

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of
Spectrum Needs for the Implementation of the) WT Docket No. 11-79
Positive Train Control Provisions of the Rail)
Safety Improvement Act of 2008)

To: Wireless Telecommunications Bureau

Reply Comments

Maritime Communications, Inc. ("MCI") and Dataworks, LLC ("DLC"), licensees in the 218-219 MHz Service for the Dallas, Texas and Washington, DC Metropolitan Statistical Areas respectively, submit these reply comments in the captioned proceeding. MCI and DLC are working with equipment manufacturers and utility companies in the 218-219 MHz band. MCI has relationships in place with equipment makers General Electric Digital Energy and Full Spectrum, Inc. ("Full Spectrum") as well as with an electric utility company serving the greater Dallas-Ft. Worth area. MCI also is discussing a plan with an oil and gas exploration company to test well monitoring equipment. In addition, MCI has also pursued an arrangement to make 218-219 MHz spectrum available to a local transit authority for Positive Train Control ("PTC"). DLC has in place a spectrum leasing agreement with Full Spectrum to facilitate its efforts with a major utility company in the Washington, DC market. DLC also has reached out to local public safety and transit authorities.

MCI and DLC believe that the Commission in this proceeding should consider the multiple uses for spectrum in the 218-219 MHz band. Based on their experience and a review of the comments, it appears that more than one industry may find it requires at least one megahertz of spectrum (as opposed to 500 KHz, the size of each frequency segment in the 218-219 MHz

Service) to deploy the type of system meeting its requirements. Further, the comments indicate that there appear to be competing PTC technologies that utilize different spectrum bands.

Accordingly, MCI and DLC suggest caution when it comes to adopting new spectrum policies and rules that may favor one industry to the detriment of another. Further, no party seems to have identified any particular problem with the Commission's existing secondary market rules that provide access to spectrum through sale or lease. As noted above, DLC has a secondary market lease in place.¹ The Commission should allow existing secondary market rules to work, whether for the purpose of the railways' implementation of PTC or meeting another industry's needs.


It also appears that, absent changes in the law requiring auctions to resolve mutually exclusive applications for new licenses, or absent new rules to establish potentially complex licensing processes to avoid mutually exclusive applications, the Commission is required by statute to conduct auctions to determine who receives new licenses. MCI and DLC suggest that the Commission proceed with the second 218-219 MHz auction at this time and afford different industries the same chance of acquiring licenses. The Commission has already scheduled, and postponed, twice, the second auction. This delay and resulting uncertainty hinders efforts with utility companies that may wish to use the spectrum but have no access to it in all or part of their service areas where licensing has yet to occur. Meanwhile, spectrum technology is always evolving with new applications. If the Commission were to take years to adopt new technical and/or licensing rules to accommodate any particular industry before holding a second auction, by the time licensing finally did take place it seems more than likely that yet another new technology would exist with its own special requirements. For these reasons, the Commission should consider whether further delaying the second 218-219 MHz auction is worth the potential

¹ Although DLC did not receive AMTRAK's request for proposals for PTC, DLC is prepared to engage AMTRAK in serious discussions with the goal of making 218-219 MHz spectrum available for that purpose.

benefits of years of rulemaking to accommodate any particular technology, application, or industry, especially when parties would have the same chances in the auction under existing rules to acquire spectrum.

Respectfully submitted,
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