

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

<b>In the Matter of</b>	)	
	)	
<b>Petition for Rulemaking to Amend Rule Section 22.902(b) to Extend Analog Sunset Date</b>	)	<b>RM No. 11355</b>
	)	
<b>Sunset of the Requirement that Cellular Systems Maintain Analog Transmission Capacity Through February 18, 2008, Rule Section 22.901(b)</b>	)	<b>WT Docket No. 01-108</b>
	)	

**To: The Commission**

**REPLY COMMENTS OF AT&T MOBILITY LLC**

AT&T Mobility LLC, f/k/a Cingular Wireless LLC (Cingular), through undersigned counsel, hereby offers reply comments opposing the Petition for Rulemaking (Petition) filed by the Alarm Industry Communications Committee (AICC) and ADT Security Services Inc. (ADT). The Petition seeks to amend Section 22.902(b) of the Commission's rules to extend the requirement that cellular carriers continue to provide analog service for an additional two years until February 18, 2010. As shown below, the AICC/ADT Petition fails to justify imposing the analog requirement on cellular carriers for an additional two years.

Of the parties filing comments, only petitioner AICC supports the Petition. Wireless carriers and a telematics provider unanimously oppose the Petition.<sup>1</sup>

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<sup>1</sup> Comments opposing the Petition were filed by Cingular; ALLTEL Corporation, Dobson Communications Corporation and Verizon Wireless (Licensees); United States Cellular Corporation (USCC); The ATX Group (ATX); ACS Wireless Inc. (ACSW); Rural Carriers; and CTIA-The Wireless Association (CTIA). Space Data Corporation filed comments proposing a rule change other than that requested in the Petition, and therefore are not responsive to the Public Notice, DA 06-2559, released November 20, 2006.

The Licensees point out that the analog compatibility rule does not apply to fixed devices such as alarm radios. Section 22.901(b) of the Rules specifically references two-way mobile radiotelephones.<sup>2</sup> The Commission made it clear that the sunset rule only applied to two-way mobile radiotelephones. In the *Analog Sunset Order* the Commission expressly held that the analog compatibility rule did not apply to highway call boxes which utilize analog cellular because the call boxes are fixed, not mobile.<sup>3</sup> The Commission also found the use of analog cellular networks by telematics providers to be an insufficient justification for retaining the analog service requirement.<sup>4</sup> The Licensees also refute the claim that digital devices capable of alarm radio communications are only recently available. The Licensees point to a number of digital devices that are readily available for alarm industry applications. They cite to a 2002 Numerex Annual Report that lists digital devices suitable for alarm applications.<sup>5</sup> There are also wireline alternatives available. The Licensees conclude that:

The fact that using resold analog cellular minutes may be less expensive than the wireline alternatives does not justify forcing cellular carriers to underwrite the cost of operating analog networks for the benefit of Petitioners.<sup>6</sup>

The Licensees also refute the claim by AICC that the alarm industry only recently became aware of the analog sunset. They point out that as early as 2001 an alarm industry spokesman recognized that analog might go away and the need for a digital replacement.<sup>7</sup>

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<sup>2</sup> Licensees Comments at 9.

<sup>3</sup> Licensees Comments at 10.

<sup>4</sup> Licensees Comments at 10-11.

<sup>5</sup> Licensees Comments at 12-13.

<sup>6</sup> Licensees Comments at 13-14.

<sup>7</sup> Licensees Comments at 15.

The Licensees note that the Commission has previously recognized that the continued operation of analog cellular networks imposes both out-of-pocket costs and opportunity costs on wireless carriers.<sup>8</sup> By contrast, alarm monitoring provides very little revenue to the wireless carriers. The Licensees find it not surprising that the alarm industry made no attempt at providing an economic justification for extending the analog sunset.<sup>9</sup>

USCC notes that digital technology is far more efficient than analog, allowing for large capacity gains using the same amount of spectrum. Digital communications are impervious to “scanner” eavesdropping, and are thus far more secure than old fashioned analog radio communications. With regard to handset based solutions, E-911 location finding capability is only possible with digital formats.<sup>10</sup> The cellular industry and manufacturers have addressed the digital handset problem for hearing aid compatibility and now make handsets available to hearing impaired customers in accordance with Section 20.18 of the FCC’s rules.<sup>11</sup>

USCC notes that the cost to the wireless industry of a two-year delay in the analog sunset would run into the hundreds of millions of dollars, owing to having to maintain obsolete analog service. There will also be less quantifiable costs in network inefficiency from underutilized spectrum, consequent channel congestion, need for cell splitting, base station construction, etc.<sup>12</sup> USCC notes that it costs many millions of dollars per year to provide analog service throughout its network. Thus, the direct cost to USCC would be considerable and would require funds that would be much better spent

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<sup>8</sup> Licensees Comments at 18.

<sup>9</sup> Licensees Comments at 19.

<sup>10</sup> USCC Comments at 1.

<sup>11</sup> USCC Comments at 2.

<sup>12</sup> USCC Comments at 4.

upgrading its network for the future.<sup>13</sup> USCC notes that the cellular industry has fulfilled the handset and other requirements placed on it in 2002 with respect to digital service. It would be unfair and contrary to the public interest for the FCC to require an additional two years of analog service by all cellular carriers.<sup>14</sup>

ATX, the second largest manufacturer of telematics devices, also opposes the Petition. ATX technology supports the two-way communication of voice and data between its subscribers' automobiles and the ATX response centers. In reliance on the Commission's 2002 analog sunset order, ATX has devoted significant investment and effort to transition to a digital format. ATX's actions were in reliance on the Commission's decision and will meet the timeframe set by the Commission's rules to sunset carriers' obligations to provide AMPS service.<sup>15</sup> ATX pursued these actions relying on the Commission's rules: that the Commission meant what it said when it established the February 19, 2008 sunset date. In the context of the proposal to extend the sunset to 2010, it would be difficult if not impossible for ATX to brake the present transition path. Systems and expectations are geared to a February 19, 2008 sunset.<sup>16</sup>

ACSW also opposes the Petition. ACSW conducted research which shows that few alarm customers need analog cellular service and that alternatives such as satellite are available. Under these circumstances, alarm companies should be able to transition their customers to digital by the sunset date.<sup>17</sup> ACSW notes that AlarmNet, a Honeywell subsidiary, is offering an alternative to using analog radios as backup. AlarmNet utilizes digital GSM networks. It combines GPRS and SMS services to provide digital alarm

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<sup>13</sup> USCC Comments at 5.

<sup>14</sup> USCC Comments at 6.

<sup>15</sup> ATX Comments at 2-3.

<sup>16</sup> ATX Comments at 5.

<sup>17</sup> ACSW Comments at 4.

backup as well as additional safety features. ACSW states that a Honeywell sales representative confirmed that the alarms are available within three to four days of ordering. It suggests that security companies having difficulty upgrading their analog customers to digital work with AlarmNet to maintain service during the transition.<sup>18</sup>

In addition to being unnecessary, ACSW cites the substantial cost and difficulty of maintaining its analog network. ACSW states that it spends approximately \$3,900 annually in operations cost per analog customer just to keep the analog equipment running. If the FCC extends the sunset, cellular carriers will have to cover the substantial cost of providing analog service almost solely for the alarm industry.<sup>19</sup> ACSW notes that if the Commission extends the sunset it will delay customers' transition to digital networks that offer more efficient and adaptable communications systems for overall security needs, including E-911 and CALEA capabilities.<sup>20</sup>

The Rural Carriers state that they have been migrating their analog customers to digital services. The cost of continuing to operate the analog networks is significant and cannot be recovered through the minimal revenues generated by their few remaining analog customers.<sup>21</sup> The Rural Carriers state:

[Rural] consumers are denied the full benefits of competition when their carriers are forced to allocate scarce spectral resources for inefficient technologies for which there is little or no customer demand.<sup>22</sup>

The Rural Carriers liken an extension of the sunset date to an unfunded government mandate,<sup>23</sup>

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<sup>18</sup> ACSW Comments at 5.

<sup>19</sup> ACSW Comments at 7.

<sup>20</sup> ACSW Comments at 8.

<sup>21</sup> Rural Carriers Comments at 2.

<sup>22</sup> Rural Carriers Comments at 3-4.

<sup>23</sup> Rural Carriers Comments at 4.

CTIA notes that the spectrum capacity now devoted to analog has for years been built into the business planning of mobile carriers based on the analog sunset date. It criticizes the alarm companies for continuing to install analog radios knowing full well that the sunset was approaching. CTIA states that the alarm industry's reliance on analog radios is not necessary. It cites to Part 90 spectrum, Part 101 multiple address system spectrum and a variety of wireline solutions available to the alarm industry.<sup>24</sup> CTIA asserts:

[T]he FCC should not harm the public interest by delaying carriers' ability to utilize spectrum more efficiently simply because the alarm industry made a business decision to utilize analog technology rather than other viable alternatives.<sup>25</sup>

AICC is the only commenting party supporting the Petition. However, AICC's comments in response to the Public Notice do not begin to justify a rulemaking to extend the analog sunset. AICC states that of the estimated one million analog radios installed in alarm systems, in only about 15 percent of the cases is the analog radio the primary link to the central station. AICC makes no claim that the alarm industry cannot make these primary link customers a priority and convert these customers to digital before the sunset date. AICC acknowledges that for the 85 percent of alarm customers using analog radios as a back-up channel, the sunset will not result in these customers losing alarm service. The most it can claim is that the analog sunset will "diminish" the security of the affected customers if they are not converted to digital before the sunset date.<sup>26</sup>

AICC estimates that there are approximately 1,212 government/critical infrastructure facilities that utilize analog radio as the primary alarm communications

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<sup>24</sup> CTIA Comments at 4-5.

<sup>25</sup> CTIA Comments at 6.

<sup>26</sup> AICC Comments at 3.

path.<sup>27</sup> AICC makes no claim that the alarm industry is incapable of converting these facilities to digital prior to the sunset date.

AICC estimates that fewer than 8,000 customers are currently being monitored for medical emergencies using analog cellular radios as the primary alarm communication path.<sup>28</sup> Again, AICC makes no claim that the alarm industry is incapable of converting these customers to digital prior to the sunset.

AICC claims that there are fewer than 15,000 customers nationwide that are being protected by “panic button” personal safety devices using analog radios as the primary link to the central station.<sup>29</sup> Again, there is no claim by AICC that these customers cannot be converted to digital prior to the sunset.

AICC raises the specter of businesses being shut down because customers will no longer be able to meet insurance requirements for a second path to the central station. AICC also cites the expectations of alarm company customers who have purchased their analog radios in recent years that there is still significant service life in the analog radios.<sup>30</sup> What AICC refuses to acknowledge is that if any business is shut down due to lack of insurance, it is the alarm company that caused the shut down. Apparently the alarm companies have made the business decision to serve new customers first with the available digital radios, rather than making those radios available to their existing analog customers. If alarm companies chose to sell analog-only radios to their customers after the Commission adopted the analog sunset, then it is the alarm companies fault if the customer’s expectation regarding the service life of that equipment is not met. The

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<sup>27</sup> AICC Comments at 8.

<sup>28</sup> AICC Comments at 9.

<sup>29</sup> AICC Comments at 10.

<sup>30</sup> AICC Comments at 14.

Commission cannot condone the alarm industry's request to shift the burden of their own questionable business decisions to the wireless industry and its customers.

The Petition ignores the many factors that mitigate against extending the analog sunset date. The lack of availability of analog network equipment, the enormous cost of continuing to operate an obsolete technology, the spectrum inefficiency of analog technology, the wireless carriers' need for the analog spectrum to roll out advanced services, the reliance of the wireless carriers on the sunset date in their business planning, the lack of E-911 for carriers employing handset based solutions and CALEA capabilities on analog networks, the wireless industry's extensive efforts to make hearing aid compatible and emergency-only digital handsets available are just a few of the factors favoring the analog sunset that the Petition ignores. The Petition for rulemaking to extend the analog sunset must be denied.

Respectfully submitted,

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