

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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

**REPLY COMMENTS OF THE
CITY AND COUNTY OF SAN FRANCISCO**

The City and County of San Francisco submits these reply comments in response to the Notice of Inquiry about allowing additional unlicensed use of the television broadcast spectrum.

Many commenters echoed the view expressed by San Francisco in its initial comments that the Commission should not allow increased unlicensed use of TV broadcast bands, and in particular, should not authorize unlicensed use of the 470-512 MHz band. Allowing unlicensed use of this spectrum creates a threat of interference with vital public safety services that outweighs the potential benefits of allowing unlicensed use. San Francisco urges the Commission not to pursue its suggestion of authorizing unlicensed use of the 470-512 MHz band.

The vast majority of commenters who specifically addressed the implications of unlicensed use of the 470-512 MHz band cautioned that either it was unsuitable or that the Commission would have to set up protections to prevent interference. None of the commenters identified a reliable way to prevent such interference. Numerous commenters, and particularly those who use the spectrum for public safety purposes, assert correctly that the protection from interference should take precedence over expanding opportunities for unlicensed use in the 470-512 MHz band. The Commission

should not allow unlicensed use of that spectrum at least until there are well-proven ways to prevent interference with licensed use. San Francisco thus believes that allowing unlicensed use in the 470-512 MHz band is premature at best.

Notably, no commenter affirmatively advocated use of the 470-512 MHz band as an ideal target for unlicensed use. At the most, one or two parties contend that there might be measures that could prevent interference. But San Francisco is not convinced that there are effective means to prevent interference. As San Francisco noted in its comments, it experiences interference from a neighboring licensed user that is located beyond the distance required by Commission rules.¹ Similarly, DuPage Public Safety Communications (DU-COMM) states that it spends "one week every three months to track and remediate interference problems" with its frequencies. *See* DU-COMM comments at 2. Authorizing unlicensed use would only exacerbate these problems. San Francisco agrees with Los Angeles County that power and field limits will not effectively prevent interference from unlicensed devices. *See* Los Angeles comments at 4.

As several parties point out, it would be particularly difficult to prevent interference in the 470-512 MHz band because the licensed users of those frequencies transmit intermittently rather than constantly. *See e.g.* comments of Port Authority of New York and New Jersey at 7; Lans Service Corporation at 4; APCO at 2. Thus it would be impossible for an unlicensed user to determine with reliability whether a channel is available simply by monitoring it. In addition, as commenters noted, the fact that the 470-512 MHz band is used by mobile transmitters makes it far more difficult to

¹ San Francisco also noted that the Commission does not have adequate procedures for resolving interference between *licensed* users, and should not open up the TV Band to *unlicensed* use before it has such procedures in place.

identify in advance where a frequency is or will be in use. *See e.g.*, comments of Motorola at 2; Los Angeles County at 4. Commenters further note that if the Commission allows unlicensed use of the 470-512 MHz band only in a portion of the country, it could not prevent those devices from being used in other areas, where that spectrum is heavily used for public safety purposes. *See e.g.*, comments of Port Authority of New York and New Jersey at 7; Los Angeles County at 3.

Moreover, the stakes are high with respect to interference in this spectrum. If a public safety licensee were delayed or precluded from using its designated channel because of interference from an unlicensed user, it could have life-threatening consequences. Interference with the operations of a public safety licensee's operations is not correctable after the fact; the damage has already occurred. *See* APCO comments at 2.

Conclusion

The Commission should not expand unlicensed use of the TV band, and in particular, should not permit unlicensed use in the 470-512 MHz band. There is no reliable way to adequately protect licensed users from interference if the Commission

authorizes unlicensed use of that spectrum, and such interference presents a serious threat to the integrity of municipal services and the citizens who depend on those services.

Respectfully submitted,

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