

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Biennial Regulatory Review – Amendment of)	WT Docket No. 03-264
Parts 1, 22, 24, 27, and 90 to Streamline and)	
Harmonize Various Rules Affecting Wireless)	
Radio Services)	

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

The American Mobile Telecommunications Association, Inc. (“AMTA” or “Association”) respectfully submits its reply comments on the Federal Communications Commission (“FCC” or “Commission”) proposal to streamline and harmonize rules affecting wireless services.¹ The record in this proceeding confirms that the rule modifications and deletions proposed by the Commission should be adopted and implemented promptly.

There was a virtual unanimity about the proposed changes among the commenting parties. AMTA and most others concurred that the rule changes recommended in the *Notice* were appropriate, including the proposal to classify frequency and/or transmitter site deletions as minor modifications under Part 1 of the FCC Rules and thereby eliminate the requirement for frequency coordination.² The Association believes that modifying that requirement will relieve licensees of an unnecessary burden without in any way compromising the important spectrum management function performed in the coordination process.

¹ WT Docket No. 03-264, *Notice of Proposed Rulemaking*, FCC 03-334 (rel. Jan. 7, 2004) (“NPR” or “Notice”).

² See, e.g., Comments of American Automobile Association (AAA), American Petroleum Institute (API), National Association of Manufacturers and MRFAC, Inc. (NAM/MRFAC), and PCIA – The Wireless Infrastructure Association (PCIA). AMTA had recommended this change in its earlier reply comments in the 2002 biennial review proceeding and still endorses it. See AMTA Reply Comments filed in WT Docket No. 02-310 on Nov. 4, 2002 at pp. 7-8.

However, the Commission's other proposal related to frequency coordination was not supported by all parties. AMTA, NAM/MRFAC, and Nextel Communications, Inc. agreed that the coordination requirement should be eliminated for licensees on exclusive General Category channels in the 800 MHz band that seek to modify their authorizations without expanding the contour of their existing stations. PCIA, on the other hand, opposed that recommendation. It noted that the issue may become moot by virtue of the Commission's decision in the "800 MHz rebanding" proceeding in which many parties have recommended that most of the General Category spectrum be reallocated exclusively for public safety use.³ But irrespective of the outcome of that proceeding, PCIA opposed the recommendation for two reasons. First, it suggested that eliminating the coordination requirement might exacerbate the 800 MHz interference problem and make even more difficult the process of identifying the offending transmitter(s). Second, PCIA cautioned that licensees commonly are mistaken about whether their proposed modifications will expand their interference contours and explained that frequency advisory committees are positioned to catch such errors. Indeed, PCIA not only urged the FCC not to adopt the proposed amendment, but also to require more information from 800 MHz EA licensees about the location and technical parameters of their facilities.

Although AMTA does not disagree with certain of the concerns expressed by PCIA, it does not understand why PCIA believes retention of the existing coordination requirement is a remedy or, conversely, why eliminating the requirement would have an adverse impact. Of course the entire industry and the FCC are well aware of the ongoing 800 MHz interference problem and would oppose any action that would worsen that situation. But PCIA has provided no basis for its apparent assumption that relocation even within an existing interference contour

³ WT Docket No. 02-55, *Notice of Proposed Rule Making*, FCC 02-81 (rel. March 15, 2002). However, since not all channels currently classified as General Category have been targeted for reallocation to public safety, the issue will

will have that effect. Moreover, the FCC has proposed to eliminate only the frequency coordination requirement for General Category modifications, not the licensing requirement. General Category licensees that relocate within their existing interference contour still will be required to submit an application to the FCC.⁴ Unlike EA and cellular licenses that require no transmitter-specific license data, General Category licenses will continue to be authorized on a frequency-specific and site-specific basis. Whether operating from their original or modified transmitter location, they will not present an EA or cellular-like identification problem as their licenses will continue to be reflected in the ULS database.⁵

AMTA also disagrees that prior coordination is needed to prevent relocations that erroneously expand the licensee's existing contour. The Association disagrees that such errors are "not uncommon." It is not persuaded that the cost of requiring **all** General Category licensees to secure frequency coordination is justified because some *de minimis* number of applications may rely on erroneous contour calculations. The FCC is fully capable of reviewing those filings and identifying such errors as it does in numerous other services. The cost of retaining the coordination process for such instances must be weighed against the overall coordination cost to the industry, particularly the licensees whose contour calculations are accurate.

remain relevant for licensees authorized on frequencies between 854.0125 – 854.7375 MHz.

⁴ The *Notice* does not propose that non-EA General Category licensees be permitted to submit notification applications within 30 days of modifying their facilities as is allowed for geographic licensees in the band. *See* 47 C.F.R. § 90.693. The modification application under consideration in this proceeding would require prior FCC approval, thereby allowing ample time for a potentially affected entity to raise whatever interference concerns it might have.

⁵ AMTA does not disagree that it would be useful for EA and cellular licensees to provide the FCC with the type of frequency and transmitter location detail suggested by PCIA until the 800 MHz rebanding proceeding has been implemented fully. However, incorporating the extraordinarily voluminous amount of data associated with existing 800 MHz EA and cellular sites, plus those deployed in the future, in ULS or some other database may be beyond the FCC's current capabilities.

For the reasons described herein, AMTA recommends that the FCC eliminate the frequency coordination requirement for the modification of an exclusive General Category license that does not expand the station's existing interference contour.

Respectfully submitted,

**AMERICAN MOBILE TELECOMMUNICATIONS
ASSOCIATION, INC.**

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May 24, 2004