

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

In the Matter of)	
)	
Amendment of Sections 90.20(d)(34) and 90.265)	PS Docket No. 13-229
of the Commission’s Rules to Facilitate the Use)	
of Vehicular Repeater Units)	RM- 11635

COMMENTS OF THE EDISON ELECTRIC INSTITUTE

The Edison Electric Institute (“EEI”) on behalf of its member electric utilities submits these comments in response to the Federal Communications Commission’s (“FCC” or “Commission”) Order and Notice of Proposed Rulemaking (“NPRM”) released on September 16, 2013 in the above-captioned proceeding in which it sought comment on whether to amend Part 90 of the Commission’s rules to allow the licensing and operation of vehicular repeater systems (“VRS”) and other mobile repeaters by public safety licensees on certain frequencies in the VHF band.¹

I. DISCUSSION

EEI is an association of United States investor-owned electric utilities and industry associates worldwide. Its U.S. members serve almost 95 percent of all customers served by the shareholder-owned segment of the U.S. industry, about 70 percent of all electricity customers, and generate about 70 percent of the electricity delivered in the U.S. EEI frequently represents its U.S. members before Federal agencies, courts and Congress in matters of common concern,

¹ *In the Matter of Amendment of Sections 90.20(d)(34) and 90.265 of the Commission’s Rules to Facilitate the Use of Vehicular Repeater Units*, Order and Notice of Proposed rulemaking, PS Docket No. 13-229 and RM-11635 (September 16, 2013).

and has filed comments before the Commission in various proceedings affecting the interests of its members.

EEI's members make extensive use of communications as providers of critical infrastructure ("CII") services, both as owners and operators of private communications systems, and as end-users of commercial communications networks. They are in fact among this nation's largest users of communications networks and services and, over the years, have invested and continue to invest billions of dollars in communications plant as this nation's electric grid is modernized. Electric utilities make particular use of communications in their vital supervisory control and data acquisition ("SCADA"), distributed automation and field operations systems.

As recognized in the National Broadband Plan, electric utilities have a growing need for spectrum in order to carry out their core mission of safely and reliably delivering electric service to most, if not all, of the nation's residential and business consumers. This need has become even more critical as a result of weather events such as Hurricane Sandy where private utility networks remained in service and available to CII emergency response crews even after commercial networks went down. The heightened cybersecurity risk faced by utilities has also increased the need for utility access to secure spectrum.

In the NPRM, the Commission seeks "comment on whether to permit public safety mobile repeater station operations on six remote control and telemetry channels at 173 MHz subject to coordination."² As discussed in the comments and reply comments previously filed by

² NPRM at ¶ 22.

the Utilities Telecom Council (“UTC”) and the American Petroleum Institute (“API”),³ the FCC should reject the proposal of Pyramid Communications, Inc. (“Pyramid”) and not permit VRS on 173 MHz channels. These telemetry channels are heavily used and there is a shortage of available frequencies for non-voice operations in the Part 90 PLMR bands. Electric utilities use these channels for mission-critical data communications such as SCADA, early warning systems at nuclear facilities and water dams. The use of these channels for VRS, and thereby mixing data and voice on the channels, is likely to lead to interference. Coordination is not the answer because the interference which will ensue will be difficult (if not impossible) to mitigate or even trace given that it will be mobile and temporary in nature. Moreover, there is a reasonable chance that the interference may occur during emergencies when utilities are in the most need of reliable and secure communications.

There is no necessity for the Commission to act by amending its rules at this time. Instead, the Commission can grant waivers as appropriate in the future.

II. CONCLUSION

Wherefore, EEI requests that the Commission reject the proposal of Pyramid and not amend its rules to permit VRS on 173 MHz channels.

Respectfully submitted,

EDISON ELECTRIC INSTITUTE
/s/ David K. Owens

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³ See *Comments in Opposition of the Utilities Telecom Council* (November 4, 2011); *Reply Comments in Opposition of the Utilities Telecom Council* (November 18, 2011); and *Reply Comments of the American Petroleum Institute* (November 18, 2011).

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