

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

In the Matter of

Improving Public Safety Communications in  
the 800 MHz Band

Consolidating the 900 MHz Industrial/Land  
Transportation and Business Pool Channels

WT Docket No. 02-55

**SUPPLEMENTAL COMMENTS OF UTAM, INC.**

UTAM, Inc. (“UTAM”), the Commission’s designated frequency coordinator for the unlicensed personal communications services (“UPCS”) band,<sup>1</sup> hereby respectfully submits its supplemental comments in response to the Federal Communications Commission (“FCC” or “Commission”) *Public Notice* soliciting input on the “Consensus Proposal” band plan described in a reply comment in the 800 MHz public safety proceeding.<sup>2</sup> UTAM previously filed

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<sup>1</sup> The voting membership of UTAM, Inc., currently consists of Alcatel USA, ASCOM Wireless Solutions, Avaya (formerly the Enterprise Network Group of Lucent Technologies), Cortelco, CTP Systems, ECI Telecom, Inc., IWATSU America, Motorola, Inc., NEC America, Inc., Nitsuko America, Nortel Networks Inc., Siemens Information and Communication Networks, Inc., SpectraLink Corporation and Toshiba. UTAM also has numerous associate members.

<sup>2</sup> Wireless Telecommunications Bureau Seeks Comment On “Consensus Plan” Filed In The 800 MHz Public Safety Interference Proceeding, FCC Public Notice, DA 02-2202 (Sept. 6, 2002) (docketed In the Matter of Improving Public Safety Communication in the 800 MHz Band, Consolidating the 900 MHz Industrial/Land Transportation and Business Pool Channels, WT Docket No. 02-55). *See also* Reply Comments of The joint reply comments were filed by Aeronautical Radio, Inc., the American Mobile Telecommunications Association, the American Petroleum Institute, the Association of American Railroads, the Association of Public Safety Communications Officials – International, Forest Industries Telecommunications, the Industrial Telecommunications Association, Inc., the International Association of Chiefs of Police, the International Association of Fire Chiefs, the International Municipal Signal Association, the Major Cities Chiefs Association, the Major County Sheriffs Association, the National Sheriffs Association, Nextel Communications, Inc., the Personal Communications Industry Association, the Taxicab, Limousine and Paratransit Association and the National Stone, Sand and Gravel Association, WT Docket No. 02-55 (filed Aug. 7, 2002).

comments in this docket discussing one specific aspect of tentative proposals in this docket—partially incorporated in the “Consensus Plan”—involving the possible reallocation of the 1910-1930 MHz band.<sup>3</sup> UTAM explained that such action would upset the reasonable and legitimate expectations of industry members and end users who have expended considerable efforts and funds to develop this market space. Far from reallocating the UPCS band, UTAM argued, the Commission should affirmatively promote UPCS development within the 1910-1930 MHz band.

UTAM now understands that the “Consensus Plan” contemplates relocation of Nextel’s services from the 800 MHz band if the Commission awards it the 1910-1915 MHz band, which is currently allocated to asynchronous UPCS devices, paired with the 1990-1995 MHz band. As discussed below, UTAM strenuously objects to this proposal. Instead, as discussed herein, UTAM believes the FCC should adopt a restructuring plan for the 800 MHz band, such as the plan advanced by Motorola, Inc., that proposes technical accommodations for 800 MHz users restricted to the 800 MHz band.

As UTAM explained in its original comments, the UPCS band is not lightly or inefficiently used:

- Spectrum congestion in hotspot deployment areas is already an issue for the isochronous band at 1920-1930 MHz, and the only means for relief is to adopt rule changes consistent with WINForum’s cross-over petition to permit isochronous devices to use the asynchronous band.<sup>4</sup>
- Moreover, with the near completion of the relocation of incumbent microwave users from the UPCS band, the industry is poised to introduce a range of isochronous and asynchronous nomadic products that will place further spectrum demands on the

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<sup>3</sup> Comments of UTAM, In the Matter of Improving Public Safety Communication in the 800 MHz Band, Consolidating the 900 MHz Industrial/Land Transportation and Business Pool Channels, WT Docket No. 02-55 (filed May 6, 2002) (“UTAM Comments”).

<sup>4</sup> See UTAM Comments at 14-15; Amendment of the Commission’s Rules for Unlicensed Personal Communications Services, Petition For Rulemaking of the Wireless Information Networks Forum, RM-9498 (Jan. 8, 1999) (“WINForum Petition”) (proposing a minor modification to the asynchronous etiquette within the 2390-2400 MHz band).

limited UPCS spectrum available.<sup>5</sup>

- Both of these scenarios are also exacerbated by the potential for introduction of certain other classes of devices—as proposed by UTStarCom and supported by UTAM—into the asynchronous band, as discussed below.<sup>6</sup>

UTAM strongly believes that these developments in this UPCS band will result in the spectrum being a model of efficiency and cooperative usage. All of these benefits are destroyed, however, if the asynchronous band is halved because the remaining spectrum will be insufficient for existing—much less contemplated—systems.

UTAM's prior comments in this docket, and in the Commission's 3G proceeding, have explained in detail the current spectrum utilization and near term spectrum needs for UPCS devices. UTAM believes that the extant needs of UPCS devices, the lack of available alternatives, and the investment undertaken by industry are wholly at odds with any proposal to allocate spectrum in the 1910-1930 MHz band for any use other than UPCS. A large number of companies are dedicated exclusively—or as major parts of their product lines—to the UPCS band. For all of these companies, which believe they have undertaken the effort and investment in equipment development and band clearing based upon a compact with the FCC regarding use of the 1910-1930 MHz band, the elimination, or even impairment, of the ability to market and deploy wireless UPCS products is a threat to their very existence.

Notwithstanding the UPCS industry's spectrum requirements at 2 GHz, UTAM's members and UPCS manufacturers have been accommodating with respect to new technologies. Recently, UTAM negotiated, in conjunction with UTStarCom, a proposed set of changes to the

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<sup>5</sup> See UTAM Comments at 11-12.

<sup>6</sup> See *In the Matter of Request of UTStarcom and Drew University For Waiver of Sections 15.307; 15.311; 15.319(a),(c),(e); and 15.321 of the Commission's Rules*, DA 00-2061 (filed July 7, 2000). See also UTAM, Inc. Notification of *Ex Parte* Presentation in FCC Docket Nos. ET Docket No. 00-258, ET Docket No. 95-18, IB Docket No. 99-81, WT Docket No. 02-55, RM-9498, and RM-10024 (filed Aug. 8, 2002).

Part 15 rules that would open the band for deployment of TDD systems conforming to certain parameters. These rule changes were filed in both the FCC's 3G proceeding and this proceeding as an *ex parte*. In effect, UTAM was able to successfully integrate additional uses of the band, which do not conform to the original WINForum spectrum etiquette, while retaining the essential use of the band critical to UPCS manufacturers and users.

What UTAM has done with UTStarCom, however, is vastly different than what is being proposed by Nextel. The wholesale reallocation of UPCS spectrum for incompatible services utterly fails to recognize the vast effort and reliance placed on the band by the UPCS community. UPCS end users have invested millions of dollars in UPCS systems, reasonably and fully relying upon the Commission's previously stated intent to provide for UPCS services at 1910-1920 MHz and 1920-1930 MHz. UPCS manufacturers have relied upon the availability of UPCS spectrum to create entire product lines and to develop wireless adjuncts to existing product lines. UPCS manufacturers have also invested millions of dollars, as well as significant personnel resources, in the relocation of existing microwave incumbents from the spectrum.<sup>7</sup> Thus, reallocation of the

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<sup>7</sup> See In the Matter of Amendment of the Commission's Rules to Establish New Personal Communications Services, GEN Docket No. 90-314, UTAM Report to the FCC (filed July 1, 2002).

UPCS band would injure the public interest and impose acute financial burdens upon an industry that is on the brink on significant advancements, just as the industry awaits the reap the benefits of full clearing of the UPCS band.

Respectfully Submitted,

/s/ Sandy Abramson  
Sandy Abramson  
President  
UTAM, Inc.  
P.O. Box 8126  
Bridgewater, NJ 08807  
732.852.3477

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