

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

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

**COMMENTS
OF
PCIA – THE WIRELESS INFRASTRUCTURE ASSOCIATION**

PCIA, the Wireless Infrastructure Association, pursuant to Section 1.415 of the Commission’s Rules, 47 C.F.R. § 1.415, hereby respectfully submits its Comments in response to the Commission’s Notice of Proposed Rule Making (“NPRM”) in the above-captioned proceeding.¹

I. INTRODUCTION

PCIA is a leading trade association representing the interests of both commercial mobile radio service ("CMRS") and private mobile radio service ("PMRS") users and businesses involved in all facets of the wireless communications industry. In addition, PCIA is the FCC-appointed frequency coordinator for the Industrial/Business Radio Service, the 800 and 900 MHz Business and Special Industrial/Land Transportation Pools, 800 MHz General Category frequencies, and for the 929 MHz paging frequencies.

The Commission’s NPRM is in response to information developed by the Commission in several Biennial Review proceedings.² A number of the Commission’s

¹ 69 FR 8132 (Feb. 23, 2004).

² *NPRM* at para. 2.

proposals are responsive to requests by PCIA in WT Docket No. 02-310 with regard to a number of Part 90 rules that are either no longer necessary or needlessly impede the development of two-way radio systems. Therefore, PCIA is pleased to have the opportunity to comment upon certain proposals in the Commission's current proceeding.

II. COMMENTS

A. Section 1.929(c)(4) – Minor Modifications

Under the Commission's current rules, Part 90 licensees seeking to eliminate one or more frequencies from their authorization must have the modification application processed by a frequency advisory committee ("FAC"). The Commission has proposed to eliminate this requirement.

PCIA supports the rule change. Prior to the implementation of ULS, it was difficult for FACs to be aware of potential available spectrum resulting from the deletion of frequencies from an authorization. FACs now utilize the Commission's database for frequency information, and therefore the actual ministerial processes that were previously necessary no longer need to be completed. However, it is still desirable for FACs to be aware of frequency deletions, and therefore potential spectrum availability.

As an alternative, the Commission has proposed that, in addition to eliminating the frequency coordination requirement, licensees might be required to file a notification of the channel removal with the relevant FAC. However, the elimination of the frequency coordinator requirement (and, therefore, the elimination of a fee to the FAC), but requiring a notification requirement will involve FACs incurring significant costs in processing paperwork. Therefore, it is PCIA's recommendation that the Commission develop an electronic notification process where frequency deletions, filed by licensees

directly with the FCC, will generate within ULS an automatic update notification to FACs. This would provide the benefits of FACs being aware of spectrum availabilities, but minimize the costs that might otherwise be incurred.

B. 800 MHz General Category Frequency Coordination

The Commission has proposed to amend Section 90.175 to remove the frequency coordination requirements for certain 800 MHz General Category frequencies that are licensed on a non-shared basis. In particular, the Commission is reviewing whether changes that do not expand the licensee's interference contour should be permitted without the licensee first obtaining frequency coordination.

This issue may be rendered moot by Commission action in WT Docket No. 02-55, as the Commission may reallocate this spectrum for public safety use. However, in the event that the Commission continues to license the 800 MHz General Category Pool under its present Rules, PCIA opposes the proposed revisions. The past three years have shown that interference in the 800 MHz band has increased as the result of the proliferation of "low site" systems. These systems have caused interference not only on a co-channel, but also on an adjacent channel basis. In fact, the Commission has already amended Section 90.621(e)(2)(iii) and (iv) to provide application information to adjacent channel public safety systems in the "middle" 800 MHz band (854-860 MHz).

One of the largest problems in trying to track the causes of interference in the band is the paucity of transmitter site information required from SMR EA and Cellular licensees. Because there is no database available for licensees receiving interference to determine where EA and cellular licensees are operating, it can take an exorbitant amount of time and resources to determine the source of interference.

PCIA cautions the FCC that no longer subjecting to frequency coordination modification applications that do not expand the interference contour creates opportunity for harmful interference. Unfortunately, it is not uncommon for licensees to mistakenly assume that their proposed modifications will not expand their interference contour. Under the current modification regime, the FAC checks to determine whether the interference contour has, in fact, been expanded. Removing the frequency coordination component from the process essentially removes this important third party check. Thus, PCIA respectfully opposes the Commission's proposed amendment and, if anything, would encourage the FCC to seek more transmitter information from 800 MHz EA licensees, particularly the geographic location of cellular sites and frequencies operated at the site.

C. 800 MHz and 900 MHz Supplemental Information

In November 2002, PCIA requested that the Commission eliminate certain supplemental information that is presently required of 800 MHz and 900 MHz licensees pursuant to Section 90.607.³ The Commission has now proposed to modify Section 90.607 in accordance with the PCIA proposal. PCIA supports the proposed revision, seeing no useful purpose in retaining a licensing requirement that is no longer pertinent to the Commission's regulatory goals.

D. 800 MHz and 900 MHz Loading and Construction Requirements

Similarly, PCIA had requested that the Commission amend Sections 90.631(d) to eliminate the filing of reference to "rural areas" because the Commission no longer maintains an 800 or 900 MHz "waiting list." The Commission has tentatively agreed with PCIA's request and has also requested comments on elimination of the reference in

³ See, Reply Comments of PCIA filed in WT Docket No. 02-310 on November 4, 2002 at 1.

Section 90.631(i) with regard to certain loading requirements and for construction information that is no longer relevant in the licensing process. PCIA supports both proposed rule changes.

E. 800 MHz and 900 MHz Power and Antenna Height

PCIA supported the elimination of the “urban/suburban” distinction in Section 90.635 of the Commission’s Rules. The Commission has tentatively agreed that the distinction no longer “remains relevant in today’s marketplace.”⁴ PCIA is pleased that the Commission has proposed to eliminate the distinction.

PCIA had also requested that the Commission eliminate the power restrictions for 800 MHz and 900 MHz systems with an operational radius of less than 32 kilometers. However, such restrictions in today’s operating environment do not lead to any allocations of additional spectrum for other licensees. Specifically, since Section 90.621(b)(4) requires that licensees be protected at 1000 watts ERP, even if the station is licensed for less, the reduced ERP for “campus” systems provides no spectrum benefit. Conversely, the reduced ERP makes some campus system operations more difficult. For example, airlines do not serve a large operational area, but must be able to communicate into the lower reaches of terminal buildings. The ERP limits of Section 90.635 restrict the ability of airlines to serve these areas.⁵

In addition, the Commission has received numerous comments in WT Docket No. 02-55, noting that one of the most effective means of coping with in-band interference is to increase the signal level of the desired signal.⁶ In other words, a private radio or public

⁴ *NPRM* at para. 29.

⁵ PCIA has requested a similar change in power rules for airport systems in WT Docket No. 02-318.

⁶ *Improving Public Safety Communications In The 800 MHz Band*, Notice of Proposed Rule Making, WT Docket No. 02-55, FCC 02-81, released March 15, 2002 at para. 15.

safety licensee, experiencing interference from an adjacent channel cellular system, should increase the signal level of their system to override the cellular interference. In the context of a campus system, constructing an additional transmitter site is an expensive and needless solution. In the context of an airport facility, constructing an additional transmitter site is often not an option. No licensees would be harmed by the ability of a campus licensee to utilize increased ERP, and campus licensees should have the operational flexibility to utilize an ERP that does not cause interference to co-channel users.

F. Trunked SMR Loading Data Reporting Requirement

As all site-based SMR licensees have passed their first renewal deadlines, and SMR licenses for new frequencies are issued via auction, PCIA had recommended that the Commission eliminate Section 90.658, which requires certain SMR licensees to submit loading information. The Commission has agreed with this recommendation in the *NPRM* and has proposed to delete the rule section. PCIA supports the Commission's proposed action.

III. CONCLUSION

WHEREFORE, the premises considered, it is respectfully requested that the Commission act in accordance with the views expressed herein.

Respectfully Submitted,

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