

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

In the Matter of	)	
	)	
Amendment of the Commission's Rules	)	WT Docket No. 01-90
Regarding Dedicated Short-Range	)	
Communication Services in the 5.850-	)	
5.925 GHz Band (5.9 GHz Band)	)	
	)	
Amendment to Parts 2 and 90 of the	)	ET Docket No. 98-95
Commission's Rules to Allocate the 5.850-	)	RM-9096
5.925 GHz Band to the Mobile Service for	)	
Dedicated Short Range Communications	)	
of Intelligent Transportation Services	)	

REPLY COMMENTS  
OF  
MARK IV INDUSTRIES, LTD., I.V.H.S. DIVISION

Mark IV Industries, Ltd., I.V.H.S. Division ("Mark IV") herewith, by its attorneys, files its reply comments in the above-captioned matter with regard to the proposed service, technical and licensing rules for Dedicated Short-Range Communications Services ("DSRC") in the 5.850-5.925 GHz band ("5.9 GHz Band").

In our comments we describe our plan for the implementation of 5.9 GHz DSRC technologies which would assure that Public Safety uses would have priority access to this spectrum and that private uses would also be permitted. We propose that the scope of such Public Safety uses be expansive and inclusive so that all of the public functions related to electronic toll collection, traffic monitoring, commercial vehicle and airport facility access operations, in addition to many others, are included. We also propose that the licensing of Road-Side Units should

be on a shared use site-specific basis (with regional blanket licensing options such as those in Section 90.353(i) of the Commission's rules) subject to frequency coordination. We strongly support the adoption of the ASTM-DSRC standard in Part 90, Subpart M of the Commission's rules and a related requirement that all DSRC equipment, public and private, be required to be certificated to comply fully with this standard. The record in this proceeding reflects overwhelming support for Commission adoption of a regulatory structure based on the broad outline summarized above.

In these reply comments, we oppose the adoption of exemptions for some DSRC equipment, public and private, from the proposed requirement that all DSRC equipment be certificated to comply fully with the ASTM/DSRC standard. Also, we support a proposed prohibition on any rendition of Commercial Mobile Radio Services as defined in Section 20.3 of the Commission's rules on 5.9 GHz DSRC spectrum.

1. The Commission Should Not Permit Exceptions to the Proposed Requirement That All Public and Private DSRC Equipment Comply With The ASTM-DSRC Standard in Part 90, Subpart M of the Commission's Rules.

In our comments we supported the adoption of the ASTM-DSRC Standard<sup>1</sup> in Part 90, Subpart M of the Commission's rules and a related requirement that all DSRC equipment be FCC certificated to comply with this standard. There is overwhelming support for this proposal in the record based on the public need for such a requirement supporting the broadest possible cost-effective deployment of

---

<sup>1</sup> See ASTM E2212-02, "Standard Specification for Telecommunications and Information Exchange Between Roadside and Vehicle – 5 GHz Band Dedicated Short Range Radio Communications Medium Access Control (MAC) and Physical Layer (PHY) Specifications."

fully interoperable DSRC devices and assuring that all of these devices are fully capable of supporting valuable Public Safety uses.

We oppose the arguments of certain commentators who favor broad exemptions for 5.9 GHz DSRC licensed devices which would not be required to contain all of the ASTM-DSRC capabilities.<sup>2</sup> The Commission should not be undercutting the incentives which standardization creates for vendors to quickly and economically develop the DSRC technologies which will be the backbone for future valuable Public Safety and other uses of the 5.9 GHz DSRC band.

2. The Commission Should Prohibit the Rendition of Commercial Mobile Radio Services as Defined in Section 20.3 of the Commission's Rules On 5.9 GHz DSRC Spectrum.

We continue to support the shared use of the 5.9 GHz DSRC band for private as well as Public Safety uses and the expanded uses of this band for transmission of voice messages.

At the same time, we are concerned that the definition of DSRC services not be expanded to permit commercial mobile uses to be implemented on 5.9 GHz DSRC spectrum. Such uses, if permitted, would be an unnecessary and counterproductive conversion of this spectrum from the DSRC-based applications listed in Appendix B of the Commission's Notice to "commercial mobile" uses. The Commission has already allocated Cellular, Broadband PCS, SMR, Upper 700 MHz, Lower 700 MHz, and Advanced Wireless 1.7 GHz/2.1 GHz for commercial mobile uses and is considering adoption of flexible service rules which would add significantly to the

---

<sup>2</sup> Comments of Transcore Corporation, p.8; Comments of Sirit Technologies Incorporated, pp. 2-3; and Comments of Siemens Transportation System, p.7.

spectrum available for such uses below 3 GHz. We agree with the proposal of Intersil<sup>3</sup> that the best way to prevent these unwanted "commercial mobile" uses is to prohibit the rendition of Commercial Mobile Radio Services as defined in Section 20.3 of the Commission's rules in the 5.9 GHz DSRC band.

In conclusion, the Commission has a unique opportunity in these proceedings to adopt service rules for the 5.9 GHz DSRC band which reflect its primary use for Public Safety and the important, but secondary, use for private systems. We urge the Commission to adopt service rules for this band which enhance opportunities for both types of uses.

Respectfully submitted,

MARK IV INDUSTRIES, LTD.,  
I.V.H.S. DIVISION

By /s/ George Y. Wheeler  
George Y. Wheeler

Holland & Knight LLP  
2099 Pennsylvania Avenue, N.W. #100  
Washington, DC 20006  
(202) 457-7073

Its Attorneys

April 15, 2003

WAS1 #1173486 v1

---

<sup>3</sup> Comments of Intersil Corporation, p.4.