

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

In the Matter of)
)
Pyramid Communications, Inc.)
) RM-11635
Petition for Rulemaking to Modify)
Sections 90.20(d)(34) and 90.265 of the)
Commission’s Rules to Facilitate the Use of)
Vehicular Repeater Units)

To: Chief, Wireless Telecommunications Bureau

**REPLY COMMENTS
OF THE
ENTERPRISE WIRELESS ALLIANCE**

The Enterprise Wireless Alliance (“EWA” or “Alliance”), in accordance with Section 1.405 of the Federal Communications Commission (“FCC” or “Commission”) rules, respectfully submits its reply comments in response to the Commission’s Public Notice in the above-entitled proceeding.¹ The Public Safety and Homeland Security Bureau has requested comment on the Petition filed by Pyramid Communications, Inc. (“Pyramid”) seeking additional VHF spectrum for Vehicular Repeater Service (“VRS”) units operated by Public Safety licensees. The Alliance recognizes the importance of VRS units to both Public Safety and certain business enterprise users. It therefore supports the issuance of a Notice of Proposed Rule Making to investigate this issue in greater detail, subject to the recommendations below.

I. INTRODUCTION

EWA is a national trade association representing business enterprises, wireless sales and service providers, hardware and software system vendors and technology manufacturers. It also

¹ *Public Safety and Homeland Security Bureau Seeks Comment on Pyramid Communications, Inc.’s Petition for Rulemaking to Facilitate the Use of Vehicular Repeater Units by Public Safety Licensees in the VHF Band*, RM-11635, DA 11-1717 (rel. Oct. 14, 2011) (“Petition”).

is an FCC-certified Frequency Advisory Committee (“FAC”) and processes many thousands of frequency coordination and license application requests annually from both Industrial/Business and Public Safety applicants. Some of these requests are for VRS spectrum, often from Public Safety entities seeking Industrial/Business Pool channels to achieve the necessary separation between their assigned Public Safety frequencies and the frequencies on which the VRS units will operate. As stated in the Petition, current technology requires a separation of 2-5 MHz between VRS frequencies and frequencies in the mobile radio with which the VRS units are associated. This technical limitation makes finding suitable VRS spectrum exceedingly difficult, in light of the very limited VHF spectrum available in the Public Safety and Industrial/Business Pools collectively. Because the rules governing VRS use affect the Alliance’s members and its responsibilities as a FAC, it has a direct interest in the outcome of this proceeding.

II. THE FCC CAN PROVIDE FOR ADDITIONAL VRS SPECTRUM WITHOUT COMPROMISING CURRENT UTILIZATION OF CERTAIN FREQUENCIES PROPOSED FOR VRS USE IN THE PETITION.

EWA takes no position on Pyramid’s request that the FCC amend Section 90.265(c) to make certain 170-172 MHz frequencies available for VRS operations. The Public Safety community must make its own assessment of communications priorities on spectrum assigned exclusively for its use. The Alliance notes the Opposition Comments filed by the Forestry Conservation Communications Association, Inc. (“FCCA”) objecting on both operational and legal grounds to Pyramid’s proposal to deploy VRS units on frequencies that FCCA identifies as being intended for shared use with federal entities for wild fire suppression. FCCA takes the position that these frequencies must be reserved for firefighting operations and that the FCC is without power to modify the rules without concurrence from federal users and/or the National Telecommunications and Information Agency. FCCA has primary responsibility for the assignment and utilization of the frequencies in question and its assessment of their availability

for VRS operations should be given appropriate weight. The Association of Public-Safety Communications Officials-International, Inc. (“APCO”) took no position on this aspect of the Petition.

EWA also notes FCCA’s comments regarding improvements in filter technologies that might be adapted for VRS use, which would reduce the separation needed between frequencies in the VRS units and those in the radio itself, and thereby increase the number of frequencies available for this application. The Alliance suggests that this recommendation may have merit and urges the VRS vendor community to investigate technological advances that might expand spectrum options in the future for both business enterprise and Public Safety entities.

The Petition also proposes modifying the FCC rules to allow low-power VRS operations on six 173 MHz offset frequencies shared by Public Safety and Industrial/Business users and available exclusively for fixed, non-voice operation. Pyramid asserts that the restriction against voice transmissions on these frequencies is no longer necessary, concluding that local, low-power VRS use likely would not cause interference to full-power, non-voice operations, and that frequency coordination procedures already in place will prevent interference entirely.

The Utilities Telecom Council (“UTC”) filed Comments opposing the changes proposed by Pyramid in the permissible use of these 173 MHz frequencies. UTC explained that these frequencies are heavily used by utilities for a variety of mission critical operations and warned that interference from VRS units could threaten the unimpeded delivery of these critical services.

EWA endorses the continued availability of this spectrum for use by its own and UTC’s members, who have made productive use of these frequencies to support a variety of essential business enterprise and critical infrastructure non-voice applications. The Alliance agrees that rule changes that might compromise these operations should not be adopted. Nonetheless, EWA has sufficient confidence in the frequency coordination process as an effective mechanism for

preventing interference to propose that the Commission consider designating some of the 173 MHz frequencies for VRS voice operations subject, of course, to appropriate frequency coordination procedures. Given the highly localized nature of VRS usage, these frequencies should be able to be reused in adjacent communities without interference. This would provide at least some of the relief sought by Pyramid and provide an immediately available spectrum solution while technological improvements to VRS products along the lines suggested by FCCA are investigated. Of course, the Alliance assumes that Public Safety applicants would look first for exclusively Public Safety frequencies for VRS applications and request these shared, non-voice frequencies only when all other options have been exhausted.

III. CONCLUSION

EWA recommends that the Commission issue a Notice of Proposed Rule Making, consistent with the recommendations herein, to investigate the availability of additional frequencies for VRS operations.

ENTERPRISE WIRELESS ALLIANCE

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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 November 18, 2011, caused the foregoing Reply Comments of Enterprise Wireless Alliance to be e-mailed to the following:

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/s/ Linda J. Evans