

**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 )  
To: Chief, Wireless Telecommunications Bureau

**OPPOSITION TO PETITION FOR RECONSIDERATION**

The American Automobile Association (“AAA”) submits this Opposition in response to the Petition for Reconsideration (“Petition”) filed by Mobile Relay Associates (“MRA”) in the above-referenced proceeding.<sup>1</sup> In its Petition, MRA requests that the Wireless Telecommunications Bureau (“Bureau”) reconsider the Mobility Division (“Division”) decision to certify AAA as a 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.<sup>2</sup> Specifically, MRA asks the Bureau not to certify AAA as a frequency coordinator for the 800/900 MHz B/ILT Pool frequencies or, alternatively, to impose certain conditions on the certification. As discussed below, MRA’s Petition is meritless and should be denied.

---

<sup>1</sup> See Petition for Reconsideration, Mobile Relay Associates, WT Docket No. 10-3 (filed Apr. 16, 2010).

<sup>2</sup> *Wireless Telecommunications Bureau Certifies Additional Frequency Coordinators for 800/900 MHz Business/Industrial/Land Transportation Pool*, Public Notice, DA 10-480 (rel. Mar. 23, 2010) (“AAA Certification”).

***AAA is Well-Qualified to Coordinate B/ILT Frequencies.*** After reviewing the record in this proceeding, the Division recognized in the *AAA Certification* that AAA is “qualified to coordinate applications in the 800/900 MHz B/ILT Pool.”<sup>3</sup> AAA has been a certified frequency coordinator since 1986 – for more than 20 years – and has performed thousands of successful land mobile coordinations for frequencies below 512 MHz. And in 2001, the Commission itself found AAA (and all other below-512 MHz frequency coordinators) generally qualified to coordinate the 800/900 MHz B/ILT Pool frequencies.<sup>4</sup>

As detailed in AAA’s prior submissions in this proceeding,<sup>5</sup> AAA meets the requirements previously outlined by the Commission to be certified as a frequency coordinator for the 800/900 MHz B/ILT Pool frequencies.<sup>6</sup> It remains a representative of eligible B/ILT Pool users and will 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).<sup>7</sup> AAA also has the requisite nationwide coordination capability and technical expertise to be certified as a frequency coordinator in the 800/900 MHz B/ILT Pool,<sup>8</sup> and AAA will sign the frequency coordination Memorandum of Agreement pertaining to the procedures for coordinating the spectrum that Sprint Nextel is vacating in the 800 MHz band.

---

<sup>3</sup> *Id.* at 2.

<sup>4</sup> *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*”).

<sup>5</sup> 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”); Reply Comments of AAA, WT Docket No. 10-3 (filed Feb. 19, 2010) (“AAA Reply Comments”).

<sup>6</sup> See, e.g., *UTC Order* ¶ 10.

<sup>7</sup> AAA December 2009 Letter at 3-4.

<sup>8</sup> *Id.* at 6-7; see also *id.* at 4-5.

Thus, AAA has the experience, resources, diligence, and technical expertise necessary to coordinate the 800/900 MHz B/ILT Pool frequencies, as the Division has already found after reviewing MRA's previous opposition comments. MRA has not provided any new evidence or compelling rationale to justify reversal of the Division's decision.

***AAA Should be Subject to the Same Rules and Obligations as Other 800/900 MHz B/ILT Pool Coordinators.*** In its Petition, MRA requests that if the Bureau retains AAA's certification to coordinate 800/900 MHz B/ILT Pool frequencies, that it "condition AAA's certification upon "a) AAA not discriminating among B/ILT eligibles; b) AAA retaining all coordination records, including all interference analyses, for at least seven years after grant of a AAA-coordinated application (and longer if the matter is then still the subject of litigation); and c) AAA continuing to use RadioSoft to conduct all actual interference analyses for AAA."<sup>9</sup> MRA also requests that any violation of these conditions lead to automatic termination of AAA's certification.<sup>10</sup> The Bureau should reject MRA's requested conditions, and subject AAA to the same rules and obligations as the other 800/900 MHz B/ILT coordinators.

**AAA Already Has a Policy of Non-Discrimination.** Contrary to MRA's allegations,<sup>11</sup> AAA provides frequency coordination service on a first-come, first-served basis and does not discriminate against applicants that are eligible to use the requested frequencies. AAA does have and will continue to have a non-discrimination policy, but it cannot undertake this work for parties that are uncooperative or have a history of non-payment (subject to consultation with the Commission if such problems emerge with any applicants). AAA will continue to implement the same policy for frequency coordinations in the 800/900 MHz B/ILT Pool.

---

<sup>9</sup> Petition at 6-7.

<sup>10</sup> *Id.* at 7.

<sup>11</sup> *Id.* at 3.

AAA Already Maintains Coordination Records Above and Beyond What is Required by the Commission. AAA will continue to maintain engineering documents and other frequency coordination records for as long as is required by the Commission, and it will abide by any “best practices” developed collectively by the Commission’s frequency coordinators. As AAA previously stated, AAA at one time kept engineering documents and other frequency coordination records for six months, but it now routinely keeps such records for seven years and will do so for 800/900 MHz B/ILT Pool coordinations.<sup>12</sup> Importantly, to facilitate easy public access, AAA also routinely submits engineering documentation and justifications as attachments to its trunked and other applications and will continue to include such attachments as part of its 800/900 MHz B/ILT Pool coordinations.<sup>13</sup> After AAA submits the attachments, the Commission can retain the information for as long as it deems necessary and make it available to interested parties through the Commission’s ULS database.

AAA Cannot Commit RadioSoft to All Future Coordinations. While AAA and RadioSoft have an excellent working relationship today, AAA cannot agree to always use RadioSoft to conduct the interference analysis on all future 800/900 MHz B/ILT Pool coordinations. For example, AAA does not know that RadioSoft will always be available and have the necessary tools to conduct a proper analysis. It also does not know whether RadioSoft will always be willing to provide service to AAA on reasonable terms and conditions. In fact, requiring AAA to use RadioSoft could encourage RadioSoft to charge AAA higher fees for the same services, thereby harming AAA and 800/900 MHz B/ILT Pool eligibles and increasing the cost of frequency coordination. Consistent with its responsibilities as an 800/900 MHz B/ILT Pool frequency coordinator, however, AAA will ensure that regardless of which vendor it uses

---

<sup>12</sup> AAA Reply Comments at 4-5.

<sup>13</sup> *Id.* at 5.

for interference analysis or internally, AAA will comply with the Commission's rules for 800/900 MHz B/ILT Pool frequency coordinations.

***AAA Has Not Provided False or Misleading Statements to the Commission.*** As AAA stated earlier in this proceeding, it has never lied to the Commission or misrepresented itself or any facts before the Commission.<sup>14</sup> Likewise, AAA has made no misrepresentations or misleading statements in its Reply Comments. AAA has always cooperated fully with Commission inquiries and provided all available information to the Commission upon request. AAA continues to stand by those statements – as well as all of its other statements in this proceeding.

***Conclusion.*** For the reasons discussed above, the Bureau should deny MRA's Petition and maintain AAA's certification as a frequency coordinator for the 800/900 MHz B/ILT Pool.

Respectfully submitted,

**AMERICAN AUTOMOBILE ASSOCIATION**

/s/ Marshall L. Doney

Marshall L. Doney

Vice President, AAA Automotive

AAA

Mailspace 15

1000 AAA Drive

Heathrow, FL 32746-5063

Michele C. Farquhar

Mark W. Brennan

HOGAN & HARTSON LLP

555 Thirteenth Street, NW

Washington, D.C. 20004

Telephone: (202) 637-5663

Fax: (202) 637-5910

mcfarquhar@hhlaw.com

*Counsel to the American Automobile Association*

April 26, 2010

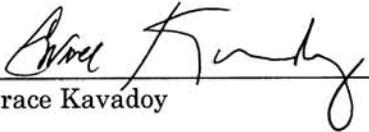
---

<sup>14</sup> *Id.* at 3-4.

## Certificate of Service

I, Grace Kavadoy, a Senior Paralegal at Hogan & Hartson LLP, hereby certify that on April 26, 2010, I sent via electronic mail and placed in the United States mail a copy of the foregoing Opposition to Petition for Reconsideration with sufficient postage affixed thereto where necessary, addressed as follows:

David J. Kaufman  
Rini Coran, PC  
1140 Nineteenth St., NW, Suite 600  
Washington, DC 20036  
dkaufman@rinicoran.com

  
Grace Kavadoy

Senior Paralegal  
Hogan & Hartson LLP  
555 Thirteenth Street, NW  
Washington, DC 20004