

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

In the Matter of)
)
Biennial Regulatory Review –) WT Docket No. 03-264
Amendment of Parts 1, 22, 24, 27 and 90)
to Streamline and Harmonize Various)
Rules Affecting Wireless Radio Services)

Comments of the American Automobile Association

By counsel and pursuant to Section 1.415 of the Commission’s rules, the American Automobile Association (“AAA”) hereby comments on two discrete proposals raised in the above-captioned *NPRM*. 1/ As the Commission-certified Frequency Advisory Committee (“FAC” or “coordinator”) for the former Automobile Emergency Radio Services (“AERS”) channels, 2/ AAA applauds the Commission’s effort in this *NPRM* to streamline and harmonize licensing provisions in the wireless radio services.

Specifically, AAA urges the Commission to adopt two of the proposals outlined in the *NPRM*. First, AAA supports the Commission’s proposal to treat Part 90 frequency and/or transmitter site deletions as minor modifications under Part 1 of its rules. Second, AAA supports the Commission’s proposal to maintain the distinct power limit terms in its current rules. These positions are discussed in detail below.

1/ Biennial Regulatory Review – Amendment of Parts 1, 22, 24, 27 and 90 to Streamline and Harmonize Various Rules Affecting Wireless Radio Services, *Notice of Proposed Rulemaking*, 19 FCC Rcd 708 (2004).

2/ See Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services and Modify the Policies Governing Them and Examination of Exclusivity and Frequency Assignment Policies of the Private Land Mobile Services, *Second Memorandum Opinion & Order*, 14 FCC Rcd 8642, 8650-52 (1999). See also 47 C.F.R. §§ 90.35(b)(2)(iii) and 90.175(b).

I. AAA Supports the Commission’s Proposal to Treat Part 90 Frequency and/or Transmitter Site Deletions as Minor Modifications Under Part 1 of its Rules

Currently, Section 1.929(c) of the Commission’s rules provides that certain requests to modify a Part 90 authorization, including changes to the associated frequencies or locations of base stations, are considered requests for major modification and therefore require prior Commission approval. ^{3/} Pursuant to Sections 90.135(b) and 90.175 of the Commission’s rules, a major modification request must include a showing of frequency coordination, unless the request falls within one of the specific exemptions listed in Section 90.175(j) of the rules. ^{4/} As set forth in the *NPRM*, after considering proposals from the Cellular Telecommunications & Internet Association (“CTIA”), the American Petroleum Institute (“API”), and its staff, the Commission has tentatively concluded that a request to delete frequencies or sites from a Part 90 multi-site authorization, currently classified as a major modification, should be reclassified as a minor modification, which would require neither the Commission’s approval nor the associated frequency coordination showing. ^{5/}

AAA supports this streamlining measure and agrees with the Commission’s rationale that frequency coordination in these cases is unnecessary “given that ULS now provides frequency coordinators with immediate access to frequency and site information.” ^{6/} Moreover, AAA agrees that it would be inconsistent to require frequency coordination for a

^{3/} See 47 C.F.R. § 1.929(c).

^{4/} See 47 C.F.R. §§ 90.135(b), 90.175.

^{5/} *NPRM* at ¶¶ 6-9.

^{6/} *Id.* at ¶ 9.

request to delete a site or a frequency given that coordination is not required for a request to cancel an entire authorization. Thus, AAA urges the Commission to adopt its tentative proposal.

II. AAA Supports the Commission’s Proposal to Maintain the Distinct Power Limit Terms in its Current Rules

Currently, the power limits set forth in Parts 22 and 24 of the Commission’s rules are specified in terms of Effective Radiated Power (“ERP”) for stations transmitting radio waves with frequencies lower than 1000 MHz, and in terms of Equivalent Isotropically Radiated Power (“EIRP”) for stations transmitting radio waves with frequencies higher than 1000 MHz. As set forth in the *NPRM*, the Telecommunications Industry Association (“TIA”) has suggested that the Commission’s designation of power limits in terms of ERP in the Part 22 cellular rules and EIRP in the Part 24 broadband PCS rules is confusing. ^{7/} As a result, TIA asked the Commission to specify *all* power limits in terms of EIRP. ^{8/}

AAA disagrees with TIA’s request and supports the Commission’s tentative conclusion to maintain the distinct power limit terms without modification. Like the Commission, AAA believes that the costs associated with implementing the TIA request, together with the potential for greater uncertainty, outweigh its possible benefits. In addition, AAA agrees that restating all ERP limits as EIRP limits could cause some entities to mistakenly conclude that the Commission has increased the permitted power associated with the channels. Accordingly, AAA urges the Commission to adopt its tentative proposal.

^{7/} *Id.* at ¶ 10.

^{8/} *Id.*

III. Conclusion

For the reasons set forth above, AAA urges the Commission to adopt its proposals to: (1) treat Part 90 frequency and/or transmitter site deletions as minor modifications under Part 1 of its rules, and (2) maintain the distinct power limit terms in Parts 22 and 24 of its rules.

Respectfully submitted,



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