

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20054**

In the Matter of )  
 )  
AAA Request to Provide Frequency ) WT Docket No. 10-3  
Coordination in the 700-900 MHz Industrial )  
Business Pool Spectrum )

To: Chief, Wireless Telecommunications Bureau

**COMMENTS OF THE  
ENTERPRISE WIRELESS ALLIANCE**

The Enterprise Wireless Alliance (“EWA” or the “Alliance”) submits these comments in response to the Federal Communications Commission’s (“FCC” or “Commission”) Public Notice<sup>1</sup> seeking comment on an informal request (“Request”) from the American Automobile Association (“AAA”) for certification to provide frequency coordination for 800/900 MHz Business/Industrial/Land Transportation (“B/ILT”) frequencies in the 806-816/851-861 MHz and 896-901/935-940 MHz bands. The Public Notice explains that the FCC introduced competition into the 800/900 MHz B/ILT coordination process in 1997 and that the Request states certifying AAA to coordinate applications for those channels would further that objective. The Request notes that AAA has a track record in the provision of frequency coordination services in the bands below 800 MHz that supports its qualifications for this expanded certification and also details how it would conduct these activities.

The Alliance agrees that AAA’s historical performance in providing coordination services is an appropriate barometer for assessing its ability to coordinate B/ILT frequencies at 800/900 MHz. But EWA also urges the FCC to consider the broader issue of how the

---

<sup>1</sup> *Wireless Telecommunications Bureau Seeks Comment on Informal Request of American Automobile Association for Certification to Provide Frequency Coordination for 800/900 MHz Business/Industrial/Land Transportation Pool Frequencies*, WT Docket No. 10-3, Public Notice (rel. Jan. 5, 2010) (“Public Notice”).

competitive coordination process can most effectively work to the benefit of the applicants who are required by the FCC rules to use these services. Competition is not advantageous in and of itself. Its value lies in providing an environment in which “consumer” applicants can evaluate how to obtain the highest quality coordination for the most reasonable price and in which unqualified coordinators are publicly identified as such by virtue of their work product, or not certified at the outset.<sup>2</sup> The Alliance believes that there are steps that can and should be taken to improve the process and, thereby, ensure that entities that are certified to act as Frequency Advisory Committees (“FACs”) are qualified for that purpose.

There are at least two aspects of the current process that deserve FCC consideration. First, there is no publicly available data that would enable an applicant to judge the qualifications of a particular coordinator vis-à-vis its peers. Of course, there is anecdotal information that might be shared among members of the B/ILT user community. However, an applicant has no way to determine whether the frequency recommendation it will obtain from any particular FAC is more or less likely to be consistent with the FCC rules and produce the best frequency for the applicant’s proposed use than that of a competitive coordinator. There is no data source that indicates how frequently a coordinator’s applications are returned or rejected by the FCC or, if granted, become the subject of a later objection that is sustained by the Commission. While the price of the service also is important, price alone, without any corresponding measure of quality received, offers an applicant scant information on which to make an informed FAC selection. Without making that data publicly available, it is questionable whether “consumer” applicants derive the benefit intended by the FCC from a competitive coordination process.

---

<sup>2</sup> To the extent that the “best” coordinations produce the applications that are correct, consistent with the FCC rules and promote the efficient use of available spectrum, they also serve the FCC’s public policy goals.

Second, only two FACs, including EWA, have entered into a formal Memorandum of Understanding (“MOU”) with the FCC that obligates them to assist in the resolution of post-licensing interference problems. The Alliance does not question the desire of other coordinators to issue frequency recommendations that permit interference-free operations for their customers without causing interference to users whose frequencies were recommended by other coordinators. Yet, the fact is that the great majority of interference complaints are funneled through the two organizations with MOU responsibilities, so the time and cost of resolving these matters do not necessarily fall on the FAC(s) that made the recommendations that resulted in the interference situation. If coordinators are not responsible for assisting in the resolution of the very problems they create, the FCC is missing one powerful inducement for encouraging the issuance of carefully considered frequency recommendations. For this reason, EWA urges the FCC to require all FACs to enter into MOUs that will ensure their continued involvement in any post-licensing problems that arise from their recommended frequency assignments.

A corollary issue is ensuring that the competitive process does not – perversely – reward the issuance of erroneous frequency recommendations. It is unfortunate, but a fact, that a first-in-time licensing process can provide a benefit to an applicant who is first to the FCC, even if by virtue of a frequency recommendation that is understood not to be in compliance with the FCC rules or agreed upon FAC coordination policies. If the application is granted by the FCC in reliance on the coordinator’s recommendation, the licensee may be able to deploy a system that causes, but does not receive, interference, or extract concessions for not constructing from the entity that otherwise would experience destructive interference if the station were placed into operation.

Even if the application is not granted, having secured the first place in line, the applicant may be able to block subsequent proper frequency assignments as long as it is willing to request reconsideration at each level of FCC review. The multi-decade history of certain part 90 licensing proceedings confirms that, once issued, a “bad” coordination can create a cascade of regulatory and even operational problems that can take many years to untangle. As long as marketplace competitors see an advantage in securing spectrum for their own use or in preventing others from obtaining needed channels, and use erroneous frequency coordinations to achieve their objectives, the normal licensing process will not work effectively.

One critical element in discouraging, if not eliminating, this practice is prompt FCC action when an improperly coordinated application is brought to its attention and equally prompt action should the initial FCC decision be challenged in a Petition for Reconsideration. Lengthy Commission delays in such matters reward parties for valuing negligence over excellence in the competitive coordination process and thereby subvert its effectiveness. EWA urges the Commission to act quickly and decisively in such matters so that there is no competitive incentive to choose a coordinator whose recommendations cannot withstand scrutiny.

To that end, the Alliance intends to reactivate its “FAC Validation” program within 90 days, whereby EWA reviews all coordinated Part 90 applications submitted to the FCC to ensure that they comply with applicable requirements and advises the Commission of those that do not.<sup>3</sup> EWA does not take this step lightly or with enthusiasm. This program consumes staff resources that the Alliance would prefer to devote to other activities. However, its responsibility to its own customers whose operations could be adversely affected by erroneous frequency recommendations and its commitment to the private land mobile community generally has

---

<sup>3</sup> This review process does not search for minor discrepancies that have no impact on other licensees. It identifies only applications that involve frequency recommendations that could compromise the operations of licensed users or the frequency assignment process.

prompted it to do so. Its hope is that this increased vigilance will at some point become unnecessary when supplanted by a fully effective, competitive, frequency coordination process.

One immediate step that EWA recommends is a meeting of all FACs to identify any areas where there is disagreement or a lack of clarity about what coordination procedures apply. The Alliance also will be pleased to work with the Commission and with other coordinators to address the concerns expressed herein.

Respectfully submitted,

ENTERPRISE WIRELESS ALLIANCE

By: \_\_\_\_\_ /s/

Mark E. Crosby  
President/CEO  
8484 Westpark Drive, Suite 630  
McLean, Virginia 22102  
(703) 528-5115

Counsel:

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

February 4, 2010