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

In the Matter of	)	
	)	
Somerset County, ME	)	File No. 0005778484
Waiver Request to Utilize 173.210 MHz	)	DA 13-2396
For Vehicular Repeater Units	)	

To: Chief, Public Safety and Homeland Security Bureau

REPLY COMMENTS
OF THE
ENTERPRISE WIRELESS ALLIANCE

The Enterprise Wireless Alliance ("EWA" or "Alliance") submits the following Reply Comments in response to the Federal Communications Commission ("FCC" or "Commission") Public Notice seeking comment on the Waiver Request ("Waiver Request") filed by Somerset County, Maine ("County") to use a narrowband telemetry frequency, 173.210 MHz ("Frequency"), for vehicular repeater operations.[1] The Waiver Request seeks relief from Limitations 34, 36, and 54 of the public safety pool rules governing the Frequency that restrict the bandwidth to 3 kHz and limit permitted operations to the transmission of remote control and telemetry data. The County proposes to use the Frequency for voice operations with an 11.25 kHz bandwidth.

The Waiver Request was opposed by the Utilities Telecom Council ("UTC") in Comments filed on January 15, 2014. EWA agrees with UTC that the Waiver Request does not

[1] Public Safety and Homeland Security Bureau Seeks Comment on Somerset County, Maine Request for Waiver to Operate Vehicular Repeater Units on a Narrowband Telemetry Frequency, *Public Notice*, File No. 0005778484, DA 13-2396 (rel. Dec. 16, 2013) ("Public Notice").

demonstrate that the Frequency is uniquely capable of satisfying the County's vehicular repeater service ("VRS") requirements. The Alliance urges the County to reconsider its spectrum options consistent with the recommendations herein.

EWA fully supports VRS use by public safety and other Private Land Mobile Radio ("PLMR") licensees with a need for reliable communications in difficult to access locations such as buildings and underground facilities. It recognizes that the extended coverage provided by VRS can be a critical component in systems that serve important public safety and public service requirements. Thus, the Alliance is pleased that the issue of appropriate spectrum for public safety VRS use currently is under consideration in a Commission rulemaking proceeding.[2] Prompt FCC action in that proceeding will obviate the need for individual waiver requests such as the County's, since the Commission proposes to designate certain 173 MHz frequencies for shared telemetry and VRS use.

However, EWA also appreciates the concerns expressed by UTC and other organizations and entities that use or represent users of the 173 MHz telemetry/remote control frequencies under consideration in the VRS NPRM about potential interference between those data systems and low-power voice VRS operations. In the Alliance's opinion, that interference potential is real, serious, and must be addressed by carefully designed frequency coordination standards that provide appropriate protection for both system types. EWA also urges the public safety community to work with VRS vendors to reduce the frequency separation required for effective VRS use, since improvements in that area would expand the number of public safety voice frequencies that could be used for this purpose.

[2] Amendment of Sections 90.20(d)(34) and 90.265 of the Commission's Rules to Facilitate the Use of Vehicular Repeater Units, PS Docket No. 13-229, RM-11635, *Order and Notice of Proposed Rulemaking*, 28 FCC Rcd 13544 (2013) ("VRS NPRM").

The Frequency proposed by the County is not one of the 173 MHz frequencies that the FCC is contemplating for primary public safety VRS use. The County rejected those six frequencies, as well as three others, on the basis that only the Frequency "was available with no co-channel or adjacent channel operations licensed within 40 kilometers of any border of Somerset County."[3] Its selection also seemingly was influenced by the fact that the FCC previously granted a waiver to Wayne County, Indiana to use the Frequency for VRS purposes.[4] Although the Waiver Request was filed prior to adoption of the VRS NPRM, the Public Notice questions whether any grant to the County should be conditioned on the outcome of that proceeding, including potentially by requiring the County to modify its equipment to a frequency designated for VRS use if such a frequency is available when its license is renewed.[5]

This highlights the fundamental issue in this proceeding and in the VRS NPRM: What is the standard by which frequencies will be evaluated and recommended for public safety VRS use? The Waiver Request does not consider a frequency "available" unless there are no co-channel or adjacent channel licensees for at least 40 kilometers from any point on the County's border.[6] Setting aside the question of whether this constitutes a request for channel exclusivity for which the County is not eligible under FCC Rule Section 90.187, and the question of whether the same analysis should apply to co-channel and adjacent channel frequencies, that level of protection may not be achievable, except in the most rural areas in the country. The standard for assigning a data telemetry frequency for VRS use, whether in the context of a waiver or in the pending rulemaking proceeding, should be one that will permit usable service by both categories of licensees eligible for this shared spectrum.

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[3] Waiver Request at 2.
[4] *See* Wayne County Sheriff Department, *Order* 27 FCC Rcd 8167 (PSHSB PLD 2012).
[5] Public Notice at 2.
[6] *See* Waiver Request at 2.

Even under the standard used in the County's analysis, EWA wonders what rationale was used by the County to reject 173.2375 MHz, a frequency under consideration for permanent use in the VRS NPRM, as "unavailable" for the County's VRS operations. This frequency is licensed to only two entities in the entire State of Maine, the City of Bangor (WNBK847) and Bath Water Treatment (WQGT655), both of which are public safety entities and operate at only 8 ERP at a substantial distance from the County's southern area from which the propagation analyses accompanying the Waiver Request were run.[7] According to the ULS database, there is only a single adjacent channel licensee in the State of Maine on 173.225 MHz, CleoCat Systems (WQEH986) operating at 50 ERP and located in York County, which is far from Somerset County. There are no licensees at all in the State of Maine on the other adjacent frequency, 173.250 MHz.

At a minimum, before approving the Frequency, the FCC should conduct its own investigation to determine if any of the frequencies proposed for permanent VRS use are usable by the County, including the one identified by EWA. Assigning such a frequency for the County's use would provide it with longer-term security that it will be able to operate on a primary basis and will not need to change frequencies at a later date to come into conformance with the FCC rules. It also would be an important step in consolidating public safety VRS operations on a defined group of frequencies, rather than co-mingling them randomly in the 173 MHz band.

[7] The waiver included propagation renderings supporting the use of 173.210 MHz. It appears that Skowhegan, Maine was used as the center of the County's VRS operations, which is located in the very southern portion of the County.

For the reasons detailed herein, the Alliance recommends that the Commission investigate whether it believes 173.2375 MHz, or any other 173 MHz frequency proposed for VRS use in the VRS NPRM, would be suitable for the County's proposed use.

ENTERPRISE WIRELESS ALLIANCE

By: _____

Mark E. Crosby
President/CEO
2121 Cooperative Way, Suite 225
Herndon, VA 20171
(703) 528-5115
mark.crosby@enterprisewireless.org

Counsel:

Elizabeth R. Sachs
Lukas, Nace, Gutierrez & Sachs, LLP
8300 Greensboro Drive, Ste. 1200
McLean, VA 22102
(703) 584-8678
lsachs@fcclaw.com

January 30, 2014

CERTIFICATE OF SERVICE

I, Linda J. Evans, with the law firm of Lukas, Nace Gutierrez and Sachs, LLP, hereby certify that I have, on this 30th day of January 2014, caused to be forwarded via electronic mail the foregoing Reply Comments to the following:

Michael T. Smith, Director
Somerset County Communications Center
mike.smith@somersetcounty-me.org

William Brownlow
Telecommunications Manager
AASHTO
wbrownlow@aashto.org

Brett Kilbourne
Vice President, Government and Industry Affairs,
and Deputy General Counsel
Utilities Telecom Council
brett.kilbourne@utc.org

/s/ Linda J. Evans