

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

In the Matter of)
)
National Frequency Coordination, LLC)
Request to be Certified as a Part 90)
Frequency Coordinator and) WT Docket No. 14-75
American Association of Railroads Request)
to be Certified to Coordinate 800/900 MHz Band)
Business/Industrial/Land Transportation Frequencies)

To: Chief, Wireless Telecommunications Bureau

**COMMENTS
OF THE
LAND MOBILE COMMUNICATIONS COUNCIL**

The Land Mobile Communications Council (“LMCC”), in accordance with Section 1.45 of the Federal Communications Commission (“FCC” or “Commission”) rules, respectfully submits its comments in response to the Public Notice seeking comment on the requests from (i) National Frequency Coordination, LLC (“NFC”) to be certified to conduct frequency coordination for Part 90 Private Land Mobile Radio (“PLMR”) Services applications, and (ii) the Association of American Railroads (“AAR”), which already is certified as a frequency coordination for PLMR frequencies below 512 MHz, to be certified to coordinate PLMR applications in the 800/900 MHz bands.¹ The request from NFC does not contain sufficient information to support approval and, in any event,

¹ Wireless Telecommunications Bureau Seeks Comment on Requests of National Frequency Coordination, LLC to be Certified as a Part 90 Frequency Coordinator and the Association of American Railroads to be Certified to Coordinate 800/900 MHz Band Business/Industrial/Land Transportation Frequencies, *Public Notice*, WT Docket No. 14-75, DA 14-653 (rel. May 14, 2014) (“Public Notice”).

raises novel issues in the context of Part 90 PLMR frequency coordination that warrant careful FCC scrutiny.²

I INTRODUCTION

The LMCC is a non-profit association of organizations representing virtually all users of land mobile radio systems, providers of land mobile services, and manufacturers of land mobile radio equipment. The LMCC acts with the consensus and on behalf of the vast majority of public safety, business, industrial, transportation and private commercial radio users, as well as a diverse group of land mobile service providers and equipment manufacturers. Membership includes the following organizations:

- American Association of State Highway and Transportation Officials (AASHTO)*
- American Automobile Association (AAA)**
- American Petroleum Institute (API)**
- Association of American Railroads (AAR)**
- Association of Public-Safety Communications Officials-International, Inc. (APCO)*
- Aviation Spectrum Resources, Inc. (ASRI)
- Central Station Alarm Association (CSAA)**
- Energy Telecommunications and Electrical Association (ENTELEC)
- Enterprise Wireless Alliance (EWA)**
- Forest Industries Telecommunications (FIT)**

The organizations whose names are followed by an asterisk constitute the universe of certified Part 90 frequency coordinators. Those with a double asterisk are certified to coordinate some or all non-Public Safety Part 90 PLMR frequencies.

II BACKGROUND OF FREQUENCY COORDINATION

As described in the Public Notice, PLMR frequency coordination is the process whereby a

experience coordinating frequencies in the service involved or any technical expertise in engineering land mobile stations. Finally, we took into consideration whether the entity had nationwide coordination capability, a nationwide data base of users in the service it proposed to coordinate, and whether the data base was automated.

approach has the clear benefit of allowing coordinators to adjust those standards as appropriate, based on experience and changes in technology, without the delays inherent in FCC rule

does not object to a frequency coordinator using the services of an experienced, qualified organization to undertake those tasks with proper management oversight, but it is troubled by NFC's failure to identify TrueNet in the request, which certainly would be read as indicating that NFC itself possesses the qualifications it claimed. If NFC intends to contract all of its coordination responsibilities to TrueNet, it should make that clear, so the FCC can evaluate the qualifications of the organization that actually will be performing the coordination work. And while TrueNet may be highly experienced in spectrum management, the LMCC is not aware that its experience extends to the Part 90 PLMR spectrum, another FCC criterion for certification.

Indeed, NFC seemingly has adopted TrueNet as its alter ego and has confused the capabilities of that company with its own. For example, the LMCC assumes it is TrueNet, not NFC that has "past performances with the public sector specifically with the FCC in different capacity" since NFC was only incorporated on December 11, 2013, just over three months prior to filing the instant request. Similarly, the "our" in "our vast databases of users, both internal and external provide additional knowledge in successful frequency coordination services," presumably is a reference to TrueNet databases. What is not clear is what either of these claims, taken as true, have to do with performing Part 90 PLMR frequency coordination functions. The LMCC also must conclude that it was TrueNet and not NFC itself that "worked with a manufacturer in the design

emissions, and other data relevant to the selection of the best available frequency. If the request is indicative of quality control within the NFC organization, it raises doubts about NFC's ability to perform coordination satisfactorily. There are numerous typographical and grammatical errors in only a four-page document, much of which appears to have been imported from existing TrueNet materials, including a reference in the Organization Chart to a "Controller" position. The LMCC appreciates that few documents are entirely error-free, but this work product is not one that inspires confidence in the preparer's qualifications to work in a field that demands careful attention to detail.

IV NFC'S RELATIONSHIP WITH SMARTCOMM-AFFILIATED ENTITIES

Consideration of NFC's request for certification as a PLMR frequency coordinator cannot be undertaken in a vacuum, but also must take into account its relationship with Smartcomm, LLC ("Smartcomm"), Spectrum Network Group, LLC ("SNG"), M2M Spectrum Networks, LLC ("M2M"), and Spectrum Acquisition Group, LLC ("SAG"). Attachment A describes the overlapping ownership interests among these entities as well as other commonalities. This would not be significant for purposes of evaluating the request but for the fact that SNG, on behalf of its subsidiary M2M, has applied for, and has advised the FCC it will continue to apply for, the very frequencies NFC seeks to coordinate. Smartcomm and SAG also are believed to have an economic interest in applications they market and prepare, applications that will require frequency coordination. This represents, at a minimum, the appearance of a conflict of interest that is entirely inconsistent with the historical frequency coordination environment.

The LMCC does not take the position that only not-for-profit trade associations qualify for certification as frequency coordinators. However, no current coordinator has an economic

**Not registered to do business in Florida*

Spectrum Network Group, LLC ("SNG")