

Before the
Federal Communications Commission
Washington, DC

In the Matter of)
)
Request of Spectrum Policy Task Force) ET Docket No. 02-135
for Comment on Issues Related to the)
Commission’s Spectrum Policies)

COMMENTS OF EXELON CORPORATION

Exelon Corporation (“Exelon”) submits these comments in response to the request of the Commission’s Spectrum Policy Task Force (“Task Force”) for comment on issues related to the Commission’s spectrum policies.¹

Exelon is a member of the Critical Infrastructure Industry (“CII”) group in several major respects. Exelon Energy Delivery serves more than 3.4 million electricity customers in Northern Illinois (including Chicago) through Commonwealth Edison and about 1.5 million electricity and 430,000 natural gas customers in Southeastern Pennsylvania (including Philadelphia) through PECO Energy. Exelon’s subsidiary, Exelon Generation, manages a diverse portfolio of natural gas, coal, hydro, nuclear, solar and wind-generated electricity. It owns and operates a substantial number of hydro and fossil-powered electrical generating units, as well as the largest nuclear “fleet” in the nation, the third largest fleet in the world. Its ten stations - with 17 reactors - represent approximately 20 percent of the U.S. nuclear industry's power capacity.

In performing their critical infrastructure functions, the Exelon companies have a vital need to use radio spectrum. For example, the Exelon Energy Delivery subsidiaries employ radio services to further the safe and efficient distribution of electricity and gas. Radio systems support field line crews, field service personnel, and customer response and emergency preparedness functions. Two-way radio systems are used for voice dispatch of construction, repair, and storm restoration crews. Microwave systems are used to collect data from and control substation activity and to monitor and control transmission systems; they provide communications used to protect high voltage transmission systems by automatically isolating power system disturbances, thus promoting public safety and ultimately facilitating the reliable delivery of power. Multiple-address systems are used to collect data from and control aspects of the distribution system.

In addition, Exelon Generation utilizes radio to support safe, secure, efficient operations at its fossil, hydro, wind, and nuclear power plants. Radio systems are used to carry both voice and data, operational functions, including plant security, nuclear plant siren systems, field dosimetry data, and emergency preparedness and telemetry systems.

Because of the critical functions performed by CII entities in providing services and products essential to societal needs, especially in times of emergency or crisis, Commission policy should improve, but must not diminish, CII entities' ability to use radio spectrum to perform critical infrastructure functions. For example, the Notice, in Question 4, raises the issue of whether "more market-oriented spectrum policies" might have adverse effects on public safety and public service entities. If, for example, the

¹ Public Notice DA 02-1311, *Spectrum Policy Task Force Seeks Public Comment on Issues Related to*

Commission were to establish an interference priority that favored auction winners over other licensees, that could have a significant detrimental impact on the ability of entities such as the Exelon Companies to continue to operate their power generation and transmission and distribution functions in a safe and reliable manner. Either CII entities would have to endure service-debilitating interference from auction winners' systems (with concomitant delays in service restoration) or would be subject to shut down demands from auctions winners whose applications utilize sensitive receivers. Neither of those options would be acceptable because they would jeopardize the performance of critical infrastructure functions so important to our national interests.

The Notice's Questions 22-24 deal specifically with Public Safety agencies and CII entities. Exelon would note that, because of their important public function supported by public ratepayers, CII entities should be recognized and given protection nearly equivalent to that of Public Safety agencies. In particular, the Commission should consider spectrum-set asides for CII entities in a manner similar to the way it has addressed the needs of Public Safety agencies. Clearly, CII use of radio spectrum to further critical infrastructure goals is in the public interest. The Commission, therefore, should appropriately devote some resources to support that function. In other words, it would be especially important to protect this country's critical infrastructure by devoting a portion of new spectrum, when technically appropriate, to utilities and other CII entities.

At the same time, CII licensees should be given the flexibility to make voluntary agreements with third parties to share spectrum in any way that does not cause

Commission's Spectrum Policies, ET Docket No. 02-135, rel. June 6, 2002 ("Notice").

interference with other licensees. For example, a power delivery company might share its frequencies with a public safety agency or other user under conditions advantageous to both companies. CII entities are in the best position to determine whether a specific frequency sharing arrangement, for example, would still permit the CII entity to properly perform its obligations. Such arrangements would have the added benefit of making spectrum use more efficient.

In sum, the Commission's policies should ensure the continued availability of spectrum to CII entities for their use in providing critical infrastructure functions and on terms and under conditions that support those functions. In this regard, Exelon supports the comments of the United Telecommunications Council as providing more detailed and well-reasoned thoughts on these critical issues.

Respectfully submitted,

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