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

In the Matter of	)	
	)	
American Automobile Association	)	
Request for Certification to Provide	)	
Frequency Coordination in the 800/900 MHz	)	WT Docket No. 10-3
Business/Industrial/Land Transportation Pool	)	
Frequencies	)	

REPLY COMMENTS OF AAA

The American Automobile Association ("AAA") submits these Reply Comments in response to the Federal Communications Commission's ("FCC's" or "Commission's") January 5 Public Notice in the above-captioned proceeding.[1] AAA hereby reiterates its interest in and qualifications for becoming a certified frequency coordinator for Business/Industrial Land Transportation Pool ("B/ILT Pool") frequencies in the 806-816/851-861 MHz and 896-901/935-940 MHz ("800/900 MHz") bands. In addition, as discussed below, AAA takes this opportunity to correct the record regarding incorrect allegations made by Mobile Relay Associates ("MRA") in its comments.[2]

AAA is Well-Qualified to Coordinate B/ILT Frequencies. As the Commission is aware, AAA has been a certified frequency coordinator since 1986 – more than 20 years – and has

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[1] *Wireless Telecommunications Bureau Seeks Comment on Informal Request of American Automobile Association for Certification to Provide Frequency Coordination in the 800/900 MHz Business/Industrial/Land Transportation Pool Frequencies*, WT Docket No. 10-3, Public Notice, DA 10-5 (rel. Jan. 5, 2010).

[2] *See* Comments of Mobile Relay Associates, WT Docket No. 10-3 (filed Feb. 4, 2010) ("MRA Comments").

performed thousands of successful land mobile coordinations for frequencies below 512 MHz. It has also contributed extensively to the development and improvement of frequency coordination over the years as a charter and current member of the Land Mobile Communications Council ("LMCC"). Moreover, during that time, AAA has participated in at least three FCC audits and has not been the subject of any significant complaints or Commission inquiries for improper coordination practices.

In 2001, the Commission itself found AAA (and all other below-512 MHz frequency coordinators) qualified to coordinate the 800/900 MHz B/ILT Pool frequencies.[3] Since that time, and as detailed in AAA's prior submissions,[4] AAA has continued to meet the requirements to be certified as a frequency coordinator. It remains a representative of eligible B/ILT Pool users, especially members of the emergency road service industry that are increasingly supplementing their wireless capabilities with 800/900 MHz B/ILT Pool systems, including numerous AAA-affiliated auto clubs that already hold licenses in those bands.[5] AAA will also utilize the same overall coordination plan that the Commission has approved with respect to AAA's below-512 MHz coordinations, but with appropriate adjustments for the 800/900 MHz B/ILT Pool frequencies.[6] Finally, in addition to the experience and qualifications noted above, AAA has the requisite nationwide coordination capability and technical expertise to be certified as a frequency coordinator in the 800/900 MHz B/ILT Pool, including through its successful relationship with

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[3] *United Telecom Council Informal Request for Certification as a Frequency Coordinator in the PLMR 800 MHz and 900 MHz Bands*, Order, 16 FCC Rcd 8436 ¶ 18 (WTB PSPWD 2001) ("*UTC Order*").

[4] *See* Letter from Marshall L. Doney, AAA, to Marlene H. Dortch, Secretary, FCC (dated July 7, 2009); Letter from Marshall L. Doney, AAA, to Marlene H. Dortch, Secretary, FCC (dated Dec. 11, 2009) ("AAA December 2009 Letter").

[5] AAA December 2009 Letter at 2-3.

[6] *Id.* at 3-4.

RadioSoft, a leading radio frequency engineering firm that provides the software used by all B/ILT Frequency Advisory Committees ("FACs") (except the Enterprise Wireless Alliance ("EWA")), most Public Safety Pool FACs, and the FCC.[7]

AAA agrees with the Commission that "an entity that successfully addresses the complex engineering questions presented by many below-512 MHz frequency coordinations can be expected to correctly apply the . . . requirements set forth in the Commission's 800 MHz and 900 MHz rules."[8] Underscoring this point, EWA states in its comments that "AAA's historical performance in providing coordination services is an appropriate barometer for assessing its ability to coordinate B/ILT frequencies at 800/900 MHz."[9] AAA has also adopted new and improved coordination procedures over the years, including its current seven-year data retention policy and its filing of attachments to trunked applications explaining the coordination analysis used. Thus, despite the shrill objections of just one commenter, AAA has the experience, resources, diligence, and technical expertise necessary to coordinate the 800/900 MHz B/ILT Pool frequencies. Moreover, certifying AAA as a frequency coordinator for the 800/900 MHz B/ILT Pool would also increase competition and incentivize improved frequency coordination services for applicants requesting operations in those bands.

The Commission Should Disregard MRA's Allegations. In its comments, MRA accuses AAA of having a "history of obstruction and non-cooperation" in Commission correspondence and implies that AAA has lied to and misrepresented itself before Commission staff. Nothing could be further from the truth – AAA has never lied to the Commission or misrepresented itself

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[7] *Id.* at 6-7; *see also id.* at 4-5.

[8] *UTC Order* ¶ 11.

[9] *See* Comments of The Enterprise Wireless Alliance, WT Docket No. 10-3 (filed Feb. 4, 2010) ("EWA Comments").

or any facts before the Commission. AAA has always cooperated fully with Commission inquiries and provided all available information to the Commission upon request.

Unfortunately, the same cannot be said about MRA. In 2007, the Commission's Enforcement Bureau imposed a monetary forfeiture on MRA after finding that it "willfully" and "repeatedly" violated the Commission's rules.[10] As MRA notes in its comments, no one is perfect. However, given MRA's prior attempts to skirt the Commission's rules when convenient, combined with MRA's past failed attempts to obtain improper relief at AAA's expense,[11] the Commission should view its baseless attacks on AAA with skepticism.[12]

MRA's incorrect criticisms of AAA may stem from misunderstandings and false assumptions, assuming no inappropriate motives. For example, MRA suggests that AAA refused to provide TSB-88 engineering data to the Commission because it did not have the software needed to conduct that analysis.[13] In fact, AAA *had* conducted the appropriate analysis using RadioSoft's ComStudy software, which was specifically created to do TSB-88 analysis – it simply no longer had the data when the FCC requested it years later (and frequency coordinators are only required to keep engineering documentation for six months). In light of instances like

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[10] *Mobile Relay Associates, Licensee of Station WPPF233, La Crescenta, CA*, Order, 22 FCC Rcd 17317 (EB 2007). Notably, the Enforcement Bureau found that MRA was operating a transmitter at an effective radiated power **20 times** above the power limit applicable to the license. *Id.* ¶ 10. It also found that MRA had failed to correct the violation after being informed of the overpower operation by Enforcement Bureau agents. *Id.* ¶ 12.

[11] *See, e.g.*, *Mobile Relay Associates v. American Automobile Association and Gary Ruark*, Order Granting Defendants' Motion to Dismiss, No. CV 00-4511 JSL (C.D. Cal. June 7, 2000).

[12] The Commission should also be concerned about MRA's statements that it wanted to work with AAA in the past "because AAA seemed to routinely find an absence of interference to protected licensees when all other coordinators found interference, thus enabling . . . applications which could not be filed through [other coordinators]." MRA Comments at n.8. Although AAA applies the Commission's frequency coordination and technical rules consistently, statements like this suggest that MRA may be coordinator-shopping to exploit perceived loopholes or other advantages, contrary to the goals of the Commission's Part 90 regime and the public interest.

[13] *Id.* at 4-5.

the one MRA mentions, however, AAA now routinely keeps engineering data and related frequency coordination information (including TSB-88 and Section 90.187 contour analyses) for seven years, and would do so for 800/900 MHz B/ILT Pool coordinations.[14] Likewise, AAA routinely submits engineering documentation and justifications as attachments to its trunked and other applications and would routinely include such attachments as part of its 800/900 MHz B/ILT Pool coordinations. After AAA submits the attachments, the FCC can retain the information for as long as it deems necessary and make it available to interested parties.

AAA has consistently done its best to apply the Commission's rules as required (and would continue to do so as a coordinator for the 800/900 MHz B/ILT Pool). MRA's review of "defective coordinations" is very misleading—instead of showing all proceedings in which the FCC found that defective frequency coordination had occurred, MRA only selected those proceedings where the coordinator did not rescind its coordination prior to the FCC's decision.[15] The FCC should disregard MRA's attempts to cast a shadow over AAA's long history of successful frequency coordinations merely because AAA stands by its work product. Moreover, it is inappropriate for MRA to complain about applications coordinated correctly under the rules in place at the time when frequency coordinators later agreed to new approaches, the FCC later adjusted its own procedures or adopted new standards (as it did during the refarming proceeding[16]), or the circumstances involved in the coordination changed over time. Indeed, the

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[14] With this seven-year data retention policy already in place, AAA opposes MRA's request that AAA be required to retain such data for ten years. MRA Comments at 6-7. MRA has not provided any information suggesting that a seven-year retention period is insufficient.

[15] MRA Comments at Exhibit A.

[16] *See, e.g., Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services and Modify the Policies Governing Them*, Report and Order and Further Notice of Proposed Rule Making, 10 FCC Rcd 10076 (1995); Second Report and Order, 12 FCC Rcd 14307 (1997); Third Memorandum Opinion and Order, 14 FCC Rcd 10922 (1999).

majority of applications MRA references in its Exhibit A are more than ten years old and were coordinated before frequency coordinators and the FCC agreed to adopt such new procedures.

Although hindsight is 20/20, the Commission has provided helpful clarifications to its private land mobile rules over time, in part to eliminate what some coordinators, including AAA, felt were unanticipated loopholes.[17] AAA has sought to implement these policies and clarifications faithfully over the years (including obtaining required consents and making required notifications). AAA has also supported most, if not all, of the LMCC's advocacy positions to minimize or eliminate those loopholes and "tighten up" the coordination policies. In addition, AAA has taken several other proactive steps to foster better coordination policies. For example, it proposed to LMCC members that all radio station applications should be coordinated using interference contours to protect incumbents. It has also been working with RadioSoft and the LMCC to resolve open issues and gray areas related to coordinating centralized trunked applications. MRA's accusations that AAA is not an impartial frequency coordinator are also meritless.[18] As an initial matter, AAA does not solicit frequency coordination business. Instead, clients find AAA through the FCC's frequency coordinator website information or through RadioSoft's AAA frequency coordinator website. When applicants reach out to AAA, however, AAA treats each client in a completely impartial fashion. As it previously stated, AAA would implement the same policy for frequency coordinations in the 800/900 MHz B/ILT Pool.[19]

The Commission should disregard MRA's attacks on AAA as it considers AAA's request to become a certified frequency coordinator for the 800/900 MHz B/ILT Pool. In addition, the

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[17] Notably, despite its haranguing, MRA has never shown that it has suffered harmful interference due to AAA's frequency coordination, only that it might receive such interference.

[18] MRA Comments at 5-6.

[19] AAA December 2009 Letter at 4. AAA also notes it has not handled any frequency coordination assignments for the National Science and Technology Network for many years.

Commission should be concerned about the tenor of MRA's comments and its apparent desire to limit further competition and service options for the 800/900 MHz B/ILT Pool.

AAA Should be Subject to the Same Rules and Obligations as Other 800/900 MHz B/ILT Pool Coordinators. If the Commission certifies AAA to act as a frequency coordinator for the 800/900 MHz B/ILT Pool, it should subject AAA to the same requirements that are imposed on other coordinators for those bands. For example, although AASHTO supports AAA's request, it also asks that AAA be required to abide by the Memorandum of Agreement ("MOA") signed by eight FACs pertaining to the procedures for coordination of spectrum that Sprint Nextel is vacating in the 800 MHz band.[20] The MOA is designed to create a process that minimizes mutually exclusive situations and ensures that all public safety entities receive needed frequencies to the extent possible. AAA agrees with AASHTO that there are benefits to having FACs sign the MOA and AAA will sign it. AAA also believes that EWA's many proposals to ensure that the "competitive coordination process can most effectively work to the benefit of the applicants" are worthy of further consideration, just as changes to the rules, procedures and policies for the coordination of private and commercial carrier trunked systems would benefit the public interest through greater carrier competition. Such proposals, however, are outside the scope of AAA's request and should be considered in a broader rulemaking proceeding.

[20] Comments of The American Association of State Highway and Transportation Officials, WT Docket No. 10-3 (filed Feb. 4, 2010).

Conclusion. For the reasons discussed above and as discussed further in AAA's prior filings in this proceeding, the Commission should grant AAA's request to be certified as a frequency coordinator for the 800/900 MHz B/ILT Pool.

Respectfully submitted,

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