

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
Modification of Sections 90.20(d)(34) and 90.265) RM - 11635
of the Commission’s Rules to Facilitate the Use of)
Vehicular Repeater Units – Petition for)
Rulemaking filed by Pyramid Communications,)
Inc.)

COMMENTS IN OPPOSITION OF THE UTILITIES TELECOM COUNCIL

Pursuant to Section 1.405 of the Commission’s Rules, the Utilities Telecom Council (“UTC”) hereby files its comments in response to the Commission’s Public Notice in the above-referenced matter.¹ UTC opposes the Petition for Rule Making by Pyramid Communications (“Pyramid”), which proposes to remove the restriction on voice operations on 173.2375, 173.2625, 173.2875, 173.3375 and 173.3625 MHz in order to provide Vehicular Repeater Systems (“VRS”). These frequencies are heavily used by utilities and other critical infrastructure industries for a variety of mission critical operations that ensure the safe, reliable and effective delivery of essential electric, gas and water services to the public at large. Eliminating the restriction on voice operations on these frequencies would threaten interference to these operations, thereby jeopardizing the underlying services that they support and the general public that relies on those services. Pyramid has not demonstrated that the relief that it seeks is necessary or appropriate; nor does it adequately consider the impact that it would have on other operations or ways to minimize that impact. Therefore, UTC opposes the Petition for Rule Making by Pyramid.

Introduction and Background

UTC is the international trade association for the telecommunications and information technology interests of electric, gas and water utilities and other critical infrastructure industries (CII). UTC’s members include all types of utilities from large investor-owned utilities that serve millions of customers across multi-state service territories to relatively small rural cooperative utilities and municipal utilities

¹ *PSSSB Seeks Comment on Rulemaking Petition on VHF Vehicular Repeaters*, Public Notice, RM-11635, DA 11-1717 (rel. Oct. 14, 2011).

that may only serve a few thousand customers in remote, insular and sparsely populated areas. These member companies all use communications to support their core mission of delivering essential services to the public safely, securely and efficiently. As such, UTC has advocated for policies that promote and protect utility communications, and it is pleased to offer its comments in opposition to the Petition for Rule Making by Pyramid in this proceeding.

A. Utilities and Other Critical Infrastructure Industries Heavily Use Fixed Data Operations on 173.2375, 173.2625, 173.2875, 173.3125, 173.3375 and 173.3625 MHz, and These Operations Provide Mission Critical Communications.

Utilities use the 173.2375, 173.2625, 173.2875, 173.3125, 173.3375 and 173.3625 MHz frequencies for a variety of mission critical operations, including distribution SCADA² (including capacitor bank monitoring and control), for nuclear emergency warning sirens, and for water dam warning systems.³ The critical nature of these communications demands that these systems not be subject to interference from other communications systems. Interference could threaten the stability of critical infrastructure delivery systems.

A cursory review of the FCC Universal Licensing System (ULS) database reveals that there are over five thousand licenses in the 173.2375-173.3625 MHz frequency range, and many of these licenses are held by utilities and other critical infrastructure industries. Public Service Electric and Gas -- which serves 1.8 million gas customers and 2.2 million electric customers in more than 300 urban, suburban and rural communities, including New Jersey's six largest cities -- holds dozens of these licenses. Other major utilities that hold licenses in this frequency range include Northeast Utilities, Detroit Edison, PPL Electric Utilities, Georgia Power Company, Tampa Electric Company, and Virginia Electric and Power Company.

² SCADA is Supervisory Control and Data Acquisition systems, which are used to monitor and control operations on critical infrastructure delivery systems, such as the electric grid, gas pipelines, and water works. Due to their importance to safety and reliability, these communications systems are designed to extremely high standards for performance.

³ For example, Santee Cooper --which is a large electric utility in South Carolina, providing retail service to 163,000 customers and providing wholesale power services to 20 electric cooperatives in the state that serve 700,000 customers -- uses its dam warning system to alert residents along the Santee River when a breach of the Santee dam has been detected and confirmed.

B. The Petition for Rule Making by Pyramid Does Not Demonstrate That Relief Is Needed, and It Does Not Adequately Consider the Impact on Other Operations and/or Ways to Mitigate These Impacts.

The essence of Pyramid's petition is that it needs access to these frequencies because "current filter technology requires a separation of at least 2-5 MHz from every frequency in the mobile radio", and that it needs that separation between the frequencies that are used to communicate between buildings and public safety vehicles and the frequencies that are used to repeat those communications back to the public safety radio network. However, Pyramid does not demonstrate that the proposed particular frequencies at issue are the only frequencies it could use or that filter improvements could not reduce the separation requirement. There is very little if any technical justification in the petition for the relief that Pyramid seeks, and there is almost no discussion of possible alternatives and/or interference mitigation strategies.

This cavalier approach is further reflected by the absence of consideration for the impact that the proposed voice operations would have on non-voice operations on these frequencies. There is a shortage of available frequencies for non-voice operations in the Part 90 PLMR bands, and as noted above, utilities and other critical infrastructure operations need these frequencies for mission critical data communications. Opening these frequencies up for VRS would likely lead to congestion and interference, making them unavailable and unreliable for utility and other critical infrastructure use. Moreover, given the itinerant and temporary fixed nature of VRS operations, it would be difficult to trace this interference and mitigate it. Therefore, UTC submits that these frequencies should not be used for voice operations.

CONCLUSION

In conclusion, UTC appreciates the opportunity to provide these comments in response to the Commission's Public Notice and opposes the Petition for Rule Making by Pyramid. UTC urges the Commission to deny the petition and not allow voice operations on 173.2375, 173.2625, 173.2875, 173.3125, 173.3375 and 173.3625 MHz frequencies. UTC looks forward to working with Commission on this issue going forward.

Respectfully submitted,

Utilities Telecom Council

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November 4, 2011