

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

|                                  |   |          |
|----------------------------------|---|----------|
| In the Matter of                 | ) |          |
|                                  | ) |          |
| Petition for Rulemaking to Amend | ) | RM-11527 |
| The Land Mobile-TV Sharing Rules | ) |          |
| On the 470-512 MHz Bands         | ) |          |

**REPLY COMMENTS OF THE  
LAND MOBILE COMMUNICATIONS ASSOCIATION**

The Land Mobile Communications Council (LMCC), pursuant to Section 1.415 of the Commission’s Rules, 47 C.F.R. § 1.1415, hereby respectfully submits its Reply Comments in the above-captioned proceeding.

**I. INTRODUCTION**

LMCC is a non-profit association of organizations representing virtually all users of land mobile radio systems, providers of land mobile services, and manufacturers of land mobile radio equipment. LMCC acts with the consensus, and on behalf, of the vast majority of public safety, business, industrial, transportation and private commercial radio users, as well as a diversity of land mobile service providers and equipment manufacturers. Membership includes the following organizations:

- American Association of State Highway and Transportation Officials (AASHTO)
- American Automobile Association (AAA)
- American Petroleum Institute (API)
- Association of American Railroads (AAR)
- Association of Fish and Wildlife Agencies (AFWA)
- Association of Public-Safety Communications Officials-International, Inc. (APCO)
- Aviation Spectrum Resources, Inc. (ASRI)

- Central Station Alarm Association (CSAA)
- Enterprise Wireless Alliance (EWA)
- Forest Industries Telecommunications (FIT)
- Forestry-Conservation Communications Association (FCCA)
- Intelligent Transportation Society of America, Inc. (ITSA)
- International Association of Fire Chiefs (IAFC)
- International Municipal Signal Association (IMSA)
- MRFAC, Inc. (MRFAC)
- National Association of State Foresters (NASF)
- PCIA – The Wireless Infrastructure Association (PCIA)
- Telecommunications Industry Association (TIA)
- Utilities Telecom Council (UTC)

## II. DISCUSSION

LMCC, as noted in our Comments filed to this proceeding, supports the NPSTC petition and its recommendations for rule changes in the 470-512 MHz band, including expansion of the licensing area from 50 miles to 80 miles around the 11 markets identified in this band where land mobile sharing is allowed for public safety and other land mobile users. We are pleased that other commenters also filed in support of the NPSTC proposal to allow greater flexibility in these markets for all land mobile users.<sup>1</sup> LMCC additionally recommended a minor modification to the NPSTC Petition to also make available the first 300 kHz of each available broadcast channel to all land mobile users, not only to public safety entities.

LMCC strongly opposes, however, the joint Comments of the Association for Maximum Service Television, Inc. (MSTV) and the National Association of Broadcasters (NAB) in which they argue that these proposed changes should be limited only to public safety users because “the much larger group of other land mobile licensees would create a greater risk of interference to the public’s television service”.<sup>2</sup> We respectfully question whether the MSTV and NAB have a

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<sup>1</sup> See Comments of the Telecommunications Industry Association, RM-11527, at page 3; Motorola, Inc., RM-11527, at page 3;

<sup>2</sup> See Comments of the Association for Maximum Service Television, Inc. (MSTV) and the National Association of Broadcasters (NAB), RM-11527, at page 2.

full appreciation for the types of land mobile systems being used by business enterprises since 1971 when the Commission first made this valuable spectrum available to all private land mobile users, and whether they recognize that these non-public safety licensees use similar, if not identical, land mobile systems under similar coordination procedures as public safety licensees operating in these markets.

Unlike in the neighboring 450-470 MHz land mobile band, the 470-512 MHz band allows exclusivity based on system loading, resulting in a single license being granted in one given area, regardless of whether that licensee is public safety or a business enterprise. This means that, regardless of the impression the MSTV and NAB are trying to create that somehow the expansion of the licensing service area by 30 miles will result in a large number of “taxicab operators, manufacturing and industrial concerns, and other commercial entities”<sup>3</sup> into this enhanced area, the reality is that it is more likely that the proposed rules changes will allow the current exclusive public safety, utility, or business enterprise licensee to expand its system coverage area as needed. Further, the high prevalence of exclusive channel assignment in these 11 markets means that both public safety and non-public safety licensees are mainly operating higher tiered trunking technology. As a result, neither type of licensee will cause a greater potential for interference to digital television incumbents. In fact, LMCC knows of no single instance of interference to broadcast television service by any land mobile licensee in the 470-512 MHz band over the last almost 40 years.

We note that business enterprise licensees include communications service providers that sell land mobile service to both public safety and non-public safety users, so preventing these providers from expanding their systems as the MSTV and NAB urge would also impact enhanced public safety access in the expanded 30 mile area. LMCC additionally points out that,

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<sup>3</sup> See MSTV and NAB Comments, page 2, footnote 7.

in order to accomplish what the MSTV and NAB are proposing, the Commission would be required to reallocate the 30 mile additional radius area to only public safety in the 11 markets currently authorized, thereby unnecessarily complicating the coordinated use with licensees in the adjacent 50 miles available to all land mobile users.

## **II. CONCLUSION**

Currently, LMCC frequency advisors estimate non-public safety users in the 470-512 MHz band to be somewhere between 40% and 60% of the total users. LMCC believes there is no reason why this current mix would change because of the expanded license area proposed by NPSTC in the 11 markets currently authorized for land mobile sharing. Nor do we believe there is any greater threat of interference by business enterprise licensees than public safety licensees as the result of the enhanced land mobile sharing use identified by NPSTC in their well thought out Petition.

As noted in the Introduction, this LMCC position represents the consensus of our membership organizations, representing public safety, business, industrial, transportation and private commercial radio users, land mobile service providers and equipment manufacturers. LMCC collectively understands land mobile technology, licensee coordination and minimization of interference potential. We continue to urge the Commission to move quickly on the adoption of the NPSTC Petition, with modifications suggested in our Comments, to allow expanded use of the 470-512 MHz band for all land mobile users.

Respectfully submitted,

By: /s/ Al Ittner

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