

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Revisions to Rules Authorizing the Operation of Low Power Auxiliary Stations in the 698- 806 MHz Band)	WT Docket No. 08-166
)	
)	
Public Interest Spectrum Coalition, Petition for Rulemaking Regarding Low Power Auxiliary Stations, Including Wireless Microphones, and the Digital Television Transition)	WT Docket No. 08-167
)	
)	
Amendment of Parts 15, 74 and 90 of the Commission’s Rules Regarding Low Power Auxiliary Stations, Including Wireless Microphones)	ET Docket No. 10-24
)	

**REPLY COMMENTS
OF THE
LAND MOBILE COMMUNICATIONS COUNCIL**

The Land Mobile Communications Council (“LMCC”), pursuant to Section 1.415 of the Commission’s Rules, 47 C.F.R. § 1.415, hereby respectfully submits its Reply Comments in the above-captioned proceeding.¹

I. INTRODUCTION

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

¹ *Report and Order and Further Notice of Proposed Rulemaking*, WT Docket No. 08-166, 25 FCC Rcd 643 (2010) (“*Further Notice*” or “*FNPR*”). The Comment and Reply Comment dates in this proceeding were extended by Public Notice, DA 10-271 (rel. Feb. 18, 2010).

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 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)
- PCIA – The Wireless Infrastructure Association (PCIA)
- Telecommunications Industry Association (TIA)
- United Telecom Council (UTC)

In this proceeding, the Federal Communications Commission ("FCC" or "Commission") has taken steps to address the question of how to accommodate low power unlicensed wireless microphones that have come to be used by churches, schools and many other organizations without allowing them to cause interference to properly licensed communications systems. In particular, the FCC has focused on unlicensed microphones operating in the 700 MHz band and has taken action "to ensure that public safety and commercial licensees can operate in the 700 MHz Band without interference, while providing entities currently operating wireless microphones in the band with an opportunity to relocate to other bands." ² The *Further Notice*, among other matters, proposes technical rules that would allow unlicensed low power wireless

² *Id.* at ¶ 1.

audio devices ("Wireless Audio Devices"), including wireless microphones, to operate in TV Channels 2-51 (excluding Channel 37 that is allocated nationwide for non-broadcast purposes). Specifically, the Commission has proposed rules that would restrict the operation of these Wireless Audio Devices to locations that are more than a prescribed distance from operating television stations to prevent interference to television broadcast operations.³

It is not clear how the FCC intends to enforce these geographic restrictions since the users of these devices will not be licensed and, therefore, their identities and locations will not be known. It may be that the very significant power disparity between television stations and Wireless Audio Devices will greatly minimize the likelihood of destructive interference should these devices be operated within the restricted areas.

However, even if such measures were enforceable, the *FNPR* did not propose interference protection for the many thousands of Private Land Mobile Radio Services ("PLMRS") systems that share the use of TV Channels 14-20 in eleven major markets in the country. The users of these systems are the same type of public safety and commercial entities whose operations the Commission is seeking to protect at 700 MHz, and also include a significant number of utilities, transportation providers and other business enterprise companies. Many of these licensees have been operating on this spectrum for decades, and they must be fully protected against interference from Wireless Audio Devices.

The FCC recently addressed essentially the same issue in its so-called "TV White Space" proceeding.⁴ LMCC and others urged the FCC to protect relatively low power PLMRS operations on the shared TV channels by prohibiting the operation of personal/portable TVBDs

³ *Id* at ¶ 115. The *Further Notice* proposes the same separation distances as are required for licensed Part 74 wireless microphones.

⁴ See TV White Spaces Second Report and Order and Memorandum Opinion and Order, ET Docket No. 02-380, 23 FCC Rcd 16807 (2008).

on Channels 14-20 entirely, a recommendation that the FCC adopted and that will prevent the possibility of unlicensed users inadvertently causing interference by operating in a prohibited geographic area. The Commission further fortified the anti-interference provisions by requiring the TVBDs to incorporate geo-location capability and by providing for a lookup database so that the devices will automatically recognize stations that are entitled to protection in an area before they begin transmitting. As the FCC stated in the TV White Space proceeding:

We also remain concerned about possible interference from unlicensed TVBDs to public safety and other important communications operations in the PLMRS.... [W]e choose to be conservative in protecting the PLMRS/CMRS services and will prohibit personal/portable devices from channels 14-20.... Accordingly, we will only allow fixed devices that communicate with other fixed devices to operate on channels 5-20....

[W]e are requiring that fixed TV band devices avoid operating on channels that will interfere with PLMRS and CMRS operations. The TVBD database will contain information on the locations and channels used for PLMRS/CMRS, the Offshore Radiotelephone Service and other authorized services to prevent TV band devices from operating on the channels used by those services.⁵

The Wireless Audio Devices under consideration in this proceeding have the same potential for interference to PLMRS facilities as do personal/portable TVBDs and should be subject to equally stringent restrictions. These devices are unlicensed and nomadic. Once released into the consumer marketplace, there is no realistic means of preventing their operation on the same channels and in the same geographic markets as police, fire, emergency medical, transportation, utility, manufacturing, and other PLMRS systems. They can and will interfere with the critical communications of these entities, and there will be no means by which the operators of unlicensed Wireless Audio Devices can be contacted to correct the problem.

For this reason, LMCC urges the Commission to adopt rules governing Wireless Audio Devices that are consistent with those governing TVBDs. Like TVBDs, wireless microphones

⁵ *Id* at ¶¶ 152-3.

and other Wireless Audio Devices are inherently mobile and cannot be regulated by geographic restrictions. The possibility of them causing interference to mobile and portable units utilized by PLMRS licensees fully justifies a prohibition against the manufacture and operation of Wireless Audio Devices on TV Channels 14-20.

Respectfully submitted,

By: /s/ Al Ittner

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