

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)
)
Modification of Sections 90.20(d)(34) and) RM-11635
90.265 of the Commission’s Rules to)
Facilitate the Use of Vehicular Repeater Units)

**COMMENTS OF THE INTERNATIONAL MUNICIPAL SIGNAL ASSOCIATION
AND
THE INTERNATIONAL ASSOCIATION OF FIRE CHIEFS**

The International Municipal Signal Association (“IMSA”) and the International Association of Fire Chiefs (“IAFC,” and with IMSA, “IMSA/IAFC”), by their attorneys and pursuant to the invitation extended by the FCC in its Public Notice issued on October 14, 2011,^{1/} hereby submit their comments responsive to the Petition for Rule Making (“Petition”) submitted by Pyramid Communications, Inc. (“Pyramid”), which seeks to amend the FCC’s rules to designate frequency assignments for the use of Vehicular Repeater Systems (“VRS”).^{2/} IMSA/IAFC strongly support the use of mobile repeaters by public safety entities in general and by fire and EMS services in particular. However, they believe that the Petition is flawed, particularly with respect to the requested use of channels in the 170, 171 and 172 MHz bands

^{1/} See *Public Safety and Homeland Security Bureau Seeks Comment on Pyramid Communications Inc.’s Petition for Rulemaking to Facilitate the Use of Vehicular Repeater Units by Public Safety Licensees in the VHF Band*, Public Notice, RM-11635, DA 11-1717 (rel. Oct. 14, 2011).

^{2/} See *Modification of Sections 90.20(d)(24) [sic] and 90.65 [sic] of the Commission’s Rules to Facilitate the Use of Vehicular Repeater Units*, Petition for Rule Making of the Pyramid Communications, Inc., RM-11635 (filed June 27, 2011); *Modification of Sections 90.20(d)(34) and 90.265 of the Commission’s Rules to Facilitate the Use of Vehicular Repeater Units*, Petition to Supplement of Pyramid Communications, RM-11635 (filed Aug. 16, 2011) (“Petition”).

(the “170 MHz Band Frequencies”). Accordingly, the FCC should take no action that would modify the use of those frequency assignments.^{3/}

I. INTRODUCTION AND BACKGROUND

IMSA is a nonprofit organization dedicated to the development and use of electric signaling and communication systems in furtherance of public safety. IMSA’s approximately 12,000 members include representatives of federal, state, county, city, township, and borough governmental bodies, as well as representatives of governmental bodies of foreign nations. IMSA works to improve the efficiency, installation, construction, and maintenance of public safety equipment and systems by increasing the knowledge of its members in several diverse technical fields including public safety communications. IMSA offers educational and certification programs in a variety of public safety disciplines including Traffic Signals, Signs and Markings, Work Zone Traffic Control, Municipal and Interior Fire Alarm Systems, Public Safety Telecommunications, Fiber Optics, and Flagging. IMSA is responsible for coordinating frequencies designated in Section 90.20 of the FCC’s rules and is also authorized to coordinate the Public Safety Pool channels. IMSA directs and manages frequency coordination and related spectrum management functions.

The 13,000 member IAFC is a professional association representing the leaders and managers of America’s fire and emergency service. America’s fire and emergency service reaches every community across the nation, protecting urban, suburban, and rural neighborhoods. The IAFC represents the leadership of over 1.2 million firefighters and emergency responders. IAFC members are the world’s leading experts in firefighting, emergency medical services, terrorism response, hazardous materials spills, natural disasters,

^{3/} IMSA/IAFC take no position on the use of the 173 MHz Band Frequencies (as that term is defined below) for VRS.

search and rescue, and public safety legislation. Since 1873, the IAFC has provided a forum for its members to exchange ideas and uncover the latest products and services available to first responders.

IMSA/IAFC are also founding members of the National Public Safety Telecommunications Council (“NPSTC”), an umbrella organization that was formed principally to ensure that the broad interests of the public safety community are represented in major telecommunications policy matters. As the Commission is aware, NPSTC has taken a leading role in developing policies for the use of public safety spectrum. IMSA/IAFC are also on the Board of Directors of the Public Safety Spectrum Trust, the FCC’s Public Safety Broadband Licensee.

The Petition asks the FCC to make specific frequencies available for VRS. In particular, it asks that the FCC permit the nine 170 MHz Band Frequencies covered by Section 90.265(c) of the rules and the six frequencies covered by Section 90.20(d)(34) (the “173 MHz Band Frequencies”) to be permitted for VRS use.^{4/} While IMSA/IAFC express no opinion on the use of the 173 MHz Band Frequencies for VRS, they are particularly concerned about the use of the 170 MHz Band Frequencies for VRS. Accordingly, IMSA/IAFC are pleased to have this opportunity to submit comments responsive to the Petition.

II. COMMENTS

IMSA/IAFC strongly agree with Pyramid’s observation of the importance of mobile repeaters.^{5/} They recognize, on a first-hand basis, the fact that “VRS units provide vital extended

^{4/} See Petition at 4-7.

^{5/} Pyramid acknowledges that the FCC already authorizes the use of mobile repeaters pursuant to Section 90.247 of the rules. *See id.* at 3. In addition, that term is defined at Section 90.7 of the rules. *See* 47 C.F.R. § 90.7. It is not clear how Pyramid would reconcile the proposed definition of VRS units with the definition of Mobile Repeater Station currently in the regulations. The use of both terms seems

radio coverage inside of ... buildings, and serve to protect life, safety and property of both public safety officers and local citizens.”^{6/}

However, the 170 MHz Band Frequencies that Pyramid proposes is inappropriate for this important use. Section 90.265(c) governs the proposed channels and limits their use to “forest firefighting and conservation activities.”^{7/} While, as noted below, these channels should continue to be reserved for forest firefighting and conservation activities, Pyramid does not address the most problematic element of the use of the 170 MHz Band Frequencies for VRS. As the title of Section 90.265 makes clear, the frequencies covered by that rule are designated for *federal government use*.^{8/} Because the *secondary* use of these channels was negotiated with the federal government, the FCC is without authority to unilaterally change the use of the frequencies.^{9/} Even if the FCC had the authority to unilaterally impose a change in the agreed-upon non-federal use of these federal frequencies, such a change would not be meaningful in any case. As the Commission is aware, non-federal use of federal channels must generally be accomplished through a memorandum of understanding between the proposed FCC licensee and the federal agency otherwise authorized to use the frequencies on a primary basis.^{10/}

unnecessary, and if the FCC adopts Pyramid’s proposal in whole or in part, it should use one, but not both, of the terms throughout Part 90 of the rules.

^{6/} Petition at 1-2.

^{7/} 47 C.F.R. § 90.265(c).

^{8/} *See id.* § 90.265.

^{9/} The Petition recognizes concerns about Pyramid’s proposal expressed by the Forest Conservation Communications Association, Inc. (“FCCA”) in the WT Docket No. 10-4 proceeding. *See* Petition at 4-6. However, the Petition does not address the fact, raised earlier by the FCCA, that these are federal frequencies.

^{10/} *See* U.S. DEPARTMENT OF COMMERCE, NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION, MANUAL OF REGULATIONS & PROCEDURES FOR FEDERAL RADIO FREQUENCY MANAGEMENT, Section 8.2.47 (Jan. 2008 ed.) (including the September 2009 Revision).

Notwithstanding the fact that these frequencies are not primarily allocated for non-government operations, the use of these frequencies for other than forest firefighting is not in the public interest. Interference-free communications are critical for all first-responder communications. The proposed rule change would make the 170 MHz Band Frequencies available for all public safety entities for VRS operations. Expanding the pool of eligible users for the 170 MHz Band Frequencies would unnecessarily introduce potential coordination difficulties on, and increase the possibility of interference to, forest firefighting operations. Nor is it an answer that, as Pyramid suggests, coordination and interference would not be problematic because “it is unlikely that a forest fire would be in the same location as a building, shopping mall or arena.”^{11/} There is often no clear distinction between forested and non-forested areas, and buildings, shopping malls and arenas are increasingly located at the perimeters of forested areas.^{12/} Because first responders fighting forest fires must coordinate with federal, state and local resources, and use the 170 MHz Band Frequencies to do so, use of the channels for other purposes would only lead to potential interference with those efforts. Moreover, the Petition would not limit the use of the 170 MHz Band Frequencies to other firefighting operations, with whom coordination may be possible. The use of the channels (assuming concurrence with the federal government) would be permitted for all public safety agencies. In light of the FCC’s recent decision in the *City of Charlotte* matter, the universe of public safeties is expansive,

^{11/} Petition at 5.

^{12/} U.S. FIRE ADMINISTRATION, FIRES IN THE WILDLAND/URBAN INTERFACE, at 1 (March 2002) (explaining that more people are living and building homes near forested areas, known as the “wildland-urban interface”, which has increasingly brought humans into contact with wildfires), available at <http://www.usfa.fema.gov/downloads/pdf/tfrs/v2i16-508.pdf>; see also *Satus Pass Fire Near Goldendale, Wash., Burns 64 Buildings*, THE ASSOCIATED PRESS, Sept. 9, 2011, available at http://www.oregonlive.com/pacific-northwest-news/index.ssf/2011/09/satus_pass_fire_near_goldendale_wash_burns_64_buildings.html (reporting the loss of 64 nearby buildings in the wake of a forest fire).

potentially creating multiple inconsistent uses of the 170 MHz Band Frequencies that cannot be easily coordinated with forest firefighting activities.^{13/}

Finally, and as the FCCA pointed out in its Reply Comments in the WT Docket No. 10-4 proceeding, the FCC has already considered and rejected the expanded use of the 170 MHz Band Frequencies.^{14/} There, the Commission addressed the potential use of the 170 MHz Band Frequencies for police surveillance operations. In response, the Commission stated that “these frequencies are Federal Government frequencies and only available to non-Federal Government entities for the prevention, detection and suppression of forest fires ... [a]ny such request [to use the 170 MHz Band Frequencies for police surveillance activities] would have to be coordinated with the National Telecommunications and Information Administration (NTIA).”^{15/}

^{13/} See *Service Rules for the 698-746, 747-762 and 777-792 MHz Bands; Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band; Amendment of Part 90 of the Commission's Rules*, Fourth Report and Order, 26 FCC Rcd 10799 (2011).

^{14/} See Reply Comments and Petition to Accept Late Filed Reply Comments of FCCA, WT Docket No. 10-4, at 3-4 (filed Feb. 23, 2010).

^{15/} Letter from D'wana R. Terry, Chief, Public Safety and Private Wireless Division, to Joe Friend, National Office Manager, Forestry Conservation Communications Association Hall of the States, WT Docket No. 10-4, DA 03-3546 (Dec. 4, 2003).

III. CONCLUSION

IMSA/IAFC agree that mobile repeaters are important for public safety services and strongly support their continued use. Deploying and operating these devices on the 170 MHz Band Frequencies, however, is inappropriate since these frequencies are specifically reserved for federal use and permitting multiple users on the channels would result in coordination difficulties and increase the possibility of interference to the critical safety of life services provided by forest firefighting operations. The Commission should, as it has in other contexts, reject Pyramid's Petition with respect to the 170 MHz Band Frequencies and continue to promote the public interest by reserving these channels for forest firefighting and conservation activities.

Respectfully submitted,

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