

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

In the Matter of)
)
Amendment of Part 90 of the Commission’s Rules) WT Docket No. 07-100

To: The Commission

**PETITION FOR RECONSIDERATION
OF THE FIFTH REPORT AND ORDER**

INTRODUCTION

The Public Safety Communications Council (“PSCC”) respectfully requests that the Commission reconsider two of the decisions made in the *Fifth Report and Order* in WT Docket 07-100 with respect to the trunking rules in Section 90.187.¹ Specifically, the PSCC requests that the requirements for reciprocal contour calculations not apply to public safety applicants and that the Commission define the interference protection to be afforded to mobile units associated with a base station. The PSCC believes that the rules, as currently adopted, will adversely impact public safety applicants and licensees.

RECIPROCAL CONTOUR CALCULATIONS

Section 90.187(d)(2)(D)(3) states that, “... the service contour for proposed centralized trunked stations shall not be overlapped by an incumbent licensee’s interference contour.”² In comments to this proceeding, the Business/Industrial/Land Transportation (“B/ILT”) commenters generally desired that reciprocal contour protection be required. The primary reason for this was to prevent entities from profiting by the licensing of low power stations within the interference contours of incumbent stations in the hope of profiting from that action should the incumbent wish to modify its license at some point in the future. Such stations have no useful communications purpose and are licensed solely to prevent incumbent licensees from modifying

¹ The PSCC is comprised of the four FCC-certified public safety frequency coordinators: the American Association of State Highway and Transportation Officials (“AASHTO”); the Association of Public-Safety Communications Officials (“APCO”); the Forestry Conservation Communications Association (“FCCA”); and, the International Municipal Signal Association (“IMSA”). These comments represent the collective views of the PSCC members in response to the Commission’s decision in FCC 13-52, 47 C.F.R § 90.187.

² 47 C.F.R. § 90.187(d)(2)(D)(3)

their licenses without payment to the licensee of the low power station for letters of concurrence. Such licensing constitutes a practice similar to “greenmail” in a corporate takeover.

The PSCC takes no position with regard to whether this practice may exist on B/ILT channels, but it does not occur on public safety channels. To the contrary, licensing of low power stations within the interference contours of incumbent stations may fill a specific communications need. For example, such stations could be licensed at a compound, such as a prison or courthouse, to provide needed communications at such facilities (i.e., campus-type systems). The low power stations fulfill a need while having no effect on incumbent licensees.

Paragraph 11 of the *Report and Order* permits licensing of new stations within the interference contours of incumbent stations through the waiver process. Preparation of waivers would add complexity and cost to applications as many applicants need to employ communications attorneys to prepare their waiver requests. This can add hundreds of dollars to a license application. The PSCC believes that this cost is unnecessary, particularly for public entities funded by the public through taxation.

The PSCC believes that the coordination of low power stations within the interference contours of incumbent stations should be based on the expert decisions of the public safety frequency coordinators, because of their expertise in channel usage. The PSCC suggests that the decision to license such stations should rest with the frequency coordinators and not require the more burdensome waiver process. The PSCC recommends that Section 90.187(d)(2)(D)(3) be modified to make it apply only to B/ILT channels. This can be done very simply by modifying the language as follows: “(3) In addition, *for non-public safety pool channels*, the service contour for the proposed centralized trunked stations shall not be overlapped by an incumbent licensee’s interference contour.” This language change addresses the concerns of the B/ILT community while not impacting the public safety community.

PROTECTION OF MOBILES ASSOCIATED WITH BASE STATIONS

The Commission addressed the protection of mobile stations not associated with base stations by making the mobile-only authorized operating area represent both the interference and service contours of the mobiles. The PSCC agrees with this decision. The *Report and Order* is, however, silent on how mobiles associated with a base station are to be protected. This omission is really only significant at VHF³ because base and mobile channels are not paired. At UHF, the base station contour is protected and that automatically protects the mobile service area because the mobile frequency is known. At VHF, virtually any channel can be paired with a base station channel to form a repeater pair. Thus, protecting the service contour of the base channel does not assure that the mobile channel will be protected.

³ VHF refers to the frequencies between 150 and 174 MHz

The PSCC suggests that the service contour of the base station be adopted as the service and interference contours of the associated mobile stations. Thus, at VHF, it would be necessary to protect the incumbent mobile channel from contour overlap from new trunked mobile stations. This change would require a modification to the language of the last sentence of Section 90.187(d)(1)(B)(i).⁴ The PSCC suggests that the language be modified to read, “Contour calculations are required for base station facilities. Contour calculations are not required for mobile stations at UHF, however, at VHF the mobile channel shall be protected. For purposes of protection, the service contour of the associated base station shall be considered as both the service and interference contour for the associated mobiles.” The PSCC believes that this change more accurately reflects what it believes was the intention of the Commission with regard to protection of mobiles associated with base stations.

CONCLUSION

The PSCC applauds the Commission for its actions to improve the rules for VHF and UHF trunking. But, as stated above, the PSCC recommends two additional changes. The reciprocal contour protection rule should be modified to make it apply only to B/ILT pool frequencies. Additionally, VHF mobiles should receive protection using the associated base station’s service contour as both the service and interference contours for the associated mobiles.

Respectfully requested,

A handwritten signature in black ink, appearing to read "William Brownlow". The signature is written in a cursive style with a large initial "W".

William Brownlow
Chairman

⁴ 47 C.F.R. § 90.187(d)(1)(B)(i)