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Via Electronic Filing

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

Re: *Ex Parte Communication*
900 MHz Private Land Mobile Radio
WT Docket No. 05-62

To the Secretary:

The purpose of this filing is to respond to the statements of Sprint Nextel Corporation ("Sprint") made during a meeting with officials of the FCC's Wireless Telecommunications Bureau ("WTB") and described in its *ex parte* notice filed May 4, 2007.¹ The Utilities Telecom Council, American Petroleum Institute, National Association of Manufacturers and MRFAC, Inc. and United Parcel Service (collectively, "CII Parties") disagree with statements made by Sprint and take this opportunity to clarify the record concerning issues in the above-referenced docket. The CII Parties note that the Enterprise Wireless Alliance ("EWA") already has filed a letter in response to the Sprint *ex parte*;² the CII Parties support fully the statements made in that letter. In addition, the group feels it must address statements made by Sprint concerning proposed interference criteria for the 900 MHz private land mobile frequency band submitted recently by these parties. For the reasons outlined below, the CII Parties urge the Commission to adopt the interference criteria as proposed.³

Interference is Technology-Based

The CII Parties respectfully remind the Commission that interference does not know user type; it is caused or prevented purely on the basis of technologies in use. Therefore, Sprint's statement concerning the lack of public safety operations in the 900 MHz frequency band is not relevant. Moreover, it is inaccurate: while there are no designated public safety *frequencies* in

¹ Letter from James Goldstein, Sprint Nextel Corporation, to Marlene Dortch, Secretary, FCC, WT Docket No. 05-62 (May 4, 2007). The letter was filed to provide notice of a meeting between Sprint Nextel and representatives of the WTB held on May 3, 2007.

² Letter from Mark Crosby, EWA, to Marlene Dortch, Secretary, FCC, WT Docket No. 05-62 (May 15, 2007).

³ The Association of American Railroads, while not a signatory to this letter, has been consulted on the statements herein and provides its support.

this band, the record has shown the presence of public safety operations on 900 MHz systems. Beyond that fact, there is a large number of critical 900 MHz radio systems in use by entities providing vital public services, including railroads, utilities, petroleum companies, as well as numerous manufacturers that have mutual aid agreements with local fire and emergency departments. These systems certainly deserve protection from harmful interference.

CII associations submitted the proposed interference criteria after extensive consultation with the two dominant equipment providers in the 900 MHz frequency band, Motorola and M/A Com. It was only after careful consideration of the technical specifications of equipment being provided now and expected in the future that the parties arrived at the threshold figures submitted to the Commission. Both manufacturers noted the similarities between much of the equipment in use in the 800 MHz band and that offered at 900 MHz; propagation characteristics of the two frequency bands also are nearly identical. Thus, the -101/-104 dBm signal strength threshold and 20 dB interference ratio of the 800 MHz band are appropriate here. Where equipment differs, such as in receiver performance capability, we have noted this and called for modified standards based directly on manufacturer recommendations. It is important to note that the primary difference between the two bands is the use of 12.5 kHz channelization for much of the 900 MHz equipment; as Motorola noted in its Reply Comments in this docket, this channelization makes the band *more* susceptible to harmful interference.⁴ Therefore, Sprint's statement that there are notable differences between the two bands is accurate only to the extent that strong interference protection standards are warranted, not lesser ones as it suggests.

Licensees Seek to Keep the 900 MHz Band Viable

Sprint cites the lack of current interference problems in the 900 MHz band as a reason for lesser protection. The CII Parties sincerely hope the FCC does not wait until we have a comparable problem to that in 800 MHz before adopting interference protection! These parties are gravely concerned that current rules permit the same interference-causing "compliance with the rules" that occurred at 800 MHz. We seek to keep the 900 MHz band viable as *all* licensees migrate to more advanced technology over coming years, by imposing reasonable standards on everyone in the band. Once again, it is incompatible technologies that can cause interference, regardless of what kind of licensee puts them into use. Petroleum companies and utilities are among the 900 MHz licensees already implementing Motorola's Harmony iDEN™ systems for their internal communications needs, technology similar to that used by Sprint. As use of these systems grows, high-site systems will gradually be replaced by denser, low-site systems, especially in urban areas. A major goal of incumbent Business and Industrial/Land Transportation licensees is to prevent the extreme difficulties caused by the 800 MHz rebanding process from occurring here. Appropriate interference protection standards must be put into place now, rather than later.

Also, the 900 MHz band is not interleaved to the extent that 800 MHz has been. Blocks of ten Business and/or Industrial/Land Transportation channels separate SMR allocations, and vice versa. The CII Parties appreciate that the 800 MHz standards were arrived at after significant work in that proceeding; given the similarities in equipment and propagation between the two

⁴ The proposed criteria, in fact, represent a compromise on the part of some licensees: parties earlier called for channel separation to help prevent interference, or a new emission mask. These parties agreed to lesser standards to 1) simplify interference protection rules; and 2) permit more efficient future use of the frequency band.

bands, it seems perfectly appropriate to make use of that work, and to adopt the same standards here that Sprint itself agreed to for the 800 MHz post-rebanding environment.

The 900 MHz Band is *Not* Dominated by “Campus” Systems

The CII Parties take serious issue with Sprint’s claim that 900 MHz networks are “much more likely to be campus” systems with little chance of interaction with the Sprint network. This is simply wrong. Among major users of the 900 MHz band are utilities, both publicly and investor-owned, and some quite large, that use the 900 MHz PLMR band for backbone voice, and increasingly, data services. Some of these cover large areas of states; as UTC has previously pointed out to the Commission, many are in Gulf Coast states such as Florida, Louisiana and Texas and have been instrumental in restoration and recovery efforts after the hurricanes of recent years. Railroad networks, while narrow, also cover vast lengths of the United States. “Internal use” does not necessarily equate to “small,” and with increasing use of this band due to the lack of available frequencies at 800 MHz, interference protection is extremely important here.

Sprint’s *ex parte* statements continually seek to show parallels between the future of this band, and the interim of the 800 MHz rebanding process. The two do not equate. Equipment and propagation here are very similar to that used at 800 MHz; the block separation of user groups shows much greater similarities to the post-rebanding environment than the temporary “blender” of the current 800 MHz band.⁵ CII associations have significant experience with both bands and are well aware of the relative environments. They submitted their proposed interference criteria only after careful consideration of many factors and much work with equipment manufacturers, and they stand by them.⁶

⁵ Indeed, the “white space” auction called for by Sprint would create a scenario much more like the current 800 MHz band: one with a huge potential for interference on a channel-by-channel basis due to the mix of licensees and equipment between incumbents and presumably, Sprint itself as primary auction winner, since no other commercial carrier has indicated an interest in this band.

⁶ The CII Parties concur with EWA concerning the proposed use of CTIA’s existing interference mitigation procedures, as recommended by Sprint, until such time as the FCC or CTIA should wish a different solution. At such time, coordinators have indicated their willingness to develop a similar system that would include all CMRS carriers. Thus, Sprint’s concerns in this area are unwarranted.

Railroads, utilities, petroleum, manufacturers and other incumbent industries must use the 900 MHz PLMR band for many years to come. Most of these parties represent industries designated as "critical infrastructure industries," those providing important public services to every American. Most also are certified frequency coordinators, with decades of experience in promoting responsible spectrum management. We must look to the future of this frequency band, to more efficient use and more advanced technology being implemented by all classes of licensees. We continue to urge the FCC to adopt the interference protection standards as proposed by these parties in this docket.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jill M. Lyon", with a long, sweeping horizontal stroke extending to the right.

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Cc: Roger Noel
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