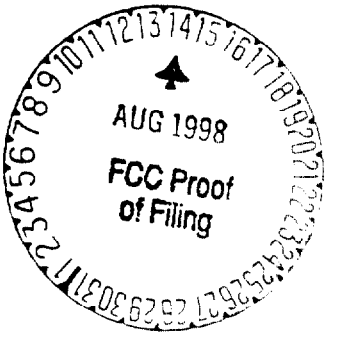
[2] *See* Balanced Budget Act of 1997, Pub. L. No. 105-33, 111 Stat. 251 (1997).

[3] *See id.* at §§ 3002, 3004, 111 Stat. at 258, 266

AAA Automotive Services

The Original Core Servi

August 13, 1998



Terry Fishel, Deputy Chief
Licensing and Technical Analysis Branch
Commercial Wireless Division
Wireless Telecommunications Bureau
Federal Communications Commission
1270 Fairfield Road
Gettysburg, PA 17325-7245

RE: Skitronics Inc.
Application for 150.920 MHz/157.590 MHz
File No. D104110
Attention: JLG, SYS

Dear Mr. Fishel:

AAA Carolinas, Inc. (AAA Carolinas) hereby requests that the Commission grant the application of Skitronics, Inc. (Skitronics) (File No. D104110) on a more suitable frequency since the channel coordinated (150.920 MHz) is already occupied by an incompatible user. As discussed below, granting a license to Skitronics on the frequency 150.920 MHz would be adverse to the public interest, considering the intensive use of this frequency by AAA Carolinas for emergency road services, and in light of Congress' explicit recognition of the vital public safety role of such radio operations. At the very least, we ask the Commission to refrain from processing Skitronics' application until the Commission has reached a final determination on how to implement Congress' mandate concerning the "quasi-public safety" status of automobile emergency radio operations.

AAA Carolinas is a not-for-profit organization responsible for providing emergency road services to approximately 800,000 members in North and South Carolina. AAA Carolinas is currently

P.O. Box 29600 • Charlotte, NC 28229-9600
6600 Executive Circle Drive • Charlotte, NC 28212
(704) 569-3600 Fax (704) 569-7804

licensed to operate on the channel 150.920 MHz, under Call Sign WNMA846. PCIA has forwarded to the Commission Skitronics' referenced application, proposing FB6C Commercial Mobile Radio Service (CMRS) operations at Carrboro, North Carolina. During the frequency coordination process, the Personal Communications Industry Association (PCIA) recommended that the frequency 150.920 MHz be assigned to Skitronics' proposed operation, paired with 157.590 MHz. As shown in Attachment A hereto, Skitronics' proposed signal will overlap a substantial portion of AAA Carolinas' coverage on the same frequency. Thus, there is a significant area in which AAA Carolinas will have to compete for airtime with Skitronics' commercial customers, many of whom may use the frequency to carry on interconnected telephone conversations without regard to the efficient use procedures followed by AAA Carolinas.

As discussed below, the recommendation of frequency 150.920 MHz is objectionable on a number of grounds, including: (1) it creates the problem of frequency congestion which raises public safety concerns; (2) the frequency will be unable to support Skitronics' intended operations; (3) it presents the prospect that a regulatory scheme will be implemented which conflicts with Congressional intent; and (4) Skitronics' proposal for multiple frequencies in the same area appears to be inconsistent with Rule Section 90.35(e).

Grant a license to Skitronics on the 150.920 MHz frequency raises serious safety concerns. AAA Carolinas has been providing emergency road services since 1922. It is evident, based on the number of emergency calls received by AAA Carolinas, that the public has come to rely on these services. Over the course of the year, AAA Carolinas responds to approximately 570,000 emergency road service calls from motorists experiencing a wide variety of problems, many of which endanger the safety of drivers and passengers. Such situations require immediate attention. For example, AAA Carolinas often assists motorists who have been stranded on the road where they are vulnerable to harm from high-speed vehicles, adverse weather conditions, or crime.

State and local public safety agencies have also come to rely on the public safety services performed by AAA Carolinas. Police departments and 911 operators regularly call AAA Carolinas for assistance in handling roadway accidents, or natural disasters, because they know that AAA Carolinas has the equipment, expertise and most importantly, the ability to respond quickly in these situations. For example, when Charlotte, North Carolina experienced severe flooding in the summer of 1997, AAA Carolinas displayed its ability to utilize its radios to serve the public interest by dispatching its fleet of vehicles to rescue motorists and cars caught in flooded areas, and by using its equipment to remove fallen trees and structures from roadways. In the absence of a prompt response by AAA, government

agencies will be compelled to devote their own resources to clearing such hazards.

Indeed, this ability to respond immediately in urgent situations is the key to providing reliable automobile emergency road services. For this reason, it is essential that 150.920 MHz remains useable for its present operations. This frequency is already congested, particularly during the morning and evening rush hours when traffic accidents commonly occur, and AAA Carolinas is called into action. Typically, our tow truck operators use the channel 45 minutes out of the hour during rush hour. If Skitronics is allowed to use the same frequency, it is foreseeable that important automobile emergency calls may not get through in time, which could threaten the safety of the motorists involved, and contribute to substantial traffic delays. Skitronics' proposal to provide interconnected CMRS on the frequency 150.920 MHz is particularly incompatible with existing auto club operations. By definition, the objective of any CMRS provider is to load as many users as possible onto their assigned channels, so that their operations will be profitable. Thus, to protect the public interest, and to be fair to Skitronics which may not be able to successfully promote interconnected services on such a congested frequency, we request that the Commission grant a license to Skitronics on a more suitable frequency.

Granting a license to Skitronics on the 150.920 MHz frequency would also be inconsistent with Congress' mandate to afford AAA and its auto clubs protection as quasi-public safety entities. In the Conference Report accompanying the Balanced Budget Act of 1997, Congress explicitly recognized the important public safety role played by AAA auto clubs, noting that "the services offered by these entities protect the safety of life, health, or property and are not made commercially available to the public." H.R. Rep. No. 105-217, at 572 (1997). To ensure that auto clubs can continue to provide emergency road services to the public, Congress expressly exempted from the FCC's auction authority all licenses issued "for public safety radio services, including private internal radio services used by State and local governments and non-government entities and including emergency road services provided by not-for-profit organizations." Budget Act, Sec. 3002(a)(2)(A). Congress explained in the Conference Report that "[t]his service exemption also includes radio services used by not-for-profit organizations that offer emergency road services, such as the American Automobile Association. The Senate included this particular exemption in recognition of the valuable public safety service provided by emergency road services." H.R. Rep. No. 105-217, at 572 (1997). This language, which demonstrates Congress' intent to promote the types of public safety services offered by AAA Carolinas, supports our recommendation that Skitronics be granted a license on another frequency.

To ensure that the Commission recognized this action by Congress, AAA formally requested that the Commission provide greater protection to the Automobile Emergency Radio Service (AERS) frequencies in its Petition for Reconsideration in PR Docket No. 92-235 (as supplemented on September 5, 1997). In addition, AAA asked that the Commission refrain from licensing non-auto club entities on the AERS channels by letter dated November 24, 1997.

In its Public Notice dated October 15, 1997 (DA 97-2208) (Attachment B), the Commission acknowledged that the Balanced Budget Act, specifically Section 3002 (containing Congress' determination that the emergency road services constitute public safety services), may affect proceedings outside of the auction context. As described below, AAA Carolinas is exactly the kind of non-commercial organization Congress intended to protect. The Commission should therefore follow Congress' intent and protect AAA Carolinas, and the public, from the harm that would result if incompatible users are allowed to operate on the frequency 150.920 MHz.

We note that Skitronics was recently licensed for 150.965 MHz at Carrboro, North Carolina (Call Sign WBMC425), and has simultaneously requested yet another automobile emergency radio channel (150.905 MHz) at nearby Rougemont, North Carolina. In all, Skitronics has applied for numerous 150 MHz and 450 MHz band channels throughout this portion of North Carolina. Rule Section 90.35(e) provides that "normally only one frequency, or pair of frequencies in the paired frequency mode of operation, will be assigned for mobile service operations by a single applicant in a given area." Skitronics' applications do not appear to provide any unique justification for abandoning the spectrum efficiency principle embodied in Section 90.35(e). In light of the fact that Skitronics' proposal to acquire multiple channels at the same time will deprive safety related users of available spectrum, the requirements of Section 90.35(e) should be applied in this case.

For the above reasons, we ask that the Commission refrain from assigning Skitronics the frequency 150.905 MHz.

Respectfully submitted,

AAA CAROLINAS, INC.

Fred Bayha
Emergency Road Service

Attachment

cc: John W. Komorowski

ATTACHMENT A

CURRENT MAP

ATTACHMENT B

PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
1919 M STREET, N.W.
WASHINGTON, D.C. 20554

DA 97-2208

News media information 202/418-0500 Fax-On-Demand 202/418-2830 Internet: http://www.fcc.gov ftp.fcc.gov

Released: October 15, 1997

RULES ADOPTED IN THE REFARMING *SECOND REPORT AND ORDER* (PR DOCKET NO. 92-235) TO GO INTO EFFECT OCTOBER 17, 1997

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By the Chief, Wireless Telecommunications Bureau.

Wireless Telecommunications Bureau contact: Ira Keltz at (202) 418-0680 or by E-Mail at mayday@fcc.gov.

–FCC–

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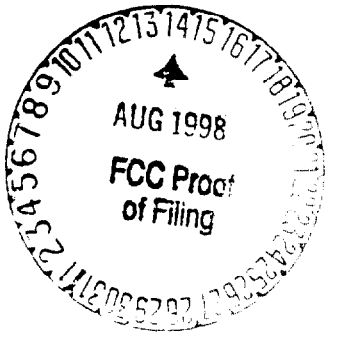
[1] The summary of the *Second R&O*, including the new rules, was published in the Federal Register on April 17, 1997. *See* 62 FR 18834 (April 17, 1997).

[2] *See* Balanced Budget Act of 1997, Pub. L. No. 105-33, 111 Stat. 251 (1997).

[3] *See id.* at §§ 3002, 3004, 111 Stat. at 258, 266.

The Original Core Servi

August 13, 1998



Terry Fishel, Deputy Chief
Licensing and Technical Analysis Branch
Commercial Wireless Division
Wireless Telecommunications Bureau
Federal Communications Commission
1270 Fairfield Road
Gettysburg, PA 17325-7245

RE: Skitronics Inc.
Application for 150.905 MHz/157.470 MHz
File No. D104411
Attention: JLG, SYS

Dear Mr. Fishel:

AAA Carolinas, Inc. (AAA Carolinas) hereby requests that the Commission grant the application of Skitronics, Inc. (Skitronics) (File No. D104411) on a more suitable frequency since the channel coordinated (150.905 MHz) is already occupied by an incompatible user. As discussed below, granting a license to Skitronics on the frequency 150.905 MHz would be adverse to the public interest, considering the intensive use of this frequency by AAA Carolinas for emergency road services, and in light of Congress' explicit recognition of the vital public safety role of such radio operations. At the very least, we ask the Commission to refrain from processing Skitronics' application until the Commission has reached a final determination on how to implement Congress' mandate concerning the "quasi-public safety" status of automobile emergency radio operations.

P.O. Box 29600 • Charlotte, NC 28229-9600
6600 Executive Circle Drive • Charlotte, NC 28212
(704) 569-3600 Fax (704) 569-7804

AAA Carolinas is a not-for-profit organization responsible for providing emergency road services to approximately 800,000 members in North and South Carolina. AAA Carolinas is currently licensed to operate on the channel 150.905 MHz, under Call Sign WNMA846. PCIA has recommended to the FCC that this frequency be assigned to Skitronics, paired with 157.470 MHz, for FB6C Commercial Mobile Radio Service (CMRS) operations at Rougemont, North Carolina. As shown in Attachment A hereto, Skitronics' proposed signal will overlap a substantial portion of AAA Carolinas' coverage on the same frequency. Thus, there is a significant area in which AAA Carolinas will have to compete for airtime with Skitronics' commercial customers, many of whom may use the frequency to carry on interconnected telephone conversations without regard to the efficient use procedures followed by AAA Carolinas.

As discussed below, the recommendation of frequency 150.905 MHz is objectionable on a number of grounds, including: (1) it creates the problem of frequency congestion which raises public safety concerns; (2) the frequency will be unable to support Skitronics' intended operations; (3) it presents the prospect that a regulatory scheme will be implemented which conflicts with congressional intent; and (4) Skitronics' proposal for multiple frequencies in the same area appears to be inconsistent with Rule Section 90.35(e).

The recommendation to grant a license to Skitronics on the 150.905 MHz frequency raises serious safety concerns. AAA Carolinas has been providing emergency road services since 1922. It is evident, based on the number of emergency calls received by AAA Carolinas, that the public has come to rely on these services. Over the course of a year, AAA Carolinas responds to 570,000 emergency road service calls from motorists experiencing a wide variety of problems, many of which endanger the safety of drivers and passengers. Such situations require immediate attention. For example, AAA Carolinas often assists motorists who have been stranded on the road where they are vulnerable to harm from high-speed vehicles, adverse weather conditions, or crime.

State and local public safety agencies have also come to rely on the public safety services performed by AAA Carolinas. Police departments and 911 operators regularly call AAA Carolinas for assistance in handling roadway accidents, or natural disasters, because they know that AAA Carolinas has the equipment, expertise and most importantly, the ability to respond quickly in these situations. For example, when Charlotte, North Carolina experienced severe flooding in the summer of 1997, AAA Carolinas displayed its ability to utilize its radios to serve the public interest by dispatching its fleet of vehicles to rescue motorists and cars caught in flooded areas, and by using its equipment to remove fallen trees and structures from roadways. In the absence of a prompt response by AAA, government

agencies will be compelled to devote their own resources to clearing such hazards.

Indeed, this ability to respond immediately in urgent situations is the key to providing reliable automobile emergency road services. For this reason, it is essential that 150.905 MHz remains useable for its present operations. This frequency is already congested, particularly during the morning and evening rush hours when traffic accidents commonly occur, and AAA Carolinas is called into action. Typically, our tow truck operators use the channel 45 minutes out of the hour during rush hours. If Skitronics is allowed to use the same frequency, it is foreseeable that important automobile emergency calls may not get through in time, which could threaten the safety of the motorists involved, and contribute to substantial traffic delays. Skitronics' proposal to provide interconnected CMRS on the frequency 150.905 MHz is particularly incompatible with existing auto club operations. By definition, the objective of any CMRS provider is to load as many users as possible onto their assigned channels, so that their operations will be profitable. Thus, to protect the public interest, and to be fair to Skitronics which may not be able to successfully promote interconnected services on such a congested frequency, we request that the Commission grant a license to Skitronics on a more suitable frequency.

Granting a license to Skitronics on the 150.905 MHz frequency would also be inconsistent with Congress' mandate to afford AAA and its auto clubs protection as quasi-public safety entities. In the Conference Report accompanying the Balanced Budget Act of 1997, Congress explicitly recognized the important public safety role played by AAA auto clubs, noting that "the services offered by these entities protect the safety of life, health, or property and are not made commercially available to the public." H.R. Rep. No. 105-217, at 572 (1997). To ensure that auto clubs can continue to provide emergency road services to the public, Congress expressly exempted from the FCC's auction authority all licenses issued "for public safety radio services, including private internal radio services used by State and local governments and non-government entities and including emergency road services provided by not-for-profit organizations." Budget Act, Sec. 3002(a)(2)(A). Congress explained in the conference report that "[t]his service exemption also includes radio services used by not-for-profit organizations that offer emergency road services, such as the American Automobile Association. The Senate included this particular exemption in recognition of the valuable public safety service provided by emergency road services." H.R. Rep. No. 105-217, at 572 (1997). This language, which demonstrates Congress' intent to promote the types of public safety services offered by AAA Carolinas, supports our recommendation that Skitronics be granted a license on another frequency.

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We note that Skitronics was recently licensed for 150.965 MHz at Carrboro, North Carolina (Call Sign WBMC425), and has simultaneously requested yet another automobile emergency radio channel (150.920 MHz) at this location. In all, Skitronics has applied for numerous 150 MHz and 450 MHz band channels throughout this portion of North Carolina. Rule Section 90.35(e) provides that "normally only one frequency, or pair of frequencies in the paired frequency mode of operation, will be assigned for mobile service operations by a single applicant in a given area." Skitronics' applications do not appear to provide any unique justification for abandoning the spectrum efficiency principle embodied in Section 90.35(e). In light of the fact that Skitronics' proposal to acquire multiple channels at the same time will deprive safety related users of available spectrum, the requirements of Section 90.35(e) should be applied in this case.

For the above reasons, we ask that the Commission refrain from assigning Skitronics the frequency 150.905 MHz.

Respectfully submitted,

AAA CAROLINAS, INC.

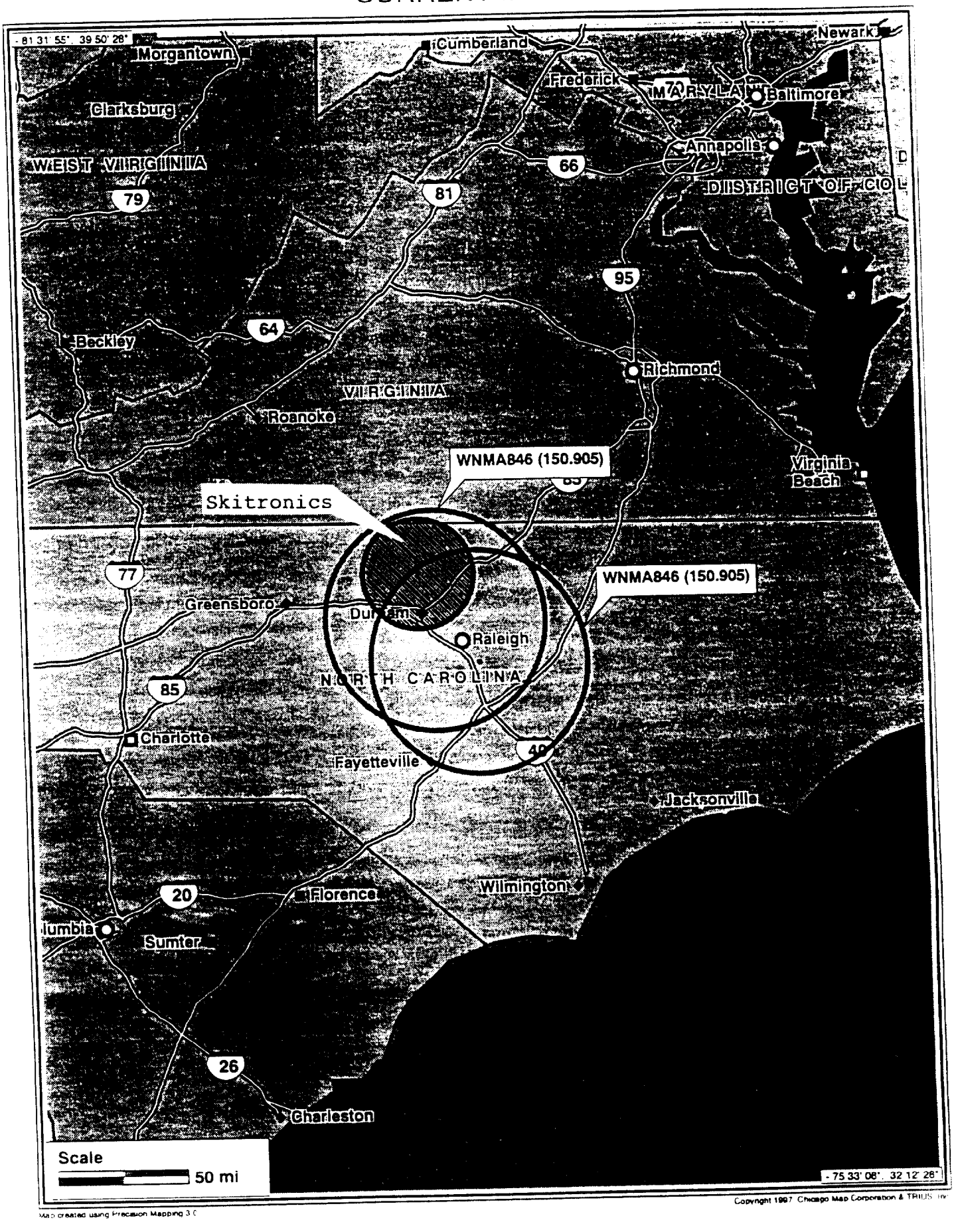
Fred Bayha
Emergency Road Service

Attachment

cc: John W. Komorowski

ATTACHMENT A

CURRENT MAP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Clarksburg
WEST VIRGINIA
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Cumberland
Frederick
MARYLAND
Baltimore
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Annapolis
66
81
DISTRICT OF COL
95
64
Beckley
Richmond
VIRGINIA
Roanoke
WNMA846 (150.905)
Skitronics
Virginia Beach
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Raleigh
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Charlotte
Fayetteville
Jacksonville
Wilmington
20
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Sumter
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Charleston
Scale
50 mi
-75 33' 08", 32 12' 26"
Copyright 1997 Chicago Map Corporation & TRIUS Inc
Map created using Precision Mapping 3.0

ATTACHMENT B

PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
1919 M STREET, N.W.
WASHINGTON, D.C. 20554 DA 97-220

News media information 202/418-0500 Fax-On-Demand 202/418-2830 Internet: http://www.fcc.gov ftp.fcc.gov

Released: October 15, 19

RULES ADOPTED IN THE REFARMING *SECOND REPORT AND ORDER* (PR DOCKET NO. 92-235) TO GO INTO EFFECT OCTOBER 17, 1997

On February 20, 1997, the Commission adopted the *Second Report and Order* (*Second R&O*) in P Docket No. 92-235. By this action, the Commission consolidated the twenty Private Land Mobile Rad Services into two broad pools - Public Safety and Industrial/Business. Additionally, the *Second R&* introduced competition into frequency coordination services and created opportunities for implementir centralized trunking technology on channels in the shared frequency bands below 800 MHz. Th Commission made these rule changes effective six months after their publication in the Federal Registe which occurred on April 17, 1997.[1] Thus, these new rules become effective on October 17, 1997.

While these rules will become effective on October 17, 1997, we note the continued pendency of certai related matters. First, the Commission has received sixteen petitions for reconsideration of the *Secon R&O* that challenge certain decisions regarding eligibility criteria for the two pools, the frequenc coordination process, and the trunking rules. We take this opportunity to advise the public that licensir actions taken pursuant to these new rules will be subject to any relevant changes adopted by th Commission in its disposition of the pending reconsideration petitions. Second, on August 5, 1997, th Balanced Budget Act of 1997 (1997 Budget Act)[2] was signed into law. Sections 3002 and 3004 of t statute redefine "public safety" for certain purposes and expand the Commission's competitive biddi authority to apply to assignment of mutually exclusive applications in private wireless services.[3] Wh these provisions do not directly affect the rules scheduled to go into effect on October 17, 1997, they m bear on future consideration of these and related rules.

Notwithstanding the outstanding issues on reconsideration and the implementation of the provisions of new statute, at this time the public interest would be best served by permitting the new rules to take eff on the scheduled date. These rules are designed to provide for a more efficient distribution of chann permit licensees to better utilize technologically innovative and efficient equipment, and reduce costs administrative burdens. Given these significant benefits, further delay is unwarranted.

By the Chief, Wireless Telecommunications Bureau.

Wireless Telecommunications Bureau contact: Ira Keltz at (202) 418-0680 or by E-Mai mayday@fcc.gov.

–FCC–

---

[1] The summary of the *Second R&O*, including the new rules, was published in the Federal Register on 17, 1997. *See* 62 FR 18834 (April 17, 1997).

[2] *See* Balanced Budget Act of 1997, Pub. L. No. 105-33, 111 Stat. 251 (1997).

[3] *See id.* at §§ 3002, 3004, 111 Stat. at 258, 266.

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DIRECTOR OF ENGINEERING
COMMERCIAL RADIO

*ADMITTED ONLY IN MAINE
SUPERVISION BY HAROLD MORDKOFSKY
A MEMBER OF THE DC BAR

WRITER'S DIRECT DIAL NO.

August 28, 1998

BY HAND DELIVERY

Mary Shultz, Chief
Licensing and Technical Analysis Branch
Public Safety & Private Wireless Division
Wireless Telecommunications Bureau
Federal Communications Commission
1270 Fairfield Road
Gettysburg, PA 17325-7245

RE: Merced College
Application for 150.965 MHz/159.510 MHz
Call Sign: WPMH610
Attention: LES

Dear Ms. Shultz:

Enclosed please find an original and four copies of a Petition for Reconsideration filed on behalf of the California State Automobile Association in the above-referenced matter.

If you have any questions regarding this matter, please do not hesitate to contact this office.

Respectfully submitted,

John Prendergast

cc: David Brauch
Marvin W. Smith

California State Automobile Association

SERVING THE MOTORIST SINCE 1900

150 VAN NESS AVENUE
P.O. BOX 429186
SAN FRANCISCO, CALIFORNIA 94142-9186

August 28, 1998

Mary Shultz, Chief
Licensing & Technical Analysis Branch
Public Safety & Private Wireless Division
Wireless Telecommunications Bureau
Federal Communications Commission
1270 Fairfield Road
Gettysburg, PA 17325-7245

RE: Merced College
Application for 150.965 MHz/159.510 MHz
Call Sign: WPMH610
Attention: LES

PETITION FOR RECONSIDERATION

Dear Ms. Shultz:

The California State Automobile Association, Inc. (CSAA) hereby requests, pursuant to Section 1.106 of the Commission's rules, reconsideration of the July 29, 1998 decision to assign Merced College the frequency pair 150.965 MHz/159.510 MHz (Call Sign WPMH610), because CSAA already utilizes the frequency 150.965 MHz to respond to frequent and critical emergency road service calls from the public as well as public safety agencies. As demonstrated below, the licensing of this frequency pair is adverse to the public interest, and inconsistent with Congress' recognition of the "quasi-public safety" status of automobile emergency radio operations.

CSAA is a not-for-profit organization responsible for providing emergency road services to approximately 3.8 million members in Northern California, Nevada and Utah. CSAA is

currently licensed to operate on the channel 150.965 MHz under Call Signs KUY548, WXF950, KMF828, KWT702, KBE894, KWT702, KWT702. On July 29, 1998, based on a recommendation by the Personal Communications Industry Association (PCIA), the Commission assigned 150.965 MHz to Merced College, despite the intensive use of this channel by CSAA for emergency road service operations. As shown in Attachment A hereto, Merced College's signal overlaps a portion of CSAA's service area on the same frequency.

As demonstrated below, the licensing of Merced College on the frequency pair 150.965 MHz/159.510 MHz is not in the public interest because it: (1) creates the problem of frequency congestion which raises public safety concerns; (2) poses the risk that Merced College will fail to adequately monitor the frequency 150.965 MHz for communications in progress, as required by Section 90.403(e) of the Commission's rules, and prevent CSAA from using the channel for its simplex operations, and (3) presents the prospect that a regulatory scheme will be implemented which conflicts with Congressional intent.

I. *Licensing the frequency 150.965 MHz to Vogel Bus Company raises serious safety concerns*

CSAA has been providing emergency road services for nearly one hundred years. It is evident, based on the number of emergency calls received by CSAA, that the public has come to rely on these services. Over the course of a year, CSAA responds to over 3 million emergency road service calls from motorists experiencing a wide variety of problems, many of which endanger

the safety of drivers and passengers. Such situations require immediate attention. For example, CSAA often assists motorists who have been stranded on the road where they are vulnerable to harm from high-speed vehicles, adverse weather conditions, or crime.

State and local public safety agencies have also come to rely on the public safety services performed by CSAA. To facilitate communications between CSAA and public safety agencies, the telephone numbers of CSAA's dispatch centers have been programmed into the police and highway patrol databases and speed dialing systems. Police departments, 911 operators, and other public service agencies regularly call CSAA for assistance because they know that CSAA has the equipment, expertise and most importantly, the ability to respond quickly in these situations. In the absence of a prompt response by CSAA, these government agencies would be compelled to devote their own resources to clearing such hazards.

Indeed, this ability to respond immediately in urgent situations is the key to providing reliable automobile emergency road services. For this reason, it is essential that 150.965 MHz remains useable for AAA's present operations. This frequency is already congested, particularly during the morning and evening rush hours when traffic accidents commonly occur, and CSAA is called into action. Typically, AAA's tow truck operators use the channel 45-50 minutes out of the hour during rush hour or during extended storm periods. If Merced College is allowed to use the

same frequency, it is foreseeable that important automobile emergency calls may not get through in time, which could threaten the safety of the motorists involved, and contribute to substantial traffic delays.

II. *The use of a duplex system on these frequencies increases the risk of interference*

The licensing of a frequency pair (150.965 MHz and 159.510 MHz) to support Merced College's duplex mode of operation exacerbates this interference problem. It is foreseeable that Merced College will fail to adequately monitor the transmitting frequency (150.965 MHz) for communications in progress, as required by Section 90.403(e) of the Commission's rules, and thus prevent CSAA from using this channel for its simplex operations. CSAA, like most auto clubs, has invested in a simplex system because the frequencies assigned to Automobile Emergency Radio Service (AERS) were originally allocated on an unpaired basis. The Commission has recognized that the licensing of channel pairs for duplex operations on frequencies that also support simplex operations requires special consideration, and has stated that "it may be necessary for licensees of two-frequency duplex systems to install additional equipment to ensure compliance with the requirement to monitor a base station frequency prior to transmitting." Amendment of Part 90 of the Commission's Rules to Permit Business Radio Use of Certain Channels in the 150 MHz Band, *Memorandum Opinion and Order on Reconsideration,* PR Docket No. 88-373, 5 FCC Rcd 4784, note 51 (1990). In the absence of the installation of special equipment, Merced College's duplex

operations will likely be configured such that it monitors only the paired mobile frequency (159.510 MHz) for traffic, and therefore will not detect auto club communications prior to broadcasting on 150.965 MHz. To ensure that there is sufficient air time available to CSAA, and to ensure compliance with Section 90.403(e), the Commission should grant Merced College a license on a more suitable frequency.

III. *The proposed license is inconsistent with Congress' recognition of the importance of auto emergency services*

The licensing of Merced College on the frequency 150.965 MHz is inconsistent with Congress' recognition of AAA and its auto clubs as quasi-public safety entities. In the Conference Report accompanying the Balanced Budget Act of 1997, Congress explicitly recognized the important public safety role played by AAA auto clubs, noting that "the services offered by these entities protect the safety of life, health, or property and are not made commercially available to the public." H.R. Rep. No. 105-217, at 572 (1997). To ensure that auto clubs can continue to provide emergency road services to the public, Congress expressly exempted from the FCC's auction authority all licenses issued "for public safety radio services, including private internal radio services used by State and local governments and non-government entities and including emergency road services provided by not-for-profit organizations." Budget Act, Sec. 3002(a)(2)(A). Congress explained in the conference report that "[t]his service exemption also includes radio services used by not-for-profit organizations that offer emergency road services,

such as the American Automobile Association. The Senate included this particular exemption in recognition of the valuable public safety service provided by emergency road services." H.R. Rep. No. 105-217, at 572 (1997). This language, which demonstrates Congress' intent to promote the types of public safety services offered by CSAA, supports our recommendation that Merced College be granted a license on another frequency.

To ensure that the Commission recognized this action by Congress, AAA formally requested that the Commission provide greater protection to the AERS frequencies in its Petition for Reconsideration in PR Docket 92-235 (as supplemented on September 5, 1997). In addition, AAA had asked that the Commission refrain from licensing non-auto club entities on the AERS channels by letter dated November 24, 1997.

In its Public Notice dated October 15, 1997 (DA 97-2208) (Attachment A), the Commission acknowledged that the Balanced Budget Act, specifically Section 3002 (containing Congress' determination that the emergency road services constitute public safety services), may affect proceedings outside of the auction context. CSAA is exactly the kind of non-commercial organization Congress intended to protect. The Commission should therefore follow Congress' intent and protect CSAA, and the public, from the harm that would result if incompatible users are allowed to operate on the frequency 150.965 MHz. The July 29, 1998 grant to Merced College should be rescinded, and the application returned to pending status for grant on another frequency.

For the above reasons, we ask that the Commission reconsider its decision assigning Merced College the frequency 150.965 MHz, and return the referenced application to pending status for grant or a different frequency pair.

Respectfully submitted,

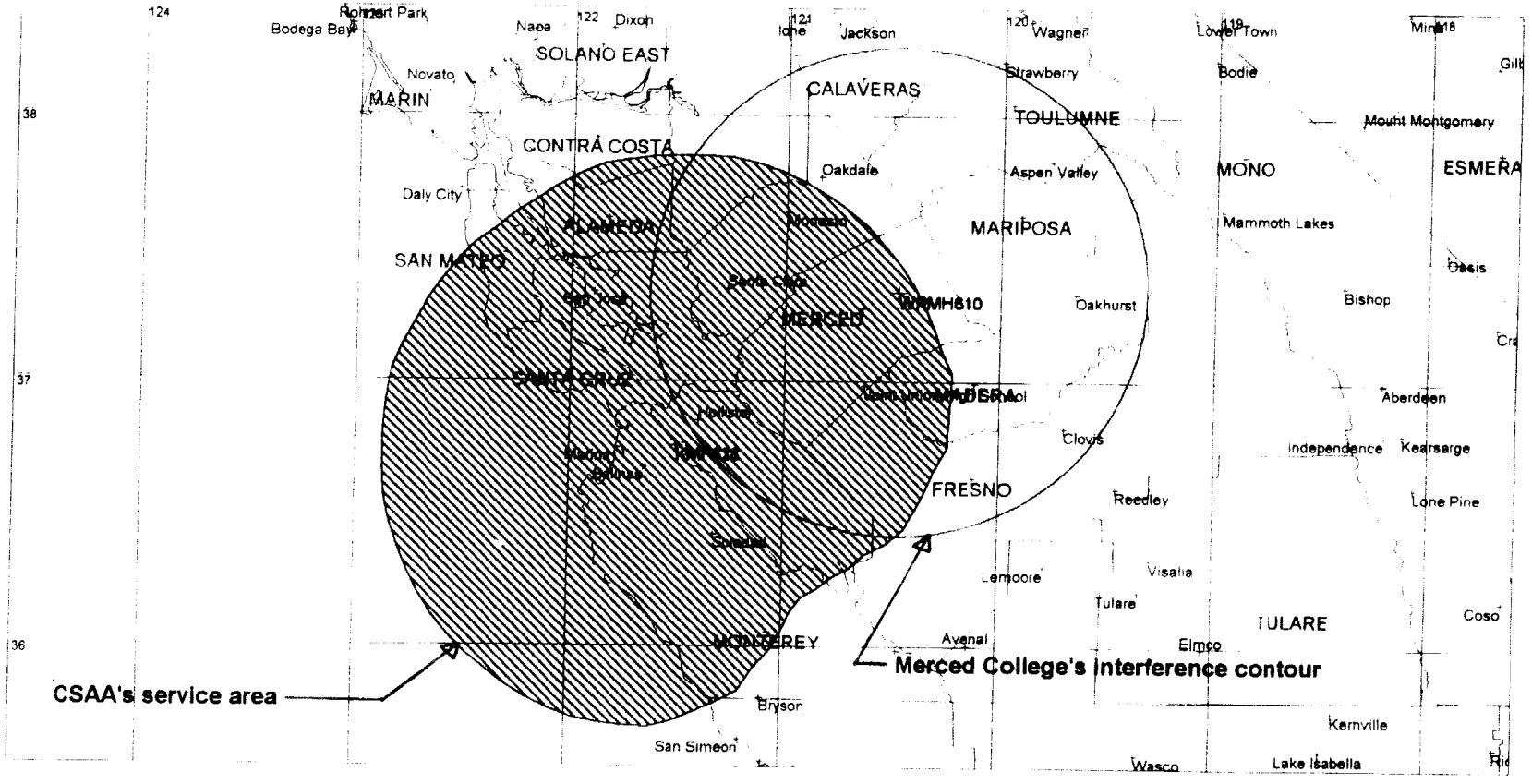
California State Automobile Association

Peter Fuerst
Supervisor
ERS Communications

Attachment

cc: David Brauch
Marvin W. Smith

ATTACHMENT A



Blooston, Mordkofsky, Jackson and Dickens

Scale 1:2900000

25 Mi

LM Service
Lat-Lon Grids

LM City Grade

County Borders

State Borders

ATTACHMENT B

PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
1919 M STREET, N.W.
WASHINGTON, D.C. 20554

DA 97-2208

News media information 202/418-0500 Fax-On-Demand 202/418-2830 Internet http://www.fcc.gov ftp.fcc.gov

Released: October 15, 1997

RULES ADOPTED IN THE REFARMING *SECOND REPORT AND ORDER* (PR DOCKET NO. 92-235) TO GO INTO EFFECT OCTOBER 17, 1997

On February 20, 1997, the Commission adopted the *Second Report and Order* (*Second R&O*) in PR Docket No. 92-235. By this action, the Commission consolidated the twenty Private Land Mobile Radio Services into two broad pools - Public Safety and Industrial/Business. Additionally, the *Second R&O* introduced competition into frequency coordination services and created opportunities for implementing centralized trunking technology on channels in the shared frequency bands below 800 MHz. The Commission made these rule changes effective six months after their publication in the Federal Register, which occurred on April 17, 1997.[1] Thus, these new rules become effective on October 17, 1997.

While these rules will become effective on October 17, 1997, we note the continued pendency of certain related matters. First, the Commission has received sixteen petitions for reconsideration of the *Second R&O* that challenge certain decisions regarding eligibility criteria for the two pools, the frequency coordination process, and the trunking rules. We take this opportunity to advise the public that licensing actions taken pursuant to these new rules will be subject to any relevant changes adopted by the Commission in its disposition of the pending reconsideration petitions. Second, on August 5, 1997, the Balanced Budget Act of 1997 (1997 Budget Act)[2] was signed into law. Sections 3002 and 3004 of the statute redefine "public safety" for certain purposes and expand the Commission's competitive bidding authority to apply to assignment of mutually exclusive applications in private wireless services.[3] While these provisions do not directly affect the rules scheduled to go into effect on October 17, 1997, they may bear on future consideration of these and related rules.

Notwithstanding the outstanding issues on reconsideration and the implementation of the provisions of the new statute, at this time the public interest would be best served by permitting the new rules to take effect on the scheduled date. These rules are designed to provide for a more efficient distribution of channels, permit licensees to better utilize technologically innovative and efficient equipment, and reduce costs and administrative burdens. Given these significant benefits, further delay is unwarranted.

By the Chief, Wireless Telecommunications Bureau.

Wireless Telecommunications Bureau contact: Ira Keltz at (202) 418-0680 or by E-Mail at mayday@fcc.gov.

-FCC-

---

[1] The summary of the *Second R&O*, including the new rules, was published in the Federal Register on April 17, 1997. *See* 62 FR 18834 (April 17, 1997).

[2] *See* Balanced Budget Act of 1997, Pub. L. No. 105-33, 111 Stat. 251 (1997).

[3] *See id.* at §§ 3002, 3004, 111 Stat. at 258, 266.

DRAFT

AAA NORTH JERSEY
418 Hamburg Turnpike
Wayne, NJ 07474-7245

August 27, 1998

Mary Shultz, Chief
Licensing and Technical Analysis Branch
Public Safety & Private Wireless Division
Wireless Telecommunications Bureau
Federal Communications Commission
1270 Fairfield Road
Gettysburg, PA 17325-7245

RE: Vogel Bus Company, Inc.
Application for 150.935 MHz/158.160 MHz
Call Sign: WPMJ727
Attention: MMS

PETITION FOR RECONSIDERATION

Dear Ms. Shultz:

AAA North Jersey hereby requests, pursuant to Section 1.106 of the Commission's rules, reconsideration of the August 14, 1998 decision to assign Vogel Bus Company, Inc. (Vogel Bus Company) the frequency pair 150.935 MHz/158.160 MHz (Call Sign WPMJ727), because AAA North Jersey already utilizes the frequency 150.935 MHz to respond to frequent and critical emergency road service calls from the public as well as public safety agencies. As demonstrated below, the licensing of this frequency pair is adverse to the public interest, and inconsistent with Congress' recognition of the "quasi-public safety" status of automobile emergency radio operations.

AAA North Jersey is a not-for-profit organization responsible for providing emergency road services to

approximately 1.6 million members in Hudson, Bergen, and Passaic Counties, in the northern portion of New Jersey. AAA North Jersey is currently licensed to operate on the channel 150.935 MHz, under Call Sign KEH228. On August 14, 1998, based on a recommendation by the Personal Communications Industry Association (PCIA), the Commission assigned this channel to Vogel Bus Company. As shown in Attachment A hereto, Vogel Bus Company's signal will overlap a substantial portion of AAA North Jersey's service area on the same frequency.

As demonstrated below, the licensing of Vogel Bus Company on the frequency pair 150.935 MHz/158.160 MHz is not in the public interest because it: (1) creates the problem of frequency congestion which raises public safety concerns; (2) poses the risk that Vogel Bus Company will fail to adequately monitor the frequency 150.935 MHz for communications in progress, as required by Section 90.403(e) of the Commission's rules, and prevent AAA North Jersey from using the channel for its simplex operations, and (3) presents the prospect that a regulatory scheme will be implemented which conflicts with Congressional intent.

I. *Licensing the frequency 150.935 MHz to Vogel Bus Company raises serious safety concerns*

AAA North Jersey has been providing emergency road services for approximately 98 years. It is evident, based on the number of emergency calls received by AAA North Jersey, that the public has come to rely on these services. AAA North Jersey responds to approximately 700 emergency calls per day from motorists experiencing a wide variety of problems, many of which endanger

the safety of drivers and passengers. Between October and March, when inclement weather creates additional road hazards, AAA North Jersey responds to approximately 1,000-1,500 calls a day. Such situations require immediate attention. For example, AAA North Jersey often assists motorists who have been stranded on the road where they are vulnerable to harm from high-speed vehicles, adverse weather conditions, or crime.

State and local public safety agencies have also come to rely on the public safety services performed by AAA North Jersey. Police departments and 911 operators regularly call AAA North Jersey for assistance in handling roadway accidents, or natural disasters, because they know that AAA North Jersey has the equipment, expertise and most importantly, the ability to respond quickly in these situations. In the absence of a prompt response by AAA North Jersey, these government agencies will be compelled to devote their own resources to clearing such hazards.

Indeed, this ability to respond immediately in urgent situations is the key to providing reliable automobile emergency road services. For this reason, it is essential that 150.935 MHz remains useable for AAA's present operations. This frequency is already congested, particularly during the morning and evening rush hours when traffic accidents commonly occur, and AAA North Jersey is called into action. Typically, AAA's tow truck operators use the channel 45 minutes out of the hour during rush hour, or during extended storm periods. If Vogel Bus Company is allowed to use the same frequency, it is foreseeable that

important automobile emergency calls may not get through in time, which could threaten the safety of the motorists involved, and contribute to substantial traffic delays.

Indeed, approximately one month ago, AAA North Jersey began experiencing severe interference caused by another entity operating on 150.935 MHz without any apparent effort to monitor before broadcasting. Due to this interference, AAA North Jersey has not been able to use the channel. AAA North Jersey does not know whether this entity is Vogel Bus Company or another user, since the interfering operation is broadcasting in a foreign language and does not periodically identify its call sign as required by the Commission's rules. AAA North Jersey is separately seeking relief from this interference through a complaint to the Commission's Field Office Bureau.

II. *The use of a duplex system on these frequencies increases the risk of interference*

The licensing of a frequency pair (150.935 MHz and 158.160 MHz) to support Vogel Bus Company's duplex mode of operation exacerbates this interference problem. It is foreseeable that Vogel Bus Company will fail to adequately monitor the transmitting frequency (150.935 MHz) for communications in progress, as required by Section 90.403(e) of the Commission's rules, and thus prevent AAA North Jersey from using this channel for its simplex operations. AAA North Jersey, like most auto clubs, has invested in a simplex system because the frequencies assigned to Automobile Emergency Radio Service (AERS) were allocated on an unpaired basis. The Commission has recognized

that the licensing of channel pairs for duplex operations on frequencies that also support simplex operations requires special consideration, and has stated that "it may be necessary for licensees of two-frequency duplex systems to install additional equipment to ensure compliance with the requirement to monitor a base station frequency prior to transmitting." Amendment of Part 90 of the Commission's Rules to Permit Business Radio Use of Certain Channels in the 150 MHz Band, *Memorandum Opinion and Order on Reconsideration*, PR Docket No. 88-373, 5 FCC Rcd 4784, note 51 (1990). In the absence of the installation of special equipment, Vogel Bus Company's duplex operation will likely be configured such that it monitors only the paired mobile frequency (158.160 MHz) for traffic, and therefore will not detect auto club communications prior to broadcasting on 150.935 MHz. To ensure that there is sufficient air time available to AAA North Jersey, and to ensure compliance with Section 90.403(e), the Commission should grant Vogel Bus Company a license on a more suitable frequency.

III. *The proposed license is inconsistent with Congress' recognition of the importance of auto emergency services*

The licensing of Vogel Bus Company on the 150.935 MHz frequency is inconsistent with Congress' recognition of AAA and its auto clubs protection as quasi-public safety entities. In the Conference Report accompanying the Balanced Budget Act of 1997, Congress explicitly recognized the important public safety role played by AAA auto clubs, noting that "the services offered

by these entities protect the safety of life, health, or property and are not made commercially available to the public." H.R. Rep. No. 105-217, at 572 (1997). To ensure that auto clubs can continue to provide emergency road services to the public, Congress expressly exempted from the FCC's auction authority all licenses issued "for public safety radio services, including private internal radio services used by State and local governments and non-government entities and including emergency road services provided by not-for-profit organizations." Budget Act, Sec. 3002(a)(2)(A). Congress explained in the Conference Report that "[t]his service exemption also includes radio services used by not-for-profit organizations that offer emergency road services, such as the American Automobile Association. The Senate included this particular exemption in recognition of the valuable public safety service provided by emergency road services." H.R. Rep. No. 105-217, at 572 (1997). This language, which demonstrates Congress' intent to promote the types of public safety services offered by AAA North Jersey, supports our recommendation that Vogel Bus Company be granted a license on another frequency.

To ensure that the Commission recognized this action by Congress, AAA formally requested that the Commission provide greater protection to the AERS frequencies in its Petition for Reconsideration in PR Docket No. 92-235 (as supplemented on September 5, 1997). In addition, AAA had asked that the Commission refrain from licensing non-auto club entities on the

AERS channels by letter dated November 24, 1997.

In its Public Notice dated October 15, 1997 (DA 97-2208) (Attachment B), the Commission acknowledged that the Balanced Budget Act, specifically Section 3002 (containing Congress' determination that the emergency road services constitute public safety services), may affect proceedings outside of the auction context. AAA North Jersey is exactly the kind of non-commercial organization Congress intended to protect. The Commission should therefore follow Congress' intent and protect AAA North Jersey, and the public, from the harm that would result if incompatible users are allowed to operate on the frequency 150.935 MHz. The August 14, 1998 grant to Vogel Bus Company should be rescinded, and the application returned to pending status for grant on another frequency.

For the above reasons, we ask that the Commission reconsider its decision assigning Vogel Bus Company the frequency 150.935 MHz.

Respectfully submitted,

AAA North Jersey

Tom MacRae
Field Manager - Operations

Attachment

cc: Jerome Conlin
Jerry Walker

Service List

Chairman William E. Kennard
Federal Communications Commission
1919 M Street, NW, Room 814
Washington, D.C. 20554

The Honorable Susan Ness
Commissioner
Federal Communications Commission
1919 M Street, N.W., Room 832
Washington, D.C. 20554

The Honorable Harold Furchtgott-Roth
Commissioner
Federal Communications Commission
1919 M Street, N.W., Room 802
Washington, D.C. 20554

Commissioner Michael K. Powell
Federal Communications Commission
1919 M Street, NW, Room 844
Washington, D.C. 20554

The Honorable Gloria Tristani
Commissioner
Federal Communications Commission
1919 M Street, N.W., Room 826
Washington, D.C. 20554

Ari Fitzgerald, Legal Advisor
Federal Communications Commission
Office of Chairman Kennard
1919 M Street, NW, Room 814
Washington, D.C. 20554

Daniel Connors, Legal Advisor
Office of Commissioner Susan Ness
Federal Communications Commission
1919 M Street, N.W., Room 832
Washington, D.C. 20554

Paul Misener, Senior Legal Advisor
Office of Commissioner Furchtgott-Roth
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Federal Communications Commission
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Daniel Phythyon, Chief
Wireless Telecommunications Bureau
Federal Communications Commission
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Washington, D.C. 20554

Josh Roland, Legal Advisor
Wireless Telecommunications Bureau
Office of Daniel Phythyon
Federal Communications Commission
2025 M Street, NW, Room 5002
Washington, D.C. 20554

D'wana Terry, Chief
Wireless Telecommunications Bureau
Public Safety and Private Wireless Division
Federal Communications Commission
2025 M Street, NW, Room 8010
Washington, D.C. 20554

Herbert Zeiler, Deputy Chief
Public Safety and Private Wireless Division
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, NW, Room 8010
Washington, D.C. 20554

Laura Smith, Deputy Chief
Public Safety and Private Wireless Division
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, NW, Room 8010
Washington, D.C. 20554

Ira Keltz, Legal Advisor
Public Safety and Private Wireless Division
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, NW, Room 8010
Washington, D.C. 20554

Exhibit B

EX PARTE OR LATE FILED

ORIGINAL

HOGAN & HARTSON
L.L.P.

COLUMBIA SQUARE
555 THIRTEENTH STREET, NW
WASHINGTON, DC 20004-1109
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FAX (202) 637-5910

MICHELE C. FARQUHAR
PARTNER
DIRECT DIAL (202) 637-5663
INTERNET MF7@DC2.HHLAW.COM

September 28, 1998

BY HAND DELIVERY

Ms. Magalie R. Salas
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

RECEIVED
SEP 28 1998
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Ex Parte
PR Docket No. 92-235

Dear Ms. Salas:

Attached for filing please find an original and one copy of a letter from Gary Ruark, Frequency Coordinator for the American Automobile Association (AAA), to D'wana Terry, Chief of the Public Safety and Private Wireless Division of the FCC's Wireless Telecommunications Bureau. The letter describes new interference concerns as well as AAA's recent efforts to use its frequencies more efficiently.

Please do not hesitate to call should you have any questions regarding this filing.

Sincerely,

Michele C. Farquhar

Enclosure

cc: Daniel Phythyon
Josh Roland
D'wana Terry
Ari Fitzgerald

No. of Copies rec'd 0+2
List A B C D E

September 24, 1998

Ms. D'wana Terry
Chief, Public Safety and Private Wireless Division
Room 8010
2025 M Street, Northwest
Washington, DC 20554

RE: PR Docket No. 92-235

Dear Ms. Terry:

The American Automobile Association ("AAA") appreciates the opportunity to meet with you and other Bureau staff several weeks ago concerning AAA's critical use of land mobile radio frequencies for emergency road services as well as its recent interference problems.

Today I am writing to bring to your attention yet another interference issue that has arisen on the auto club frequencies – in this case, frequencies that AAA approved for the use of a statewide public safety organization in Tennessee. I would also like to highlight AAA's efforts to increase spectrum efficiency in order to make the best possible use of its few frequencies.

In several recent FCC meetings, AAA noted that it had previously assigned several of the auto club frequencies in several States to public safety users, upon their request, with the joint understanding that AAA would not allow other parties to use these frequencies. Under the new frequency coordination scheme established by the FCC's refarming proceeding, however, AAA no longer has sole control over these frequencies, as they are now part of the general Industrial/Business Pool.

As indicated by the attached letter from the State of Tennessee Department of Transportation ("TDOT") to the Association of Public Safety Communications Officials, International, TDOT is now experiencing interference problems and inappropriate assignments on the auto club channels it now uses. AAA remains concerned that not only its own operations, but those of public safety organizations using the auto club frequencies, will continue to experience these kinds of interference problems.

In addition, AAA would like to keep your office better informed about recent efforts to improve its use of the auto club frequencies. Specifically, although AAA regularly uses 14 simplex frequencies for emergency road service operations, it has begun upgrading and maximizing its use of these channels through at least three efficiency-enhancing techniques.

Frequency Coordination, M/S 15, 1000 AAA Drive, Heathrow, Florida 32746-5063
Telephone: (407) 444-7786, FAX: (407) 444-7749 or (407) 444-7380

First, AAA is in the process of implementing a change from primarily mobile analog voice to mobile digital data communications. AAA and Mentor Engineering of Calgary, Canada have developed and tested data equipment that functions on the auto club simplex frequencies. This new system will allow AAA to increase its dispatching efficiencies three-fold without increasing the number of frequencies.

Second, AAA has been working with Padcom, a Pennsylvania company that has developed a technology to increase spectrum efficiency on simplex frequencies, mirroring some of the best features of trunked systems without the accompanying cost, capacity or coverage concerns. The technology is a device that attaches to the base station and is capable of selecting multiple frequency solutions according to software design. Radio equipment can be shifted between different auto club frequencies to maximize productivity of the emergency road service vehicles. Therefore, it is possible to increase mobile radio units in service without the need for additional frequencies.

Finally, in 1997 AAA invested in a completely new computer aided dispatch system, designed in house, which configures its dispatches into data packets of extremely minimal size. This system is automated and permits more rapid dispatching, which allows AAA to transmit more dispatches per day on the auto club frequencies.

AAA believes that the new systems described here have or will permit it to achieve a five-fold increase in the productivity of the auto club frequencies. These new tools enable AAA to transmit 230 million or more packets of data over the auto club frequencies in a quasi-simplex mode, even though these frequencies are not well-suited to digital data communications. As noted above, these enhancements demonstrate AAA's commitment to spectrum efficiency while regularly using only 14 simplex frequencies to dispatch over 29 million emergency road service incidents annually.

Sincerely,

Gary Ruark

Gary M. Ruark,
American Automobile Association
Emergency Road Service, Technical Communications Specialist

cc: FCC Secretary, 1919 M Street, Wash., DC.
Michele Farquhar, Hogan and Hartson

attachments

Frequency Coordination, M/S 15, 1000 AAA Drive, Heathrow, Florida 32746-5063
Telephone: (407) 444-7786, FAX: (407) 444-7749 or (407) 444-7380

Attachment

State of Tennessee, Department of Transportation Information

STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION
NASHVILLE, TENNESSEE 37243

September 14, 1998

Joanne Hodges
Association of Public-safety Communications Officials, International.
2040 South Ridgewood Ave.
South Daytona, FL 32119

RE: Interference Complaint, 150.935 MHz.

Dear Ms. Hodges:

Please recall our telephone conversation today concerning interference to State of Tennessee Dept. of Transportation (TDOT) operations on frequency 150.9350 MHz. It is my understanding that your organization is now working with the FCC in mitigation of Public Safety Radio Communications interference situations.

This frequency, along with 150.9200 MHz., was licensed to the State of Tennessee for mobile (MO) and temporary base (FBT) statewide use under a waiver (90.23a) of the FCC rules in an application filed in mid-1997 through AASHTO. The application was filed with the Commission prior to the effective date of FCC's Second Report and Order 97-61. The two frequencies are now licensed to Tennessee in the Highway Maintenance (PH) service under callsign WPLU595, issued by FCC on 02/23/98 (copy attached).

In February, 1998, I wrote a blanket letter to the frequency coordinators of APCO, AASHTO, IMSA/PCIA, FCCA, AAA, American Assoc. of Railroads, ATA, FIA, ITA, ITLA, CSAA, UTC and others, listing all non-Public Safety (i.e. Business/Industrial) frequencies that the TN Department of Transportation had applied for and/or obtained licenses for. (APCO's copy of that letter is attached hereto.) In addition to listing the frequencies mentioned above, the letter explained the State of Tennessee's intent and use of these frequencies, along with specifying the towns and counties where each frequency was used in conjunction with fixed stations.

Since that time, several problem applications have been filed by commercial Tennessee applicants with the assistance of various Business/Industrial Pool frequency coordinators. Most of these could have caused serious adjacent channel interference to the non-Public Safety service frequencies in our system. But, resolutions to most of these offensive applications have been achieved by my talking with the applicants and by filing with FCC official Petitions to Deny licensing.

Just last week, it was discovered by my office that by some means, Anderson Logging Company of Dyersburg, TN had obtained license WPMB397, granted 05/12/98, on frequency 150.9350 MHz., the same frequency on which TDOT is licensed statewide.

I am hereby requesting APCO's participation in resolving this licensing error that has occurred due to an unfortunate oversight in the frequency coordination process. Operations by Anderson Logging Company on 153.9350 MHz. will very likely cause significant and intolerable interference to that of the State of Tennessee in Crocket, Dyer, Gibson, Haywood, Lake, Lauderdale, and Obion Counties. In these counties, this frequency is designated for use by the State for mobile-to-mobile, mobile-to-base, and mobile-to-mobile relay station (FB2) communications. And for the same reasons, significant interference to Anderson Logging Company's communications by TDOT's radio traffic will unavoidably occur if this situation is not corrected.

I can provide you with any further information you might need on short notice. Feel free to call me at 615-741-2277 or fax. me at 615-741-7224. Your assistance in mitigating this pressing matter is of great importance to the State of Tennessee and will be greatly appreciated.

Sincerely,

Michael A. Carroll, Sr.

Michael A. Carroll, Sr.
Radio Systems Manager
TDOT COMMUNICATIONS
6600 Centennial Blvd.
Nashville, TN 37243-0365

Copies: Tom Hayes, Director, TDOT Central Services
Tim Gary, TDOT Chief Council
Gary Ruark, AAA Frequency Coordinator
Larry Miller, AASHTO Frequency Coordinator
Paul Najarian, President, Land Mobile Communications Council
Karen Norton, ITA Spectrum Management Dept.
Allen Tellis, Attorney, Personal Communications Industry Assoc.
Eddie Anderson, Anderson Logging Co.
Chris Young, Owner, West Tennessee Communications

Federal Communications Commission
Gettysburg, PA 17325-7245

RADIO STATION LICENSE

Licensee Name: TENNESSEE, STATE OF

Radio Service: PH HIGHWAY MAINTENANCE
Call Sign: WPLU595 File Number: 9705D082827
Frequency Advisory No./Service Area: TNHHB02581

License Issue Date: 02/23/1998
License Expiration Date: 02/23/2003

Pages: 1 OF 1

980223N 479 1 LZ

TENNESSEE, STATE OF
TRANSP DEPT COMMUNICATIONS SECTION
6600 CENTENNIAL BLVD
NASHVILLE TN 37243-0365

REGULATORY STATUS: FXRS

STATION TECHNICAL SPECIFICATIONS

FCC I.D.	Frequencies (MHz)	Station Class	No. of Units	Emission Designator	Output Power (Watts)	E.R.P. (Watts)	Ground Elevation	Ant. Hgt. To Tip	Antenna Latitude	Antenna Longitude
G:	150.92000	FBT	50	11K25F1E	75.000	75.000				
	150.93500	FBT	50	11K25F1E	75.000	75.000				
	150.92000	MO	1500	11K25F1E 20K0F3E	100.000	100.000				
	150.93500	MO	1500	11K25F1E 20K0F3E	100.000	100.000				

AREA OF OPERATION
SITE G: TN STATEWIDE

CONTROL POINTS: 6600 CENTENNIAL BLVD NASHVILLE TN
CONTROL POINT PHONE: 615-741-2277

SPECIAL COND: SEE ATTACHED #35, SP:WAIVER OF RULE 90.23(B) FOR INDEFINITE TERM APPROVED 2/17/98.

The latitude/longitude are authorized in North American Datum 1927 (NAD27). Additionally, the antenna height to tip, ground elevation, AAT and area of operation units are authorized in metric.

RECEIVED
MAR - 5 1998
D.O.T. COMMUNICATIONS SECTION

EMISSION DESIGNATOR(S) CONVERTED TO CONFORM TO DESIGNATOR(S) SET OUT IN PART 2 OF THE COMMISSION'S RULES.

PAGE 1 OF 1

FEDERAL COMMUNICATIONS COMMISSION

This authorization becomes invalid and must be returned to the Commission if the stations are not placed in operation within eight months, unless an extension of time has been granted. EXCEPTIONS: 1) 800 MHz trunked and certain 900 MHz station licenses cancel automatically if not constructed within 1 year 2) IVDS authorizations automatically cancel if service is not made available in accordance with Section 95.833(a) of the Commission's Rules 3) There are no time limitations for placing GMRS stations in operation.

FCC 574-L April 1996

Attn : ANDERSON LOGGING
Address : 2946 UPPER FINLEY ROAD
City : DYERSBURG St : TN
Zip Code : 38024-0000
Phone # : (901) 285-6340
Service : IG - CONVENTIONAL INDUSTRIAL/BUSINESS POOL
Elig Rule :
Fcc Id : 9802A014081

Issue Date : 05/12/98
Expiration Date : 05/12/03
Changed Date : 05/12/98
FAC # : 973460016
Vehic : 0 Air : 0
Port : 0 Mar : 0
Pager : 0

TX FREQ	CLASS	COUNTY	PWR	ERP	ELV	ANT	UNIT	LATITUDE	LONGITUDE
150.93500	FB2	DYER	50	150	276	79	1	36-02-31	089-25-15
157.48500	FX1		10	10	0	0	1	00-00-00	000-00-00
150.93500	MO	DYER	50	50	276	0	15	36-02-31	089-25-15
157.48500	MO	DYER	50	50	276	0	15	36-02-31	089-25-15

STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION
Communications Section
6600 Centennial Boulevard
Nashville, Tennessee 37243-0365

February 18, 1998

Association of Public-Safety Communications Officials International, Inc.
Frequency Coordination Dept.
2040 South Ridgewood Ave.
South Daytona, FL 32119

Dear Sir, Madam, or Ms.:

The State of Tennessee, Department of Transportation, is in the process of constructing a new, state-wide, radio communications system, operating in the VHF high-band spectrum. Some licenses have been granted while numerous applications are still pending at the FCC. All were applied for prior to the effective date of FCC's latest Report and Order 97-61 which created the two, new, Part 90 frequency pools (i.e. Public Safety and Industrial/Business).

In order to provide sufficient channels to fulfill the State of Tennessee's needs in creation of the new radio system, it was necessary to file requests for waivers which borrowed frequencies from several Non-Public Safety services. The contributing services were Automobile Emergency, Motor Carrier, and Railroad.

Realizing that the new Industrial/Business pool encompasses all frequencies from these services, we are enclosing a listing of the frequencies effected by our filings, along with the areas in Tennessee where they are used.

The affected frequencies and transmitter locations are as follows:

150.9200 MHz.	state-wide mobiles (including repeater inputs) and temporary bases Madison Co. near Jackson, Maury Co. at Theta, and Bledsoe Co. near Pikeville
150.9350	(*same as above*)
157.4700	Marshall Co. near Lewisburg, Perry Co. near Lobelville, and Maury Co. at Theta
157.4850	Northern Maury Co. at Theta

157.5000	Green Top Mtn. in Sevier Co. near Pigeon Forge and Knox Co. at Knoxville
159.4950	Short Mtn. in Cannon Co. near Woodbury and Bledsoe Co. near Pikeville
159.5850	Polk Co. near Benton and Bledsoe Co. near Pikeville
159.6750	Franklin Co. near Sewanee and Bledsoe Co. near Pikeville
159.8100	English Mtn. in Cocke Co. near Newport and Knox. Co. at Knoxville
159.9000	Montgomery Co. at Clarksville and Maury Co. at Theta
159.9450	Hinch Mtn. in Cumberland Co. near Crossville and Bledsoe Co. near Pikeville
159.9600	Signal Mtn. in Sequatchie Co. near Dunlap and Bledsoe Co. near Pikeville
159.9750	Hawkins Co. near Mooresburg and Knox. Co. at Knoxville
159.9900	Frozen Head Mtn. in Morgan Co. near Wartburg, Knox. Co. at Knoxville, Rutherford Co. near Murfreesboro, and Maury Co. at Theta
160.4250	Hardin County near Savannah and Madison Co. near Jackson

In good faith, we respectfully request your cooperation and that of all frequency coordinators in order to avoid interference to the Tennessee Dept. of Transportation's system as well as to the systems of all future co-channel licensees in and near our state.

If you would like to contact me about this or any related matter, I can be reached at 615-741-2277, 8:00 AM to 4:00 PM Central Time, Monday through Friday. Thank you for your assistance and consideration.

Sincerely

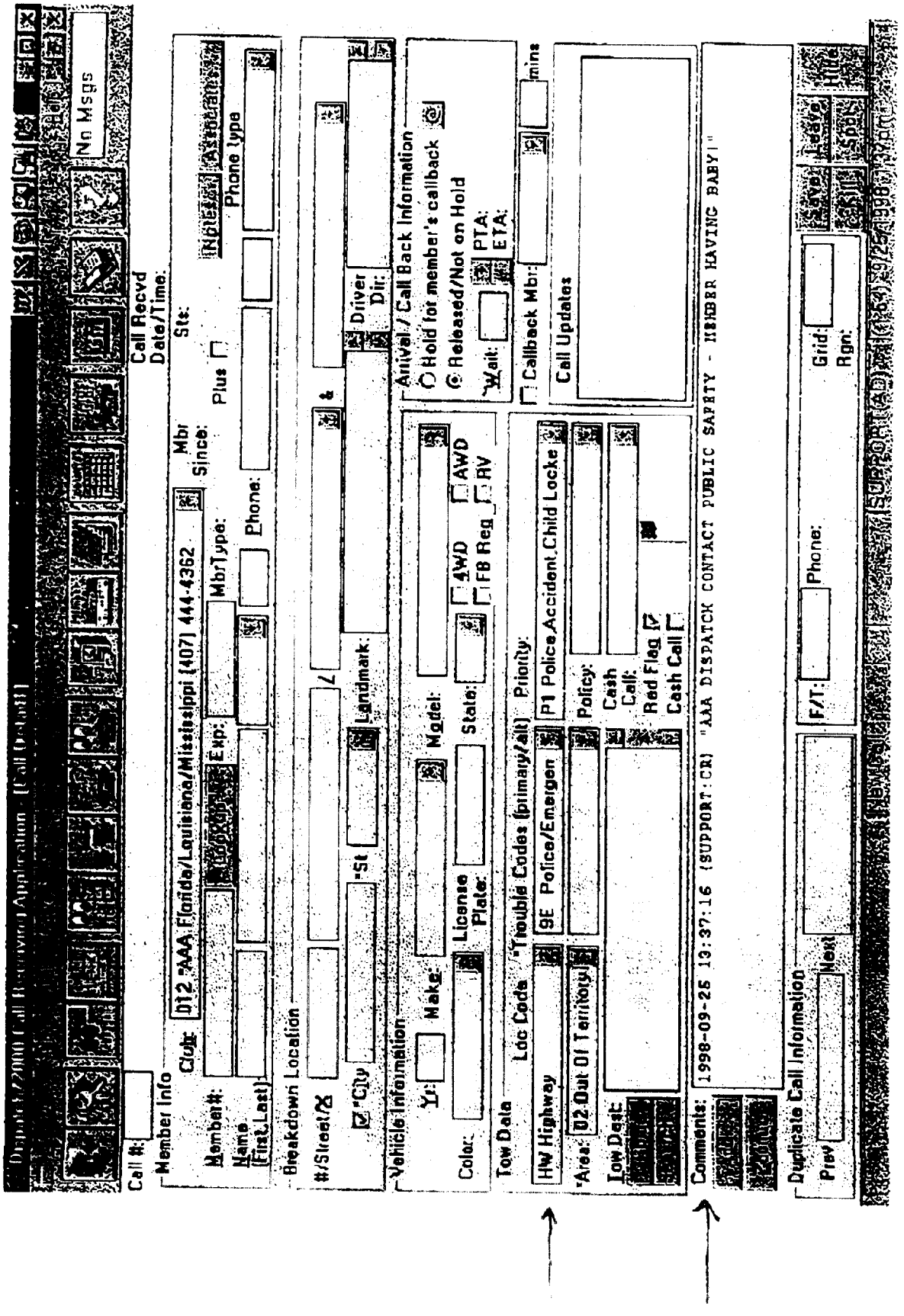
Michael A. Carroll, Sr.

Michael A. Carroll, Sr.
Radio Systems Analyst

copies: John Johnson, APCO
Larry Miller, AASHTO
Tom Hayes, TDOT Central Svcs. Div.

Attachment

Example of D/2000 dispatching screens for public safety responses:



Attachment

Example of D/2000 dispatching screens for public safety responses:

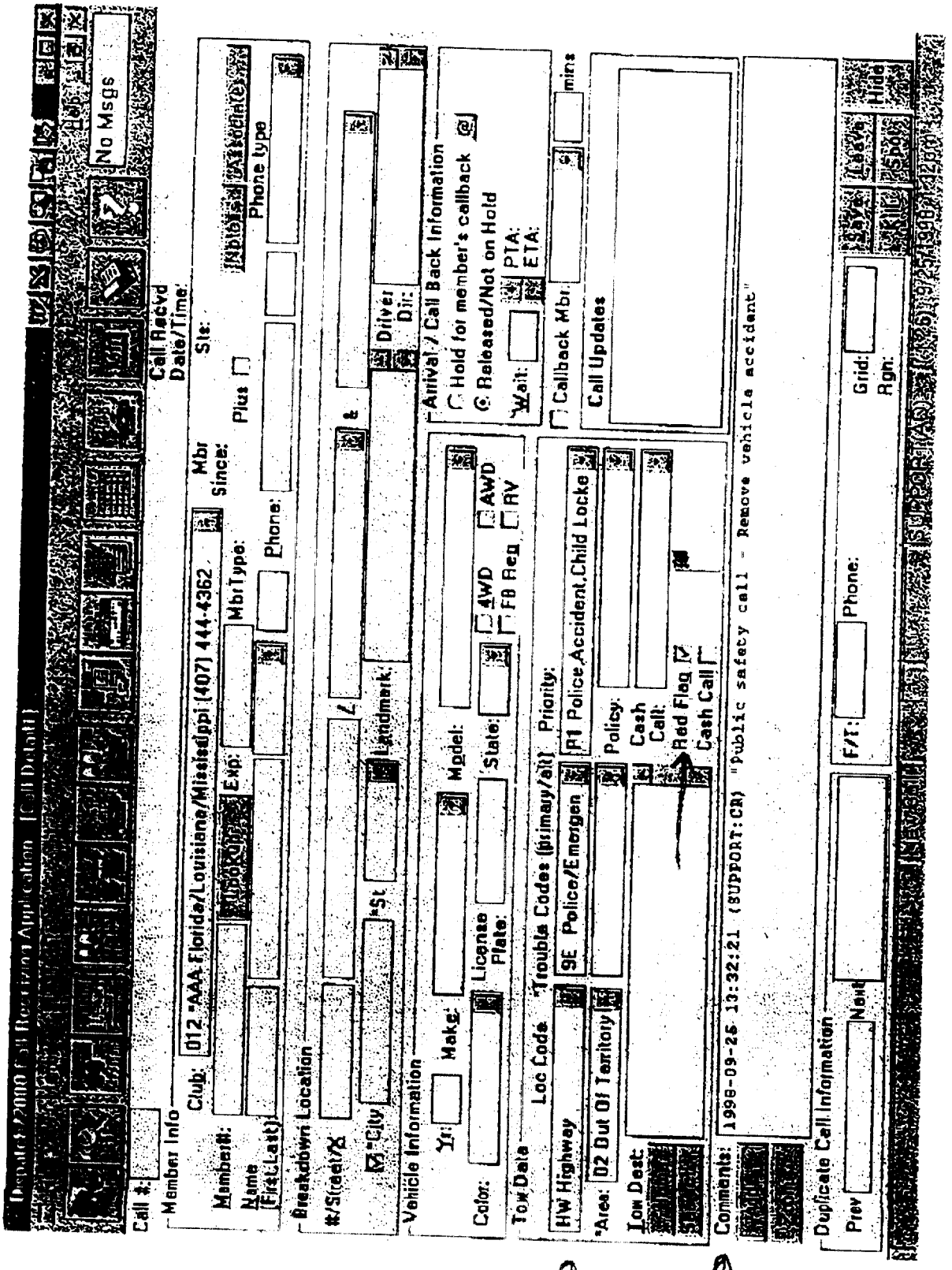


Exhibit C

As set forth below, despite the current requirement that frequency coordinators obtain a concurrence from AAA before assigning AERS channels, there have been at least five instances when a license applicant obtained and submitted an associated coordination that did not contain the necessary AAA concurrence, and therefore raised the potential to cause harmful interference to the communications of AAA clubs.

1. On May 23, 2000, counsel for AAA Texas, Inc. ("AAA TX") filed a request to set aside the license issued to Delta Communications & Electronics ("Delta") under call sign WPPE967 for failure to obtain prior concurrence from AAA TX as the adjacent channel licensee, as required under Section 90.187(b)(2) of the FCC regulations. Delta also failed to obtain concurrence from AAA as the exclusive frequency coordinator on frequencies adjacent to the auto club channels, as required by Rule Section 90.175. Delta decided to cancel its license as a result, and the Commission dismissed the protest as moot by letter dated September 14, 2001.

2. On October 16, 2000, counsel for the California State Automobile Association ("CSAA") filed a request to set aside the license issued to Milton Bell under call sign WPPW597, because Bell failed to obtain the concurrence of AAA as the exclusive coordinator of the requested frequencies. The request highlighted CSAA's concern that interference would result if Bell were to operate, given the unusual propagation of signals from a mountaintop site. These concerns could have been addressed prior to Commission action if coordinated through AAA. Mr. Bell modified his license to delete these frequencies and the Commission granted the modification application on January 25, 2001. CSAA withdrew its protest by letter dated March 9, 2001.

3. On May 16, 2000, counsel for CSAA filed a request to dismiss a pending application (File No. A046333) filed by Eden Communications, Inc. ("Eden") on auto club frequencies. CSAA demonstrated that Eden had failed to obtain prior concurrence from CSAA as an adjacent channel licensee. Eden also failed to obtain concurrence from AAA as the exclusive auto club channel coordinator. It appears from a search of the ULS database that Eden either withdrew its application, or it was dismissed without a formal order.

4. On May 5, 2000, counsel for CSAA filed a request to dismiss a pending application (File No. D123496) filed by Spectrum Wireless, Inc. ("Spectrum") on auto club frequencies. Spectrum failed to obtain prior concurrence from CSAA and failed to obtain concurrence from AAA to operate on the auto club frequencies adjacent to CSAA's operations. The Commission's ULS database indicates that, on February 11, 2001, the FCC dismissed the application for failure to provide required consent letters from affected licensees and requested engineering showings.

5. On May 23, 2000, counsel for the Automobile Club of Southern California ("ACSC") filed a request to set aside the license issued to Metro Wireless Communications ("Metro") under call sign WPOZ617 for failure to obtain consent from ACSC to operate on the adjacent auto club frequency. Metro also failed to obtain concurrence of AAA as the exclusive coordinator of the requested frequency. The Commission initially dismissed ACSC's filing. However, in response to a Petition for Reconsideration, the Commission returned the ACSC request to pending status for review by the Licensing and Technical Branch. Order on Reconsideration, DA 01-298, released February 6, 2001. This matter remains pending.

Exhibit D

United States Senate

WASHINGTON, DC 20510-2603

August 18, 1998

The Honorable William E. Kennard
Chairman
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Dear Chairman Kennard:

We are writing to strongly urge the Commission to approve the petition for reconsideration filed by the American Automobile Association (AAA) requesting "quasi-public safety" status for the frequencies it uses to dispatch emergency road service. As you know, improving highway safety has been a key priority of this Congress, and we hope the Commission shares our concern for the millions of Americans motorists using our nation's highways every day.

As we stated in our letter of February 17, 1998 emergency road services, such as those offered by AAA, play a very important public safety role. Almost one-third of the calls AAA responds to - more than 80,000 per day - involve an immediate threat to life or property. It is critical that AAA have the ability to respond quickly to such calls. AAA's important public safety role was recognized by Congress in the Balanced Budget Act of 1997, in which emergency road services were exempted from spectrum auctions. We were also pleased to learn that Ricardo Martinez, Administrator of the National Highway Traffic Safety Administration, and Joseph Osterman, Director of the Office of Highway Safety of the National Transportation Safety Board, have written to the Commission describing AAA's role in improving and facilitating safety on the nation's roadways. We urge the Commission to take their comments into strong consideration when reviewing AAA's petition.

We are very concerned that AAA, and other non-public entities which provide emergency road services, will not have that ability to provide the level of service that is expected by the public and state and local safety agencies without interference-free access to radio spectrum. Indeed, AAA has already begun to face interference problems under the FCC's new rules. Given the vital role these providers play during highway and weather emergencies and natural disasters, these entities must be allowed adequate coordination and protection of their radio communications. In particular, the Commission should avoid limited, ineffectual remedial measures that do not fully solve AAA's interference problems or that impose new burdens on emergency road service providers.

While we acknowledge and support the Commission's policy goals in creating an industrial/Business pool, consolidating more than 5,000 private radio frequencies, it is important to note that AAA, and other emergency road service providers, use only 43 of these frequencies -

less than one percent of the available channels. Therefore, providing additional protection to auto emergency road service frequencies would protect millions of American motorists who rely on emergency road service every day, without affecting the commission's policy goals in this proceeding.

In sum, we strongly urge the Commission to provide quasi-public safety status to emergency road services, such as AAA, just as it has done for railroads, petroleum and power companies. We believe that utilizing the FCC's rulemaking procedures would be preferable to a legislative solution for resolving this relatively simple but important problem.

Sincerely,

U.S. Department
of Transportation

National Highway
Traffic Safety
Administration

Administrator

400 Seventh Street, S.W.
Washington, D.C. 20590

June 17, 1998

The Honorable William Kennard, Chairman
Federal Communications Commission
1919 M Street, N.W.
Washington, DC 20554

Dear Mr. Chairman:

I am writing to clarify what may be a lack of understanding of the American Automobile Association's (AAA) work in the public safety area. It is my understanding that the Federal Communications Commission has pending a petition for reconsideration filed by AAA requesting "quasi-public safety" status for the frequencies it uses to dispatch emergency road service.

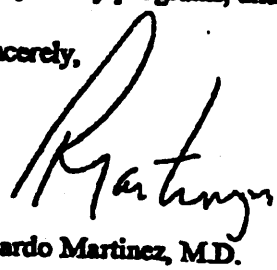
The National Highway Traffic Safety Administration (NHTSA) has worked closely with AAA for many years to improve highway and traffic safety. AAA has been a valued partner of NHTSA in such efforts as providing information to the public about the installation of airbag on/off switches; educating the public - especially parents and children - about seating young people in the back seats of vehicles; campaigning for seat belt laws and child safety restraints; programs to enhance pedestrian and bicycle safety; and educating the public about the dangers of drinking and driving. AAA clubs throughout the nation work closely with public safety officials such as police and state patrols on community safety programs.

Recently, AAA launched a nationwide campaign *Licensed to Learn: A Safety Program for New Drivers*, which focuses attention on the high rate of crashes and fatalities among novice, teenage drivers. NHTSA was pleased to join AAA in launching this campaign, and NHTSA is committed to working with AAA to enact graduated driver licensing laws in all 50 states by the year 2000. As part of that campaign, AAA also released a program called *Teaching Your Teens To Drive: A Partnership for Survival* which provides guidance to parents increasing the time their teenagers spend behind the wheel.

AAA's commitment to traffic safety carries over into its provision of emergency road service. AAA clubs work closely with many local public safety officials to quickly and efficiently clear streets and highways of crashed vehicles and debris, so that other drivers can move through the crash scene safely. AAA has used its dispatch systems and emergency road service operators to assist local safety officials during natural disasters by clearing debris from roadways, ferrying doctors and nurses to hospitals, and rescuing stranded motorists in blizzards and floods.

In short, NHTSA can confirm that AAA is an organization dedicated to improving and facilitating safety on the nation's roadways. It has been our pleasure to work with AAA on many safety programs, and we continue to look for other such opportunities.

Sincerely,



Ricardo Martinez, M.D.

National Transportation
Safety Board

June 4, 1998

Honorable William Kennard
Chairman
Federal Communications Commission
1919 M Street NW
Washington, DC 20554

Dear Chairman Kennard:

The American Automobile Association (AAA) has asked the National Transportation Safety Board to briefly review for you our associated highway safety activities.

The AAA and the Safety Board have worked together on a number of highway safety issues. More recently, we have coordinated efforts to promote the enactment of graduated license for youthful drivers within each State, primary enforcement laws for seat belt usage, occupant protection for children, and zero blood alcohol content (BAC) laws for persons under age 21. In the past we have worked together on administrative license revocation, limited visibility, driver fatigue, and grade crossing safety issues.

Our combined efforts in promoting these important safety issues have made a difference. Graduated license systems for youthful drivers have been enacted in eight states, and partially in 14 other Sates. Zero tolerance BAC has been incorporated in 49 States. Also, seat belt usage has increased to 68 percent nationwide and primary use laws have been enacted in 14 States and the District of Columbia.

The Safety Board believes that its relationship with the AAA has been an excellent partnership in promoting national highway safety issues, and that this strong partnership will continue to permit us to accomplish the most important of safety goals in the future.

Sincerely

Joseph Osterman
Director
Office of Highway Safety

NATIONAL ASSOCIATION OF GOVERNORS' HIGHWAY SAFETY REPRESENTATIVES

NAGHSR

May 20, 1998

The Honorable William Kennard
Chairman
Federal Communications Commission
1919 M St., NW
Washington, DC 20554

Dear Mr. Chairman:

On behalf of the National Association of Governors' Highway Safety Representatives (NAGHSR), I am writing to comment on the significant work AAA performs in the area of highway and traffic safety.

NAGHSR has worked closely with AAA on many state and federal initiatives designed to improve the safety of motorists driving the nation's streets and highways. Among other things, we have worked together for the enactment of impaired driving legislation and on campaigns to educate the public about the need for properly restraining children in automobiles. AAA's work with communities and local safety officials to improve community safety is widely recognized and appreciated.

AAA's commitment to highway and traffic safety makes the organization a valuable partner for NAGHSR. AAA effectively provides the public with accurate and reliable safety information and services, and its status as a non-profit organization enhances the credibility of its materials.

NAGHSR has had the pleasure of working with AAA on many safety initiatives and look forward to opportunities to advance our common safety goals.

Sincerely,

Laura Ludwig, Deputy Director
Ohio Office of the Governor's Highway Safety Representative
and NAGHSR Chair

cc: FCC Commissioners
Legal Advisors to Commissioners

750 FIRST STREET, NE SUITE 720 WASHINGTON, DC 20002 PHONE 202.789.0942 FAX 202.789.0946 WEB WWW.NAGHSR.ORG