

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

In the Matter of)
)
Improving Spectrum Utilization) RM-11572
in the 800 MHz Band Between)
854-861/809-816 MHz)

**REPLY COMMENTS
OF THE
ENTERPRISE WIRELESS ALLIANCE**

The Enterprise Wireless Alliance (“EWA” or the “Alliance”), in accordance with Section 1.405 of the Federal Communications Commission (“FCC” or “Commission”) rules and regulations, respectfully submits its reply comments in the above-entitled proceeding.¹ The FCC’s Public Notice invited interested parties to submit comments on the Alliance’s Petition for Rulemaking² in which EWA requested the FCC to initiate a rulemaking proceeding to revise the channel plan for the 800 MHz band to provide for the licensing of new, full-power, interstitial, 12.5 kHz channels between authorized 25 kHz band channels in the 854-861/809-816 MHz band. The Alliance is pleased that the record in this proceeding almost unanimously favors initiation of the rulemaking sought by EWA and it urges the Commission to move forward with such a proceeding on a timely basis.

The Alliance has long been an advocate for the spectrally efficient use of the very limited spectrum allocated by the FCC for Land Mobile Radio (“LMR”) operations. It has played a

¹ *Public Safety and Homeland Security Bureau and Wireless Telecommunications Bureau Seek Comment on the Petition by Enterprise Wireless Alliance Requesting the Creation of New, Full Power, Interstitial 12.5 kHz Channels in the 800 MHz Band*, Public Notice, DA No. 09-2183, rel. Oct. 8, 2009 (“Public Notice”).

² Petition for Rulemaking of the Enterprise Wireless Alliance, RM-11572, submitted Apr. 29, 2009 (“Petition.”).

leading role in preparing the LMR industry for the 2013 mandatory migration to narrowband technologies in the 150-174 MHz and 421-512 MHz bands.³ It coordinated with Sprint Nextel Corporation in a joint filing to promote the continued use of the 900 MHz band throughout the nation by LMR users.⁴ The Petition to provide for interstitial 800 MHz channels had the same objective: maximizing the utilization of this critical allocation by LMR licensees, both private internal users and commercial providers, while protecting the operations of incumbents in the band.

The record in this proceeding overwhelmingly supports the initiation of a rulemaking by the Commission to establish an appropriate regulatory structure for the band plan recommended by EWA. The Petition was endorsed by virtually the entire LMR industry, including the Land Mobile Communications Council (LMCC), whose membership includes the FCC-approved Frequency Advisory Committees, as well as LMR equipment vendors through the membership of the Telecommunications Industry Association (TIA),⁵ and the National Public Safety Telecommunications Council (NPSTC), a federation of public safety organizations. The LMCC and NPSTC collectively represent all facets of the land mobile community. Their recommendation that the FCC move forward with a rulemaking proceeding was echoed in the individual filings of the Association of Public-Safety Communications Officials-International, Inc. (APCO), the Forest Industries Telecommunications (FIT), and the State of Florida (FL), and also in comments from companies such as Southern Communications Services, Inc. d/b/a

³ See 47 C.F.R. § 90.209(b)(5).

⁴ See Joint Request for Clarification or, in the Alternative, for Limited Reconsideration filed by the Enterprise Wireless Alliance and Sprint Nextel Corporation, WT Docket No. 05-62, submitted Dec. 17, 2008.

⁵ The Utilities Telecom Council (“UTC”) did not join in LMCC’s comments and submitted the single filing that opposed the Petition. EWA welcomes the opportunity to address the concerns expressed by UTC in the rulemaking proceeding on this matter.

SouthernLINC Wireless (with one important caveat as addressed below), Motorola, Inc., RadioSoft, and Fisher Wireless Services, Inc.⁶

Two areas were addressed in these filings that will warrant specific consideration in the rulemaking proceeding. First, SouthernLINC correctly noted that there is an expanded Enhanced Specialized Mobile Radio (ESMR) allocation in portions of the Southeast in which both SouthernLINC and Sprint Nextel operate advanced, digital ESMR systems.⁷ The Petition proposed the creation of interstitial channels only in those portions of the band not allocated for National Public Safety Planning Advisory Committee (“NPSPAC”) or ESMR use, but did not specifically reference the expanded ESMR allocation noted by SouthernLINC. Of course, the Alliance agrees that the entire ESMR allocation in the Southeast should be exempt from any band plan changes adopted in the rulemaking proceeding.

Second, a number of parties noted the critical importance of adopting interference criteria that create the optimal balance between protecting the operations of incumbent licensees who will continue using 25 kHz bandwidth systems and allowing new entrants to establish systems with 12.5 kHz bandwidth technology. The Alliance had proposed that adjacent 12.5 kHz interstitial channels could be assigned if their 34 dBu f(50,10) interference contour did not overlap the 40 dBu f(50,50) contour of an incumbent station and recommended that the FCC retain the existing 40 dBu f(50,50) standard as the definition of the protected service contour for 25 kHz bandwidth systems. The Alliance explained that the FCC historically had required 800 MHz licensees and applicants to use the R-6602 curves in calculating contours in this band and

⁶ Mr. Bob Ferrell, a retired public safety communications official, submitted comments in which he endorsed the creation of full power, interstitial 800 MHz channels, but disagreed with certain technical recommendations in the Petition and also argued that any such channels should be reserved for public safety use. EWA disagrees emphatically with Mr. Ferrell’s suggestion that new 800 MHz channels should be available exclusively for public safety use, in addition to the 800 MHz spectrum public safety already is inheriting from Nextel in the bands between 854-861 MHz. *See* 47 C.F.R. § 90.615, 90.617(g).

⁷*See* 47 C.F.R. § 90.617(a)(2) and (3), (b)(1) and (2).

that retaining the use of those curves would maintain consistency in analysis. However, EWA also affirmatively noted that there are alternative contour analyses that more accurately reflect real world conditions and stated that the Alliance was not opposed to the adoption of a different analytical standard.⁸

Several parties offered thoughtful comments about the need for prediction mechanisms that would offer accurate evaluations of potential interference; a number of those parties further recommended that the development of appropriate coordination procedures be entrusted to the LMCC.⁹ The Alliance agrees that the LMCC has demonstrated that it can play a pivotal role in developing LMR industry consensus on these types of technical issues. As noted in the LMCC Comments in this proceeding, it did so most recently in recommending coordination procedures to accommodate new narrowband technology in the VHF and UHF LMR allocations.¹⁰ EWA fully supports this approach and recommends that the FCC direct the LMCC to assume this responsibility in the Commission's Notice of Proposed Rulemaking on this matter.

The LMR industry has collectively endorsed the recommendation in the EWA Petition that the FCC initiate a rulemaking proceeding to establish provisions for the licensing of full-power, interstitial, 12.5 kHz channels between authorized 25 kHz band channels in those portions of the 800 MHz band outside the allocations set aside for NPSPAC and ESMR operations. The Alliance urges the Commission to issue a Notice of Proposed Rulemaking consistent with the Petition and with the comments filed in support of it as promptly as possible.

⁸ Petition at 6.

⁹ See LMCC Comments at 3-4, NPSTC Comments at 4, APCO Comments at 1-2, FIT Comments at 2, Motorola Comments at 2, RadioSoft Comments, FL Comments at 1.

¹⁰ See LMCC Comments at 3-4.

Respectfully submitted,

ENTERPRISE WIRELESS ALLIANCE

By: _____ /s/
Mark Crosby
President/CEO
8484 Westpark Drive, Suite 630
McLean, Virginia 22102
(703) 528-5115

Counsel:

Elizabeth R. Sachs
Lukas, Nace, Gutierrez & Sachs, LLP
8300 Greensboro Drive, Ste. 1200
McLean, VA 22102
(703) 584-8678

November 24, 2009