

# LAND MOBILE COMMUNICATIONS COUNCIL

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## MEMBER

AAA

AAR

June 21, 2007

AASHTO

AFWA

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APCO

API

ASRI

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

CSAA

EWA

FCCA

FIT

Re: *Third Report and Order*, WT Docket No.  
99-87/RM-9332

IAFC

IMSA

ITSA

Dear Ms. Dortch:

MRFAC

NASF

PCIA

TIA

UTC

This letter is being filed electronically for inclusion in the public record of the above-referenced proceeding<sup>1</sup> pursuant to Section 1.415 of the Commission's rules, 47 C.F.R. § 1.415.

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. 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 diversity of land mobile service providers and equipment manufacturers.<sup>2</sup> LMCC's membership has been an active participant in

<sup>1</sup> Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended; Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies, Third Report and Order WT Docket No. 99-87, RM-9332, FCC 07-39 (March 26, 2007).

<sup>2</sup> 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 Fish and Wildlife Agencies (AFWA), Association of Public-Safety Communications Officials-International, Inc. (APCO), Aviation Spectrum Resources, Inc. (ASRI), Central Station Alarm Association (CSAA), Enterprise Wireless Alliance (EWA), Forest Industries Telecommunications (FIT), Forestry-Conservation Communications Association (FCCA), Intelligent Transportation Society of America, Inc. (ITSA), International Association of Fire Chiefs (IAFC), International Municipal Signal Association (IMSA), MRFAC, Inc. (MRFAC), National Association of State Foresters (NASF),

the Commission's efforts to promote use of spectrally efficient technologies in the Private Land Mobile Radio (PLMR) Services since the subject was first initiated as part of the Commission's reforming proceeding in 1992. Accordingly, LMCC is qualified to offer its comments on this matter.

On March 26, 2007 the Commission issued a *Third Report and Order* in the subject proceeding, concerning the migration to 6.25 kHz narrowband technologies in the PLMR bands below 512 MHz. On May 18, 2007 the City of New York (NYC) filed a Petition for Reconsideration of the *Third R&O*. By this letter, LMCC voices its support for the NYC Petition. While the Petition focuses on the ramifications of the *Third R&O* on public safety communications, LMCC asserts that the same issues raised in the Petition are equally applicable to Business/Industrial/Land Transportation (BILT) licensees, especially those with large fleet operations such as utilities, railroads, airlines, and overnight delivery companies.

But regardless of the size of a company or agency and its radio system, one thing all licensees have in common is an interest in maximizing the investment they've made in their system by using it for its optimal lifespan. Many BILT and public safety licensees have already implemented, or recently begun the transition to 12.5 kHz narrowband technology with the expectation that they will be able to utilize it for at least 15 years, if not longer. Licensees have set their sights on meeting the existing 2013 deadline and to now be told that they should be considering a migration directly to 6.25 kHz creates great uncertainty for those licensees just beginning the transition to 12.5 kHz. And licensees that are farther along in implementing 12.5 kHz technologies fear that they will not be able to obtain the expected life cycle on their equipment investment if the Commission insists on a migration path to 6.25 kHz.

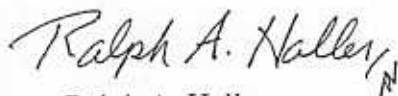
Even if the Commission declines to consider the serious economic impact of the *Third R&O*, there are still major technical issues that stand in the way of a direct migration from 25 kHz technology to 6.25 kHz technology. As the NYC petition notes, there are no 25 kHz/6.25 kHz dual mode radios currently being manufactured. As the Commission correctly acknowledged in the *Third R&O*, standards for 6.25 kHz and equivalent efficiency technology are not yet completed, a critical point for public safety users implementing interoperable and backward compatible technology. Backwards compatibility is an essential part of a smooth transition from one technology to another as it allows the old technology to remain operational while the new technology is integrated into the system. The importance of this to public safety operations should be obvious, but it is also important to many BILT licensees that use their radio systems for critical activities such as disaster recovery operations and to ensure worker safety in hazardous manufacturing or cargo handling environments, to name just a few. Also, equipment manufacturers need a reasonable amount of time to research and develop the kinds of equipment that meet the requirements of these various licensees.

The NYC Petition also notes the challenges to mitigating adjacent and co-channel interference when multiple technologies are mixed in the same operating environment. This is an issue that strongly resonates with LMCC since most of its members serve as FCC-certified

Frequency Advisory Committees (FACs) in the Part 90 PLMR frequency bands and will be responsible for developing and implementing the frequency coordination protocols that will be used to mitigate the interference to which the NYC Petition refers. LMCC has been working for nearly a year now to develop frequency coordination standards to accommodate new TDMA and FDMA narrowband technologies and much work remains to be done. A mandate to transition from 25 kHz directly to 6.25 kHz would render much of our work superfluous and send us back to the drawing board. And licensees are reluctant to use new technologies without a reasonable expectation of protection from interference.

For all of the foregoing reasons, LMCC supports the NYC Petition and urges the Commission to reconsider its decision potentially to mandate 6.25 kHz technology without providing for a smooth migration path from existing technologies. This is absolutely essential to allow licensees to obtain a full return and life cycle on the investment they have made in their radio systems, to allow standards to be completed, and to allow manufacturers a reasonable amount of time to meet the inherent technical challenges.

Sincerely,

A handwritten signature in cursive script that reads "Ralph A. Haller". The signature is written in dark ink and includes a small flourish at the end.

Ralph A. Haller  
President