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LAND MOBILE COMMUNICATIONS COUNCIL

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January 24, 2006

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Catherine Seidel, Acting Chief
Wireless Telecommunications Bureau
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

RECEIVED - FCC

JAN 24 2006

Federal Communication Commission
Bureau Office

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MAY 24 2007

Federal Communications Commission
Office of the Secretary

Re: Request for Clarification of Eligibility for the
1427-1432 MHz Band

Dear Chief Seidel:

07-100

By this letter, the Land Mobile Communications Council (LMCC) requests that the Wireless Telecommunications Bureau ("the Bureau") issue a public notice clarifying eligibility for the 1427-1432 MHz frequency band, currently shared by Part 90 telemetry operations and the Wireless Medical Telemetry Service (WMTS). LMCC members increasingly are concerned by WMTS coordinations permitting use of the entire frequency band. It is our belief, based on discussions with the Bureau and review of the FCC's Rules, that such use is not authorized; however, our informal attempts to resolve this situation have been unsuccessful.

LMCC's reading of the status of this frequency band is as follows:

- Pursuant to Section 90.259(b) of the FCC's Rules (47 C.F.R. § 90.259(b)), Part 90 telemetry operations are authorized on a primary basis in the 1429.5-1432 MHz band, except in seven geographic areas identified in Part 90.259(b)(4), where they are secondary. Part 90 telemetry operations are permitted on a secondary basis in the 1427-1429.5 MHz frequency band, again except for the same seven geographic regions, where they have primary status on these frequencies.
- Pursuant to Section 95.1101 *et seq.* of the Rules (47 C.F.R. § 95.1101), WMTS is authorized to operate on, among other frequency bands, 1427-1429.5 MHz. *There is no mention of secondary authority for WMTS to operate on the Part 90 portion of this frequency band in any geographic area.* This was confirmed verbally in LMCC members' discussions with various Bureau staff members.

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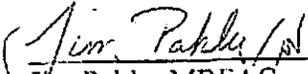
- In spite of the rules, at least one WMTS equipment manufacturer has been selling equipment to hospitals, with subsequent coordinations through the WMTS coordinator, to operate on the entire 1427-1432 MHz band. Efforts to halt these coordinations have failed; the coordinator instead appears to have stopped notifying Part 90 frequency coordinators of its activities.

LMCC assumes that most health care facilities buying WMTS equipment are substantially unaware of FCC Rules related to the service, and rely on the equipment manufacturer to ensure their compliance with relevant regulations. LMCC is increasingly concerned that, due to the low power used by WMTS equipment, authorized Part 90 telemetry operations eventually may interfere with unauthorized WMTS transmissions. LMCC members and Part 90 licensees have no wish to interfere with health care equipment or the potential safety of medical patients; however, this situation is not of our making. Part 90 telemetry operations also are of significant importance to the general public, in many cases supporting mission-critical functions of utilities and other critical infrastructure entities. These entities are entitled to operate on these frequencies.

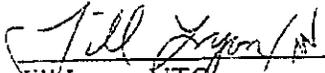
LMCC therefore requests respectfully that the Bureau issue a public notice clarifying eligibility for the 1427-1432 MHz band. As an alternative, LMCC requests that the Bureau issue a letter to the WMTS coordinator ordering it to stop processing requests from equipment manufacturers or health care providers that include operation on frequencies not authorized for WMTS use. Lastly, LMCC requests that the Bureau direct the WMTS coordinator to resume providing coordination notifications to the Part 90 frequency coordinators.

LMCC thanks you for your attention to this issue. We will be happy to discuss the matter further with you at your convenience.

Regards,



Jim Pakla, MRFAC
Co-President



Jill Lyon, UTC
Co-President