

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

In the Matter of)
)
Options for 470-512 MHz (T-Band) Spectrum) **PS Docket No. 13-42**

To: Chief, Wireless Telecommunications Bureau
Chief, Public Safety and Homeland Security Bureau

**COMMENTS IN RESPONSE TO PUBLIC NOTICE
ON OPTIONS FOR 470-512 MHZ (T-BAND) SPECTRUM**

Aqua Land Communications, Inc. and its principal, Thomas W. Tittle (referred to herein individually and collectively as “Tittle”), by their attorney, hereby respond to the Public Notice issued by the Wireless Telecommunications Bureau and the Public Safety and Homeland Security Bureau (“Bureaus”)¹ seeking comments to inform the Bureaus in their recommendations to the Commission relating to its implementation of Section 6103 of the *Middle Class Tax Relief and Job Creation Act of 2012* (“Act”) as it applies to the 470-512 MHz Band (“T-Band”).

STATEMENT OF INTEREST

Tittle is a non-public safety T-Band licensee of the Commission in northwest Indiana under call signs KSB589 under Part 22 of the Commission’s Rules (licensed to Thomas W. Tittle) and KNT319 and WPSI660 under Part 90 (licensed to Aqua Land Communications, Inc.). The Bureaus’ recommendations to the Commission may have a profound effect on Tittle’s T-Band operations if, as anticipated, they relate to non-public safety as well as public safety licensees. While Section 6103 of the Act does not address the status of non-public safety T-Band licensees, nor does it require their relocation to other spectrum, nevertheless

¹ *Bureaus Seek Comment on Options for 470-512 MHz (T-Band) Spectrum*, DA 13-187, rel. February 13, 2013 (T-Band PN).

the Bureaus are seeking comment on whether the Commission should consider options for relocating non-public safety licensees in conjunction with the relocation of public safety licensees.² Accordingly, Tittle has an interest in the outcome of this proceeding and believes his recommendations will serve the public interest.

DISCUSSION

The frequencies authorized to Tittle under KSB589 are used for control links for both land mobile dispatch and public coast interconnection and safety monitoring. These frequencies are essential to the financial feasibility of Tittle's operations because the once-used wireline control facilities have become prohibitively expensive. KNT319 and WPSI660 provide community repeater and dispatch service to customers engaged in safety of health and property activities. These include a plumbing contractor who provides extensive services and assistance to the local water utility and a major disposal company that handles, among other things, the disposal of both waste and recycling materials, including materials considered to be hazardous. The services provided by the latter require continuous contact between trucks and dispatcher which make substantial use of the WPSI660 air time capacity. The disposal of waste and recycling material is a major concern for the industrial area of northwest Indiana. Any dislocation would have an adverse effect on these subscribers and the public in this area that rely on the availability of their services, aside from the considerable expense that would be involved.

Due to channel congestion and loading in the Chicago metropolitan area, including northwest Indiana, it has become increasing difficult, if not impossible, to obtain alternative frequencies. However, Tittle has determined through analysis of T-Band usage in the Chicago metropolitan area that the majority of other licensees are mainly in the 470-476

² T-Band PN, at page 3.

MHz portion of the spectrum (Channel 14). Since licensees in this portion of the T-Band are limited to a 50-mile radius of downtown Chicago, these licensees have developed good cooperation concerning co-channel and adjacent-channel interference issues. With this in mind, Tittle believes that the Commission should allow non-public safety licensees to remain in the T-Band, at least in the Chicago metropolitan area. The number of such licensees is sufficiently small that grandfathering such licensees and requiring continuing protection of their operations by auction winners would not adversely affect the value of this spectrum at auction. The Act does not require displacement of non-public safety licensees even though the Congress could have mandated such requirement in Section 6103. And, the fact is that no comparable frequencies are presently available in the Chicago metropolitan area.

However, if the Commission ultimately decides to relocate non-public safety licensees, it could adopt a rule that would permit existing licensees to remain in the 470-476 MHz portion of the T-Band (Channel 14), including licensees in areas other than the Chicago metropolitan area. The remaining portion, 476-512 MHz, would then be cleared and could be auctioned in contiguous blocks, thereby maximizing the value of this spectrum. If relocation is required, the licensees that would have to relocate should be provided with relocation expenses. Existing T-Band spectrum users should not be faced with dislocation of service and major equipment expenses at the same time.

CONCLUSION

The Commission is rightly concerned about non-public safety licensees in the T-Band especially since Section 6103 of the Act imposes no requirement for their relocation as it does for public safety licensees. The number of non-public safety licensees in the Chicago metropolitan area is sufficiently small that allowing them to remain in the T-Band with

protection from harmful interference would not significantly affect the value of this spectrum at auction. Accordingly, licensees such as Tittle should be allowed to remain in the T-Band unhindered. However, if the Commission ultimately determines that additional clearing is necessary, existing non-public safety licensees should be consolidated in the 470-476 MHz portion of the band. Tittle believes that this balancing would best serve the public interest.

Respectfully submitted,

**AQUA LAND COMMUNICATIONS, INC.
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