

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

In the Matter of)
)
State of Maine) File Nos. 0004825917 et al.
Waiver Request to Use)
150 MHz Industrial/Business Frequencies)

To: Chief, Public Safety and Homeland Security Bureau

**COMMENTS
OF THE
ENTERPRISE WIRELESS ALLIANCE**

The Enterprise Wireless Alliance (“EWA” or “Alliance”), in accordance with Section 1.45 of the Federal Communications Commission (“FCC” or “Commission”) rules, respectfully submits its comments in the above-entitled proceeding.¹ This matter relates to a waiver request (“Waiver Request”) filed by the State of Maine (“State” or “Maine”) in which the State seeks authority to utilize certain VHF Industrial/Business frequencies (“Frequencies”) in a statewide public safety system. The FCC had previously requested comment on a related waiver request filed by the State for 160 MHz band frequencies to be used in this same system. The frequencies at issue in the 160 MHz Public Notice were those for which the Association of American

¹ *Public Safety and Homeland Security Bureau Seeks Comment on Applications and Waiver Request Filed by the State of Maine for 150 MHz Industrial/Business Frequencies*, Public Notice, DA 12-393 (rel. Mar. 13, 2012) (“Public Notice”).

Railroads (“AAR”) has been designated by the FCC as the primary frequency advisory committee and as to which AAR had declined to grant coordination approval.²

EWA filed comments in support of the State’s request for the 160 MHz frequencies as to which AAR had denied coordination.³ In those comments, the Alliance noted that Maine had taken all reasonable steps to secure VHF channels for its proposed system. EWA pointed to the State’s certification that it had exhausted all available Public Safety Pool VHF channels, that its equipment vendor had purchased Part 22 VHF licenses for assignment to the State, and that the State had initiated discussions with the National Telecommunications and Information Administration (“NTIA”) and was exploring the use of certain Federal Government spectrum. Thus, it was the Alliance’s position that the State had justified waiver relief for access to non-Public Safety VHF channels.

In those earlier-filed comments, the Alliance explained it had worked with the State to identify VHF channels from the Industrial/Business (“I/B”) Pool that also might be available for its use. It is those frequencies that are the subject of the instant Waiver Request. Certain of these frequencies were from the general I/B Pool, while others required concurrence from the American Automobile Association (“AAA”) or the Utilities Telecom Council (“UTC”). Those organizations granted concurrence after assuring themselves that no Public Safety frequencies were available to meet Maine’s needs and that the State’s proposed use would not adversely impact already licensed or earlier-filed Industrial/Business applicants. EWA confirmed that those same criteria were satisfied vis-à-vis the general I/B Pool frequencies. Thus, for the same

² See *Public Safety and Homeland Security Bureau Seeks Comment on Applications and Waiver Request Filed by the State of Maine for 160 MHz Band Railroad Frequencies*, Public Notice, DA 12-74 (rel. Jan. 23, 2012) (“160 MHz PN”)

³ See Comments of the Enterprise Wireless Alliance filed February 13, 2012.

reasons that the Alliance supported the State's waiver request for 160 MHz frequencies coordinated by AAR, it also recommends that the FCC grant Maine's Waiver Request for the use of the I/B Pool frequencies identified on the applications referenced in the Public Notice.

ENTERPRISE WIRELESS ALLIANCE

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March 27, 2012

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 27th day of March, 2012 caused to be mailed, first-class, postage prepaid, a copy of the foregoing Comments to the following:

Gregory A. McNeal
Chief Information Officer
STATE OF MAINE
26 Edison Drive
Augusta, ME 04330

/s/ Linda J. Evans