

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
Amendment of Part 90) WP Docket No. 07-100
of the Commission's Rules)

To: The Commission

**COMMENTS OF NATIONAL ASSOCIATION OF
MANUFACTURERS AND MRFAC, INC.**

The National Association of Manufacturers ("NAM") and MRFAC, Inc. ("MRFAC") (collectively, "NAM/MRFAC"), hereby submit their comments on certain aspects of the Notice of Proposed Rulemaking (the "Notice"), FCC 07-85, released May 14, 2007, in the above-captioned proceeding. These comments are limited to the proposals to eliminate frequency coordination for conversion of Private Land Mobile Radio ("PLMR") operations to Commercial Mobile Radio Service ("CMRS") operations, and to the treatment of expired licenses by coordinators.

INTRODUCTION

The NAM is the nation's largest industrial trade association, representing small and large manufacturers in every industrial sector and in all 50 states. The NAM's mission is to enhance the competitiveness of manufacturers by shaping a legislative and regulatory environment conducive to U.S. economic growth. Headquartered in Washington, D.C., the NAM has 10 additional offices across the country.

MRFAC is one of the Commission's certified frequency coordinators for the private land mobile bands from 30 to 900 MHz. MRFAC began its operations over 25 years ago as the

frequency coordinating arm for the NAM. For the past two decades, MRFAC has operated independently, providing coordination and licensing-related services for manufacturers and other industrial and business entities. MRFAC has long participated in spectrum rule makings affecting the interests of manufacturers.

DISCUSSION

The proposal to eliminate frequency coordination for conversion of PLMR operations to CMRS operations, and vice versa, is based on the notion that coordinators neither recommend changes in status, nor require specific notification of such changes since the information is contained in the Universal Licensing System (“ULS”). The Notice further suggests that eliminating coordination would be consistent with the agency’s efforts to reduce regulatory burdens (Notice at ¶ 3).

While NAM/MRFAC generally support reductions in regulatory burdens, NAM/MRFAC do not view this as an appropriate case for deregulation, but instead as contrary to fundamental spectrum management principles.

PLMR-CMRS conversion carries with it a significant increase in radio traffic, especially given the fact that CMRS operations are by definition interconnected with the public switched telephone network. Such traffic increases have significant implications for the radio environment in any given coverage area where the frequency in question is not exclusive-use. Where the frequency is shared, or has not qualified for exclusivity per Rule 90.621(d), for example, coordinators need to be able to take that information into account lest the conversion

severely impact other users. After-the-fact notification is no substitute for a modest amount of before-the-fact review. Elimination of coordination for PLMR-CMRS conversions would undermine the spectrum management capability of certified coordinators. It would also be inconsistent with the Commission's reliance on coordinators in carrying out its spectrum management responsibilities.

The Notice requests comment on other instances where coordination requirements might be altered (*id.* at 3). NAM/MRFAC take this opportunity to underscore that narrowbanding applications should remain subject to prior coordination. While a change to narrowband equipment seems innocuous enough, in NAM/MRFAC's experience changes like this are frequently accompanied by other modifications in licensed parameters. This is particularly likely to be the case with narrowbanding as radio dealers seek to upgrade their customers' equipment by adding new features or functions affecting system parameters. A blanket dispensation from coordination for all narrowbanding applications risks significant disruption to sound spectrum management, and could greatly complicate the transition to 12.5 kHz equipment. Moreover, any applicant which believes that its narrowbanding proposal should not be subject to frequency coordination, is always free to request a case-by-case waiver.

Finally, with respect to the coordination of expired licenses, the Commission has proposed to adopt the recommendation offered by the Land Mobile Communications Council ("LMCC") to the effect that frequencies associated with an expired license not be "coordinated" until the expired license has been deleted from ULS (Notice at ¶ 9). NAM/MRFAC are of the view that no rule change is required here; it would be sufficient if the Commission were to re-

confirm that applications, even if coordinated prior to deletion of the license from ULS, may not actually be filed until that deletion has occurred.¹

CONCLUSION

Accordingly, for the foregoing reasons, NAM/MRFAC urge the Commission not to dispense with coordination for PLMR/CRMS conversions, and to adopt the LMCC protocol for coordinations associated with expired license.

Respectfully submitted,

**NATIONAL ASSOCIATION OF
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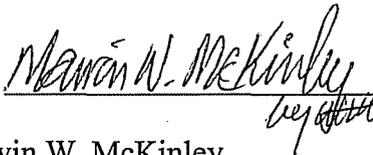
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August 13, 2007

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¹ The Notice suggests that even coordination prior to license deletion should not be allowed. *Id.* at para. 9. NAM/MRFAC believe that this change is unnecessary, and could present enforcement difficulties, unlike the bright-line test tied to application filing.