

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

In the Matter of)
)
Ameren Services Company Request for) File No. 0003832139
Waiver to Use 800 MHz Public Safety Channels)
For an Industrial/Land Transportation System)

To: The Commission

**COMMENTS OF THE
ENTERPRISE WIRELESS ALLIANCE**

The Enterprise Wireless Alliance (“EWA” or “Alliance”) submits these comments in response to the Federal Communications Commission’s (“FCC” or “Commission”) Public Notice¹ seeking comment on a Request for Waiver (“Waiver”) filed by Ameren Services Company (“Ameren”) to use 800 MHz Public Safety Pool frequencies for an Industrial communications system. The Alliance supports the Waiver as an efficient use of available spectrum that will benefit the public served by Ameren.

EWA represents a broad alliance of business enterprise users, service providers, radio dealers and technology manufacturers. A number of its members operate 800 MHz private internal systems such as that proposed by Ameren, and the Alliance is well aware of the need for dedicated channels on which to conduct many types of critical business operations. EWA coordinated the application associated with Ameren’s Waiver request and is pleased to support the grant of that request.

As explained in its Waiver, Ameren, an Industrial/Land Transportation eligible entity, has requested the use of three 800 MHz channels from the Public Safety Pool of frequencies. The

¹ *Wireless Telecommunications Bureau Seeks Comment on Request for Waiver Filed by Ameren Services Company to Use 806-821/851-866 MHz Band Public Safety Pool Frequencies for an Industrial/Land Transportation Communications System*, Public Notice, DA 09-2635 (rel. Dec. 28, 2010) (“Public Notice”).

FCC's rules used to permit inter-category sharing among applicants eligible for the Public Safety, Industrial/Land Transportation and Business Pool allocations upon a demonstration that no channels were available in the Pool in which they qualified, but that flexibility was eliminated some years ago. Thus, absent a waiver, it is no longer possible for an entity such as Ameren to request the use of available Public Safety channels even if no Industrial/Land Transportation spectrum is available to meet its requirements, as is the case in this instance.

Ameren has explained that it intends to use the requested channels for dispatch communications with field crews that maintain and restore electric service in the Wildwood, Missouri area. Moreover, the specific channels at issue had been assigned to Ford Motor Company in this general area for more than a decade, presumably under the previous inter-category sharing rules, until Ford terminated its license on May 2009. Thus, these frequencies historically have been utilized by a non-public safety entity.

EWA is pleased that APCO International, as a representative of the public safety community, has concurred in Ameren's Waiver request and approved the use of these channels. Since the Commission's rules no longer provide for flexibility as a matter of right in the assignment of 800 MHz spectrum among these groups of eligible entities, it is important that members of the land mobile community maintain a sensible approach to spectrum utilization in support of the public interest. Spectrum is simply too critical in the operation of many types of businesses to allow historical channel allocations to act as a barrier to needs such as those identified by Ameren. This is particularly the case since public safety has exclusive access for three years to 800 MHz spectrum that is vacated by Sprint Nextel Corporation as part of the

FCC's rebanding proceeding, a provision that will add a substantial number of channels in every market to those already available for public safety use.²

Grant of the Ameren Request will permit the use of available spectrum to serve an essential public need for reliable electrical service in the Wildwood, Missouri area. The Alliance recommends that the FCC approve the Request and grant Ameren's application promptly.

Respectfully submitted,

ENTERPRISE WIRELESS ALLIANCE

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² See 47 C.F.R. §§ 90.615, 90.617(g).