

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

In the Matter of	)	
	)	
<b>ASSOCIATION OF AMERICAN RAILROADS</b>	)	WT Docket No. 14-75
	)	
Request for Certification to Coordinate 800/900	)	
MHz Business/Industrial/Land Transportation	)	
Frequencies	)	
	)	
	)	

**REPLY COMMENTS OF THE AAR**

The Association of American Railroads (“AAR”) submits these Reply Comments in response to the Federal Communications Commission’s (“FCC’s” or “Commission’s”) May 14, 2014 Public Notice in the above-captioned proceeding.<sup>1</sup> The AAR reiterates its interest in and qualifications for becoming a certified frequency coordinator for Business/Industrial Land Transportation Pool (“B/ILT Pool”) frequencies in the 806-824/851-869 MHz and 896-901/935-940 MHz bands (“800/900 MHz bands”). Additionally, the AAR takes this opportunity to correct the record in regard to the inaccurate allegations made by Mobile Relay Associates (“MRA”) in its comments.<sup>2</sup>

***The AAR is Well-Qualified to Coordinate B/ILT Frequencies.*** The AAR is not only representative of the railroad industry, but it is also already a licensee in the 800/900 MHz Bands. The AAR primarily provides frequency coordination services for its members, including both freight and passenger railroads, as well as for other entities that meet the definition of

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<sup>1</sup> *Wireless Telecommunications Bureau Seeks Comment on Request 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*, WT Docket No. 14-75, Public Notice, DA 14-653 (rel. May 14, 2014).

<sup>2</sup> See Comments of Mobile Relay Associates, WT Docket No. 14-75 (filed June 13, 2014) (“MRA Comments”).

“railroad licensee” in Section 90.7 of the FCC’s rules. To help meet its growing demand for spectrum, the AAR has held the 800/900 MHz Band license WPSF894 since 2001.

The AAR has substantial experience providing frequency coordination for frequencies below 512 MHz. Throughout the nearly 20 years it has been coordinating land mobile applications, it has not been the subject of significant complaints or an inquiry by the Commission for improper or incorrect coordination practices. The AAR is also a member of the Land Mobile Communications Council (“LMCC”), the industry organization that has collaborated with the Commission to assist with the development and implementation of Part 90 coordination, licensing, and interference protection policies. In 2001, the Commission found all below 512 MHz frequency coordinators to be qualified to coordinate the 800/900 MHz B/ILT Pool frequencies,<sup>3</sup> and the AAR continues to meet the requirements for certification as a frequency coordinator. The AAR will utilize the same overall coordination plan the Commission approved in connection with the AAR’s coordination of frequencies below 512 MHz, with the appropriate technical adjustments for the 800/900 MHz Band.

The AAR has the requisite experience and technical ability to provide coordination services in the 800/900 MHz Band. The AAR has successfully completed frequency coordination for tens of thousands of sites below 512 MHz, and it has coordinated more than 4,000 sites for its licenses in the 800/900 MHz Band without any harmful interference. With successful coordination applications in every state and the U.S. Virgin Islands, the AAR maintains its national coordination capability.

Thus, the AAR has the experience, resources, and technical expertise necessary to coordinate the 800/900 MHz B/ILT Pool frequencies. Moreover, even MRA agrees that the AAR is qualified to be an 800/900 MHz B/ILT frequency coordinator.<sup>4</sup>

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<sup>3</sup> *United Telecom Council Informal Request for Certification as a Frequency Coordinator in the PLMR 800 MHz and 900 MHz Bands*, Order, 16 FCC Rcd 8436 ¶ 18 (WTB PSPWD 2001) (“*United Telecom Council*”).

<sup>4</sup> See MRA Comments at 3-4.

***The Commission should disregard MRA's allegations.*** In its comments, MRA makes the baseless suggestion that the AAR does not treat railroad and inter-service frequency coordination requests equally.<sup>5</sup> The AAR has separate application processing queues for applications and inter-service frequency sharing requests. The applications in each queue are timely processed from all entities on a first-come, first-served basis, and the AAR can provide expedited processing upon request. Nearly all frequency coordination requests are completed within two to four weeks of the AAR's receipt of the request.

The AAR's staff dedicated to processing frequency coordination requests works diligently to complete all requests as soon as possible. However, processing delays may occur from time to time for any number of reasons largely outside their control, including when there is a need for an Antenna Structure Registration ("ASR"), a concurrence is required, information is missing from the request, or the request was returned by the FCC.

The AAR also processes most frequency coordination requests without modification, but modifications are sometimes necessary, for example, when the client requests an effective radiated power ("ERP") that is too high for the antenna height average above terrain ("HAAT"). The AAR may also suggest a modification for a request to avoid the need for an ASR. Additionally, with a client's consent, the AAR may change the mobile area of operation on FCC Form 601 Schedule D from "A" to "P" and enter the coordinates of the reference location. This modification helps ensure that the frequency appears on a frequency search, thereby avoiding potential interference.<sup>6</sup>

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<sup>5</sup> *Id.* at 4.

<sup>6</sup> MRA does not appear to exercise the same care in complying with the FCC's rules. See *Mobile Relay Associates, Licensee of Station WPPF233, La Crescenta, CA, Order*, 22 FCC Rcd 17317 (EB 2007); *Mobile Relay Associates Licensee of Station WPPF234 Malibu, California, Notice of Violation No. V201332900014* (rel. March 20, 2013).

MRA's allegation that the AAR never coordinated anything for MRA in less than five weeks is without merit.<sup>7</sup> In the last five years, the AAR has only coordinated three requests for MRA and two were completed in less than two weeks.

***The same rules and obligations that apply to other 800/900 MHz B/ILT frequency coordinators should apply to the AAR.*** MRA is the only commenter that proposed conditioning the AAR's request.<sup>8</sup> Two commenters supported the AAR's request, and three additional commenters had no reservations about granting the AAR's request. Indeed, the American Association of State Highway and Transportation Officials ("AASHTO") stated that the "AAR has been an FAC for other Part 90 frequencies for many years, and unquestionably meets all of the Commission's criteria to expand those activities into the 800/900 MHz band."<sup>9</sup> Similarly, Forest Industries Telecommunications ("FIT") stated in support of the AAR's request that the "AAR is well qualified under the required criteria."<sup>10</sup>

MRA's suggestion that the Commission provisionally grant the AAR's request and condition its grant on certain recordkeeping and reporting requirements is unnecessary and inconsistent with the obligations imposed on other frequency coordinators. Specifically, MRA recommended that the AAR maintain separate records of its frequency coordination services for both railroad-entity applicants and other B/ILT applicants, as well as deliver reports to the Wireless Telecommunications Bureau ("Bureau") providing the AAR's average completion time for each class of applicants and indicating whether the AAR modified the applicant's proposal.<sup>11</sup> In fact, the time needed to process different frequency coordination requests customarily varies depending on the circumstances and will certainly continue to do so on a case-by-case basis. Filing reports with the Bureau as requested by MRA: (1) would be an inefficient use of both the

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<sup>7</sup> MRA Comments at 4.

<sup>8</sup> *Id.* at 5.

<sup>9</sup> Comments of AASHTO, WT Docket No. 14-75 at 3 (filed June 13, 2014).

<sup>10</sup> Comments of FIT, WT Docket No. 14-75 at 1 (filed June 13, 2014).

<sup>11</sup> *Id.*

AAR's and the FCC's limited time and valuable resources; (2) would not provide the FCC with any additional useful information; and (3) would be more information than the FCC has ever previously required.

**Conclusion.** For the reasons discussed above and as described further in the AAR's initial filing in this proceeding, the Commission should grant the AAR's request to be a frequency coordinator for the 800/900 MHz B/ILT Pool.

Respectfully submitted,

**ASSOCIATION OF AMERICAN RAILROADS**

/s/ Timothy J. Strafford

Michele C. Farquhar  
Carly T. Didden  
Hogan Lovells US LLP  
555 Thirteenth Street, NW  
Washington, D.C. 20004  
Telephone: (202) 637-5663  
[michele.farquhar@hoganlovells.com](mailto:michele.farquhar@hoganlovells.com)

Timothy J. Strafford  
Assistant General Counsel  
425 Third Street, SW, Suite 1000  
Washington, D.C. 20024  
Telephone: (202) 639-2506  
[tstrafford@aar.org](mailto:tstrafford@aar.org)

*Counsel to the Association of American Railroads*

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