

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

In the Matter of)
)
Additional Spectrum for Unlicensed Devices) ET Docket No. 02-380
Below 900 MHz and in the 3 GHz band)

**COMMENTS
OF
AMERICAN MOBILE TELECOMMUNICATIONS ASSOCIATION, INC.**

The American Mobile Telecommunications Association, Inc. (“AMTA” or “Association”), by its attorneys and pursuant to Section 1.415 of the Commission’s Rules, respectfully submits its Comments in the above-captioned proceeding.¹ AMTA has significant reservations about the feasibility of unlicensed devices being able to cohabitate on television spectrum without causing interference to authorized land mobile systems operating on television channels in a number of major metropolitan areas. However, AMTA does agree that the spectrum in question is significantly underutilized. The Association recommends that the FCC immediately initiate an investigation into further land mobile sharing of unused television channels in urban markets around the country.

I. INTRODUCTION

AMTA is a nationwide, non-profit trade association dedicated to the interests of the specialized wireless communications industry. Its members include trunked and conventional 800 MHz and 900 MHz Specialized Mobile Radio (“SMR”) operators, licensees of wide-area SMR systems, and commercial licensees in the 216-222 MHz and 150-512 MHz bands. Many AMTA members operate commercial radio systems on the shared land mobile/television

channels in the 470-512 MHz band (“T-band”) that would be affected by the FCC’s decision in this proceeding. Others construct, maintain and/or manage T-band systems for their customers. Thus, the Association and its members have a significant interest in the outcome of this proceeding.

II. DISCUSSION

AMTA is a member of the Land Mobile Communications Council (“LMCC”) and endorses the comments filed by the LMCC in this proceeding. The Association, like many LMCC members, applauds the Commission’s recent Spectrum Policy Task Force (“SPTF”) initiative and the fresh look it has taken at spectrum management policies. AMTA’s members are engaged in a variety of telecommunications offerings, both licensed and unlicensed, and actively pursue new spectrum-related opportunities. They intend to work with the FCC both through the Association and individually to investigate the many promising concepts that undoubtedly will grow out of the SPTF effort.

The use of unlicensed devices is one area in which AMTA members already have a significant interest. The Association supports the FCC’s efforts to identify additional bands in which such devices might be deployed since they are one of the few bright spots in a recently moribund communications marketplace. Over time, the Commission’s optimism that they will be able to co-exist in a band such as T-band without causing interference may prove accurate. However, as noted in detail in the LMCC comments, the filings submitted on this subject in response to the SPTF report by members of the equipment manufacturing community cast serious doubt on the value of pursuing this concept at this time.

¹ *Notice of Inquiry*, ET Docket No. 02-380, FCC 02-328 (rel. Dec. 20, 2002) (“NOI” or “Notice”).

The LMCC comments highlighted the reservations expressed in those filings about the cost and complexity of developing devices capable of accurately detecting and avoiding communications traffic in our complex, congested spectrum environment. AMTA shares the concern that devices capable of identifying and not interfering with a continuous broadcast transmission would face much greater difficulty when attempting to avoid the more intermittent messages of multiple land mobile facilities operating on T-band channels in the major markets of the nation, many of which are used to provide vital public safety services. Should unlicensed devices cause interference to such systems, the results could be highly detrimental to the public interest and virtually impossible to root out. The very benefits of unlicensed devices, the ease and speed with which they can be put into the marketplace and the absence of a need for subsequent regulatory oversight by the Commission, would make it enormously difficult, likely impossible, to recall them if a problem developed. The FCC and the industry must be convinced beyond a reasonable doubt that unlicensed devices will operate and be used as predicted before they are permitted access to this workhorse band.

However, the FCC could derive much greater utility out of spectrum the Notice accurately describes as unutilized almost immediately. The Association urges the FCC to initiate a proceeding to permit further land mobile/television sharing under the same rules that govern their current, entirely peaceful co-existence.² Land mobile has operated on shared television spectrum in eleven of the largest markets in the country for more than thirty years. AMTA is not aware that there has been even a single interference complaint during that period, from licensees in either category – a remarkable track record in an industry rife with disputes. If portions of this

spectrum can be shared compatibly in markets such as New York and Los Angeles, surely they can be in cities like San Antonio, Las Vegas, Tampa and others that now rank among our largest urban areas. Moreover, in light of the DTV transition and the related improvements in broadcast technology, there may be additional channels that could be shared in the existing eleven markets.

AMTA urges the Commission to initiate such a proceeding promptly. Doing so would not in any way impact the potential use of this spectrum for unlicensed devices. If such devices could be implemented successfully, that is, without causing interference to licensed land mobile systems, in the New York metropolitan area, there should be no difficulty in replicating that experience in San Antonio.

III. CONCLUSION

AMTA believes the record in this proceeding will support the filings submitted in response to the SPTF report. It does not appear that technology is sufficiently advanced to warrant further consideration of the issue at this time. When the FCC has a basis for concluding that the technology in this area has progressed to a level that would justify the Commission and the industry investing their limited time and resources to reopen the discussion, AMTA will support that initiative. In the meantime, the Association recommends that the Commission adopt a Notice of Proposed Rule Making to investigate what television channels could be made available for shared land mobile use in other key markets.

² 47 C.F.R. § 90.301 *et seq.*

