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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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

REPLY COMMENTS

The Automobile Club of Southern California (Southern Cal), by its attorneys and pursuant to Section 1.415(c) of the Commission's Rules, hereby submits the foregoing reply comments in the above-captioned proceeding, relating to the improvement of public safety communications in the 800 MHz band. Southern Cal supports the Commission's goal of finding a permanent solution to the interference issues being experienced by public safety systems in the 800 MHz band. However, as a recognized "quasi-public safety entity," Southern Cal is concerned that a rebanding of the 800 MHz band, or the adoption of any proposal that does not maintain the primary status of Business – Industrial/Land Transportation Service (B/ILT) licensees, could have adverse affects on its 800 MHz operations.

I. Conventional 800 MHz Services Must Retain Their Primary Status.

Southern Cal is a not-for-profit organization that has been providing emergency road services for over ninety years. Southern Cal has over 4 million members in Inyo, Imperial, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Tulare and Ventura counties in southern California, and in the states of New Mexico

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and Texas. Southern Cal responds to over 4 million emergency road service calls per year in Southern California alone from motorists facing a wide variety of problems, many of which endanger the safety of drivers and their passengers. Relying on the efficient use of its radios, including those in the conventional 800 MHz band, Southern Cal quickly dispatches towing operations to the scene of motor vehicle accidents or breakdowns so that road hazards can be cleared before secondary collisions can occur. Southern Cal also assists motorists who are stranded or involved in accidents, and transports them from road sides and highways where they may otherwise be vulnerable to harm from high-speed vehicles or crime. Without question, Southern Cal's prompt response to roadside emergencies saves lives and property. Congress has previously highlighted the need for prompt emergency roadside assistance, citing a study that shows that "while deaths from motor vehicle crashes have been declining in recent years, deaths at the scene prior to the arrival of emergency medical care have more than doubled in the past 20 years, totaling more than 20,000 [deaths] per year."[1] Another report prepared by Shell Oil Company, in cooperation with the American Red Cross, the Federal Highway Administration, the National Crime Prevention Council and the National Institute for Automotive Service Excellence, indicates that nearly 3,000 people die each year while waiting for help on roadway shoulders and medians.[2] These findings demonstrate that the public has a compelling need for reliable automobile emergency services provided by Southern Cal and its other AAA affiliated auto clubs.

State and local public safety agencies also rely on the emergency road services performed by Southern Cal. Police departments, 911 operators and other public service agencies regularly

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[1] See H. R. Report No. 105-768, pt. 1 at 10 (1998).

call upon Southern Cal for assistance because they know that it can respond quickly in these situations. To facilitate these communications, the telephone numbers of Southern Cal's dispatch centers have been programmed into many public safety and highway patrol databases and speed dialing systems. If the services provided by Southern Cal were not available, these government agencies would be compelled to devote their own resources to rescuing motorists and clearing automotive hazards. In heavily populated areas, a single vehicle breakdown can also create severe traffic jams that paralyze commuters, waste thousands of man-hours that the work-force must spend sitting in traffic. Such traffic jams also contribute to air pollution, a problem that is particularly acute in certain portions of the state.

With these points in mind, Southern Cal urges the Commission to ensure that conventional 800 MHz communications retain their protected status and are not (a) converted to secondary status within the 800 MHz band or (b) forced to relocate out of the 800 MHz band to inferior spectrum in the 900 MHz band. Southern Cal fears that if its licenses are converted to secondary status, it will likely be forced out of the 800 MHz band in order to accommodate the expected relocation of public safety licensees. This is because spectrum in California is heavily licensed in order to meet the service needs of the citizens of California. As a quasi-public safety entity, such secondary status is inconsistent with the vital emergency road services that are provided by Southern Cal on an on-going basis.

Likewise, Southern Cal should not be forced to relocate its radio communications systems to another frequency band. The 800 MHz band was selected due to its favorable

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[2] Shell Oil Company, Breakdown, http://www.countonshell.com.1(1999).

frequency propagation characteristics relative to the terrain and service areas served by Southern Cal. If Southern Cal is required to relocate to the 900 MHz band, it would have to determine if sufficient spectrum is available, redesign its systems, purchase and install new equipment, test the system in order to ensure that there is sufficient coverage, and then transition its existing base stations and vehicle mobile units to the new system. The data transmission protocol supported on 900 MHz differs in baud rate from the 800 MHz data transmission, thus requiring the replacement of hundreds of mobile data terminals (MDT's). The cost of such an undertaking would be several million dollars. And, inasmuch as its current equipment would have little value on the resale market, Southern Cal's members (as a non-for-profit association) would be forced to absorb the cost. Southern Cal believes that this is an inefficient use of resources, especially at a time when the country is in the midst of an economic downturn and Americans are tightening their belts in order to preserve savings.

The record in this proceeding is void of any indication that B/ILT licensees are causing harmful interference to public safety operations. The B/ILT licensees therefore should not be forced to bear the financial burden for correcting a problem they have not created. If the Commission decides that a step as drastic as scrambling the existing 800 MHz allocation is necessary, incumbent B/ILT licensees should be entitled to relocation compensation.

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II. Conclusion.

For the foregoing reasons, Southern Cal urges the Commission to retain the primary status designation for incumbent B/ILT licensees, including Southern Cal and its affiliated AAA automobile club emergency road services.

Respectfully submitted,
AUTOMOBILE CLUB OF SOUTHERN CALIFORNIA

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