

wireless technologies, devices and services is a Herculean task, and Task Force members should be congratulated for the depth and breadth of their review. With respect to the various Task Force policy recommendations, CSAA agrees that the Commission should adopt policies that afford existing licensees the maximum feasible flexibility in the use of their spectrum and that the Commission's policies and rules should be based on clear definitions of the rights and responsibilities of both licensed and unlicensed spectrum users, particularly with respect to interference and interference protection. However, the Commission's policies must continue to be guided, first and foremost, by public interest analysis rather than a rush to embrace market-oriented regulatory principals. In this regard, the Task Force was correct to recognize that the promotion of economic efficiency and marketplace forces may be inadequate in order to promote certain public interest goals. *See* Spectrum Policy Task Force Report, ET Docket No. 02-135 (November 2002) ("*Report*") at p. 21. Preserving the integrity of central station alarm communications, which are used to promote public safety and protect critical infrastructure, is a goal that the Commission has long recognized is in the public interest. The frequencies currently restricted for central station alarm operations constitute just a tiny fraction of the available spectrum (approximately one-fourth of one MHz), and the alarm industry already uses these channels efficiently, on a round-the-clock basis. Task Force policy recommendations and the public interest are therefore consistent in this regard and should lead the Commission to retain its current licensing and eligibility restrictions for central station alarm channels.

I. CSAA COMMENTS ON TASK FORCE MAJOR FINDINGS AND RECOMMENDATIONS

With respect to the major findings and recommendations of the Task Force, CSAA has the following comments:

a. Advances In Technology Create the Potential for Systems to Use Spectrum More Intensively and to be Much More Tolerant of Interference Than In the Past.

CSAA agrees with the Task Force finding that recent advances in technology create the potential for communications systems to use spectrum more intensively and to be more tolerant of interference than in the past. Indeed, CSAA member companies have benefited from technological advances in recent years that have allowed operations to be conducted using very low power on increasingly narrowband offset channels.² Central station alarm radio operations should therefore be viewed as already being among the most efficient spectrum users regulated by the FCC. The Commission's existing regulatory policies as to spectrum reserved for alarm company use should be preserved because they have brought about this efficiency while at the same time promoting the public interest.

In its overview of spectrum reform considerations, the Task Force has indicated that “[i]t is important to ensure that critical defense systems do not risk exposure to harmful interference and to provide adequate spectrum resources to public safety entities.”³ CSAA agrees that critical defense systems and safety-related communications should be afforded a heightened level of protection from the potential for harmful interference. Central station alarm operations protect millions of families in their homes; and they protect a wide range of sensitive facilities from fire, burglaries, sabotage and other emergencies, including government offices, power plants, hospitals, dam and water authorities, pharmaceutical plants, chemical plants, educational institutions, and other critical facilities that could become the target of terrorist attacks as well as other life threatening events. Central Station operators, under the joint program of the Defense

² Alarm signaling is generally conducted on the former UHF offset frequencies at 2 watts or less transmitter output power and bandwidth of 12.5 kHz or less. Many systems operate at less than 6.25 kHz bandwidth.

³ *Report* at p. 11.

Security Service ("DSS")⁴ and UL, provide protection to DoD contractors.⁵ Alarm company employees must pass a rigorous screening program by the DSS; they must be eligible for "secret" clearance because they protect classified documents and equipment. Protection of defense systems and related facilities from fire and intruders has always been critical, but in the wake of the terrorist attacks of September 11, 2001, it is vital that these facilities are also protected from terrorist attacks as well. The availability of radio channels for sending these safety-related alarm signals is critical, since radio signals cannot be easily cut or sabotaged like telephone lines can. The availability of such channels for protection of homes and businesses is vital as well. Indeed, many insurance companies *require* the use of alternative alarm signal modes (both telephone and radio), before they will insure a facility.⁶

b. Certain Command-and-Control Licensing is Necessary

CSAA agrees with the Task Force finding that spectrum access is a more significant problem than physical scarcity of spectrum in many bands, and that legacy "command-and-control" regulation may have contributed to this problem in certain instances. However, this is clearly not the case with respect to the central station alarm frequencies. Under the existing regulatory scheme, certain central station alarm signalling channels are available nationwide only to persons rendering a central station protection service approved by a Commission-

⁴ DSS is part of the U.S. Department of Defense ("DoD"). DSS is responsible for personnel security investigations, industrial security management; automated systems security; polygraph research, education, training, and examinations; and, security research, education, and training. DSS administers and implements the Defense portion of the National Industrial Security Program and performs assigned functions for the Critical Asset Assurance Program. *See* DoD Directive No. 5105.42 (*dated* May 13, 1999) (available online at: http://www.dtic.mil/whs/directives/corres/pdf/d510542_051399/d510542p.pdf).

⁵ National Industrial Security Monitoring, UL 2050.

⁶ *See* Reply Comments of Central Station Alarm Association, ET Docket No. 02-135 (*filed* July 23, 2002) at p. 4.

recognized standards organization.⁷ Other channels are available only for approved central station operations within urbanized areas of 200,000 or more population, but may be assigned to other stations in the Industrial/Business Pool whose base, mobile relay, and control stations are located at least 120 km (75 miles) from the centers of these urbanized areas. Without this modest use restriction, the integrity of central station alarm communications would be threatened and public safety and welfare may be put at an unnecessary risk. The Commission should retain its current central station-only use restriction as to *all* central station alarm frequencies.⁸ The potential benefits to be gained from permitting non-alarm company licensees or unlicensed users to operate on channels representing approximately one-quarter of one MHz are miniscule, and are far outweighed by the potential for mischief if interference prevents alarm signals from being communicated without delay to the proper authorities.

As CSAA has pointed out in numerous filings before the Commission, the public is increasingly relying on private security services such as those provided by CSAA members, for fire, burglary and medical alert protection as the services of public safety agencies become increasingly strained. The Commission recognized this as early as the 1960s when it carved out a small allocation for the central station alarm industry when frequencies in the 450-470 MHz band were last split from 50 kHz to 25 kHz bandwidth. Since then, the funding and manpower difficulties of police, fire and emergency medical operations have increased dramatically.

Central station low power operations are used for burglar, fire and medical alarm transmissions,

⁷ Central station commercial protection service is defined in the FCC Rules as an electrical protection and supervisory service rendered to the public from and by a central station accepted and certified by one or more of the recognized rating agencies, or the Underwriters Laboratories (UL), or Factory Mutual System.

⁸ See 47 C.F.R. § 90.35 (c) (63)-(65).

a critical life-safety use, which would be jeopardized if the Commission were to decide to license incompatible users on the frequencies.

c. To Increase Opportunities for Technologically Innovative and Economically Efficient Spectrum Use, Spectrum Policy Must Evolve Towards More Flexible and Market-Oriented Regulatory Models

CSAA agrees with the Task Force finding that technologically innovative spectrum use is best promoted through the adoption of flexible regulatory models. In this regard, CSAA supports Task Force recommendations that urge the Commission to adopt policies that provide incentives for efficient spectrum use through flexible rules and facilitating secondary markets.

At this time, there are only five primary communications channels and five pairs of the former 12.5 kHz offset channels in between that have been used by the central station industry for alarm signaling. These alarm channels are already at capacity in many of the metropolitan areas in which they are licensed. CSAA has found that the increased demand for alarm operations over the past several years is exhausting available signaling channels in metropolitan areas. Incompatible users on these channels would create an environment in which important safety-related messages may not get through. Therefore, while CSAA generally supports technical and regulatory flexibility, such flexibility should be applied within the framework of the current central-station-only restriction. In other words, the current central station eligibility restriction must be maintained and Commission's regulatory policies should afford flexibility to spectrum users that are already making intensive use of these channels.

d. Such Models Must Be Based on Clear Definitions of the Rights and Responsibilities of Both Licensed and Unlicensed Spectrum Users, Particularly with Respect to Interference and Interference Protection

Among its numerous recommendations, the Task Force suggests that the Commission should adopt a new metric – the “interference temperature” – to quantify and manage interference in any given spectrum band. This metric would be used to place a quantitative limit on the noise environment in which receivers would be required to operate. While this is a novel concept, and in theory should make it easier for underlay/overlay licensees and unlicensed users to gain access to spectrum regulated under “exclusive use” and “commons” regulatory models, the Commission should not modify its existing rules and procedures relating to interference protection for public safety and safety-related communications. It is critical that these spectrum users and radio systems are protected at all times from the threat of harmful interference. The Commission’s existing Part 90 rules and procedures for public safety and central station operations allow licensees to quickly identify the location and operating parameters of all co-channel and adjacent channel operations in and around their operating territory. Authorized frequency coordinators are also available to help resolve licensee disputes that may arise, and/or to identify alternative channels that may be more suitable for a new applicant’s proposed operations.

e. No Single Regulatory Model Should Be Applied to All Spectrum

CSAA supports the Task Force recommendation that no single regulatory model should be applied to all spectrum. The Commission should pursue a balanced spectrum policy that includes both the granting of exclusive spectrum usage rights through market-based mechanisms and creating open access to spectrum “commons,” where appropriate. Command and control regulation should be reserved for situations where prescribing spectrum use by regulation is

