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

In the Matter of	)	
	)	
Improving Public Safety Communications	)	
in the 800 MHz Band	)	
	)	**WT Docket No. 02-55**
Consolidating the 900 MHz Industrial/Land	)	
Transportation and Business Pool Channels	)	

To: The Commission

COMMENTS OF CENTRAL MAINE POWER COMPANY

Central Maine Power Company ("CMP") files its reply comments in the captioned proceeding. CMP recognizes the difficult and controversial issues for all parties involved, and is filing these comments to assist the Commission in understanding the critical public interest considerations facing utilities providing electric service to rural areas.

I. Background

CMP is an electric utility that serves more than 545 thousand electric customers in 13 counties covering approximately 50,000 square miles in the state of Maine. Much of CMP's service area is rural and sparsely populated, and approximately half of its service area is above Line A. CMP utilizes an 800 MHz system in the Industrial/Land Transportation Pool that covers its entire electrical service area.

The Maine Public Utilities Commission ("MPUC") mandates that CMP provides service to all electric utility customers within its service territory. Commercial Mobile Radio Systems ("CMRS") do not provide coverage to many of the rural and remote areas

where CMP has customers and hence power lines. To protect the safety and lives of its power maintenance and restoration personnel, as well as to more effectively and efficiently maintain power lines and restore service during emergency outages, CMP requires mobile communications throughout its entire electrical service area.

To support its operations, CMP must provide dispatching, Supervisory Control and Data Acquisition ("SCADA") for remote substation control, system protection, site monitoring and a host of other communications related operations. As a result, CMP utilizes mobile radio, microwave, fiber optics and other types of communications to ensure the reliable delivery of electric power. CMP's service area coverage requirements do not coincide with CMRS providers, as CMRS providers wish to cover only the more heavily populated areas within CMP's service territory. In addition, CMRS service does not satisfy all of the requirements of an electric public utility. For example, Maine has no CMRS carrier that can carry SCADA information that must be scanned every 4 seconds. As a result, CMP must provide its own communications to meet its needs.

CMP relies heavily on its 800 MHz analog trunked land mobile radio system. This system was installed after Hurricane Gloria in the late 1980s to improve voice-dispatching capabilities. The MPUC mandated such improvement as a result of the Hurricane Gloria experience. Previously, CMP operated a low-band 4-channel system. Due to the long transmission distances common in low-band systems, during periods of heavy use, each of CMP's service centers experienced interference from the other service centers, thus slowing the power restoration process.

CMP selected a trunked system to maximize spectrum efficiency and chose the 800 MHz band due to it being the only band where trunking was permitted at the time.

Since then, CMP has expanded its use of its 800 MHz channels to include data transmission for computer aided dispatching. CMP is currently in the design phase of adding the capability to read electric meters and monitor recloser status on its electrical system. This is a first step in providing vital information to and obtaining information from customers and electric energy providers in this new era of electric deregulation.

CMP has first hand experience of the critical nature of its own radio, microwave and fiber optic systems. For example, during the aftermath of the January 1998 ice storm that devastated much of northern New England, CMP found that its internal communications systems were very reliable and provided the only means of communications—communications that were critical to restoration of power to CMP's customers. The damage to electric lines was so severe, and the need for restoration work so extensive, that many areas lacked electricity for more than 2 weeks. Telephone infrastructure had been rendered inoperative. Cellular services that were still in operation were so overloaded that cellular users received fast busy signals for hours and days at a time. SMR providers were overloaded in trying to restore public safety communications statewide. Had it not been for the capabilities of CMP's own communications system, restoration efforts would have been hampered and taken much longer to complete.

II. Discussion

The various proposals to relocate the Industrial/Land Transportation and Business pools from the 800 MHz band to other spectrum would put CMP in a very difficult position. In response to these proposals, CMP has researched alternative spectrum only to find out that CMP would not have any reasonable alternatives. The basic problem is

that channel availability is limited, and thus moving CMP's entire communications system to anther band is not possible.

The challenge is particularly difficult for CMP because approximately half of its electrical service area is located above Line A. Essentially, the restrictions placed on entities seeking spectrum above Line A makes it impossible to acquire an equivalent number of channels in another band. Even when all parties agree to an application above Line A, the delays in obtaining a license are extraordinarily long due to international coordination procedures. For example, CMP currently has an application before the Commission for public safety channels above Line A. APCO has consented to the coordination of the channels because public safety agencies do not use 800 MHz in Maine. Although UTC forwarded the application to the Commission over a year ago, it is still pending. Relocation to the 700 MHz band would fare even worse, as it would be impossible to predict when, if ever, the Canadian 700 MHz television band would be cleared for land mobile use.

Nextel is proposing that various entities, including companies such as CMP that hold Industrial/Land Transportation channels, move to the 700 MHz band. According to the Nextel plan, this would eliminate interference with other users in the 800 MHz band. It is also intended to eliminate interference to public safety users in other bands. However, in Maine, there are no public safety entities using 800 MHz. Therefore, this type of reorganization of the band plan is not needed in Maine. On the other hand, as mentioned above, the inability to find sufficient spectrum in other bands in areas such as Maine, that have significant areas above Line A, would make Nextel's proposal unworkable in Maine.

It is unreasonable and in many cases not feasible for regulated public utilities to completely relocate their communications systems to other spectrum bands. The utility ratepayer who is also the taxpayer has already shouldered the burden of both the utility and the public safety systems to be put in place. Now these same people are being asked to shoulder the financial burden of relocating both the utilities and public safety to other spectrum. The $50 million dollars that Nextel proposes to spend on public safety equipment is entirely inadequate to relocate public safety entities nationwide.

Historically, the Commission has encouraged companies or entities to partner with public safety to deploy reliable communications systems.[1] By removing all users in the Business and Industrial/Land Transportation pools from the 800 MHz band, it would become very difficult to develop this type of partnering. For the most part, the partnering tends to be utilities sharing facilities with public safety. There are several reasons for this. A regulated public utility tends to have a large physical territory or large customer base to serve. These same utilities tend to have an important need to communicate with public safety, as the utility infrastructure is so vital to serving the community. As is the case with public safety, utilities have a critical need to deploy private networks to ensure reliable and vital communications, especially during an emergency. Thus, the spectrum needs of utilities and public safety are aligned.

The FCC should foster an environment for regulated public utilities and public safety to share infrastructure and bandwidth. By fostering this type of partnership, it will help ease financial burdens on both parties, reduce interference, and improve communications between these parties in times of crisis. To facilitate this, the

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[1] *See, e.g., Commonwealth of Pennsylvania and GPU Energy,* 14 FCC Rcd. 14029 (1999).

Commission should classify regulated public utilities as public safety entities. Considering the critical nature of electric, gas and water to the community, it makes sense to make this type of change. To the extent that the taxpayer/ratepayer is to fund a change in infrastructure, this scenario will allow for one new system, rather than two new systems at the expense of the taxpayer/ratepayer.

In order to make sure that there is sufficient spectrum for public safety and utility use without undue congestion, the Commission must enforce its requirement that the public safety and utility frequencies are for non-commercial use. Therefore, the Commission should not permit the public utility to use its spectrum to become an SMR. The reason is simple. If use of the bandwidth does not generate income, the chances of congestion will be reduced.

Since Nextel's conversion to iDEN and its increase in its customer base is the primary cause of 800 MHz congestion and interference, the Commission should require Nextel to relocate to the 700 MHz or 900 MHz bands if anyone is to relocate. Nextel is willing to invest $50 million dollars in capital to assist public safety to relocate to other spectrum. Instead, Nextel should relocate itself or, in the alternative, along with other 800 MHz users benefiting from the relocation, pay the cost of anyone who is relocating to other spectrum.

III. Conclusion

The ultimate concern is for public safety entities to be able to communicate without receiving harmful interference. Utilities have the ability to and should be encouraged to share spectrum and facilities with public safety. The taxpayer and utility ratepayer are the same individuals who must shoulder the cost of any new system. Why

not allow those individuals to fund one system instead of multiple systems? Public safety and public utilities are required to communicate with each other during many emergencies. Why not classify both as public safety entities for frequency assignment purposes? The Commission should build an enticing environment to foster the joining of forces from both public safety and utilities to reduce the required financial resources from each. If parties are at the table to help improve public safety communications then it is equitable for all parties to financially invest to make this happen. It is unreasonable to expect any one entity to shoulder the cost of such a sweeping change. Nextel and other enhanced SMR operators, public safety, cellular, public utilities, other bandwidth users, and the public as a whole must all share in the cost and responsibility to improve public safety communications.

Respectfully submitted,

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