

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of )  
 )  
Innovation in the Broadcast Television ) ET Docket No. 10-235  
Bands: Allocations, Channel Sharing and )  
Improvements to VHF )

**COMMENTS  
OF THE  
LAND MOBILE COMMUNICATIONS COUNCIL**

Respectfully submitted,

By: \_\_\_\_\_ /s/  
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The Land Mobile Communications Council (“LMCC”), pursuant to Section 1.415 of the Federal Communications Commission (“FCC” or “Commission”) Rules, 47 C.F.R. § 1.415, hereby respectfully submits its Comments in the above-captioned proceeding.<sup>1</sup> LMCC supports the Commission’s efforts to “repurpose” spectrum from the broadcast television bands to support new wireless broadband uses. Recent extraordinary developments in the delivery of television and other video services and in the growth of wireless broadband applications demand a review of how the nation’s limited spectrum supply can best be used. The possibility of incentive auctions and other voluntary means of facilitating the repurposing of this beachfront property should be investigated. However, as noted in LMCC’s comments in a companion FCC item involving dynamic spectrum use technologies,<sup>2</sup> in its efforts to accommodate anticipated broadband needs, the Commission must not lose sight of very significant investments that have been made in non-broadband communications equipment and applications that are being used in the effective operation of public safety, critical infrastructure and other business activities, including in bands under consideration in this proceeding.<sup>3</sup>

LMCC is a non-profit association of organizations representing virtually all users of land mobile radio systems, providers of land mobile services, and manufacturers of land mobile radio equipment. LMCC acts with the consensus, and on behalf of the vast majority of public safety, business, industrial, transportation and private commercial radio users, as well as a diversity of land mobile service providers and equipment manufacturers. Membership includes the following organizations:

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<sup>1</sup> *Notice of Proposed Rulemaking*, ET Docket No. 10-235, 25 FCC Rcd 16498 (2010) (“*Notice*” or “*NPR*”).

<sup>2</sup> *Notice of Inquiry*, ET Docket No. 10-237, 25 FCC Rcd 16632 (2010).

<sup>3</sup> *See* LMCC Comments in ET Docket No. 10-237.

- American Association of State Highway and Transportation Officials (AASHTO)
- American Automobile Association (AAA)
- American Petroleum Institute (API)
- Association of American Railroads (AAR)
- Association of Fish and Wildlife Agencies (AFWA)
- Association of Public-Safety Communications Officials-International, Inc. (APCO)
- Aviation Spectrum Resources, Inc. (ASRI)
- Central Station Alarm Association (CSAA)
- Enterprise Wireless Alliance (EWA)
- Forest Industries Telecommunications (FIT)
- Forestry-Conservation Communications Association (FCCA)
- Intelligent Transportation Society of America, Inc. (ITSA)
- International Association of Fire Chiefs (IAFC)
- International Municipal Signal Association (IMSA)
- MRFAC, Inc. (MRFAC)
- National Association of State Foresters (NASF)
- PCIA – The Wireless Infrastructure Association (PCIA)
- Telecommunications Industry Association (TIA)
- Utilities Telecom Council (UTC)

The user community represented by LMCC includes the entities that currently operate on the Part 90 470-512 MHz land mobile allocation available in 11 major markets in the country<sup>4</sup> that is acknowledged in the Notice.<sup>5</sup> For more than 40 years, this spectrum has been utilized intensively to support public safety, public service, critical infrastructure and other business activities. Although land mobile facilities are limited to only a small radius around these cities, there are many tens of thousands of radios deployed on the Part 90 470-512 MHz channels. For example, the Los Angeles County Sheriff and the Los Angeles Police Department, respectively, operate approximately 14,000 and 11,000 radios on their networks. These systems, and those in the other 10 markets, play an absolutely critical role in the delivery of services that, like

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<sup>4</sup> 47 C.F.R. § 90.311.

<sup>5</sup> Notice at ¶¶ 5 and 7.

broadband, are “essential to our nation’s economic future”<sup>6</sup> as well as emergency response capabilities provided by police, fire and EMS entities in these communities.

The Notice acknowledges the existence of these users on spectrum the FCC is contemplating repurposing, but, in an alarmingly off-handed footnote, states only that “We would address appropriate changes for the Private Land Mobile Service...in the event that we were to decide to recover spectrum now used by those services.”<sup>7</sup> There is no indication about whether the FCC is contemplating a mandatory relocation of these systems by subsequent broadband licensees or, if so, which of the very limited and already highly congested Part 90 bands the FCC might consider “comparable” for migration purposes. Unlike incumbent television broadcasters, there is no suggestion that this Part 90 spectrum recovery would be voluntary or result in any economic benefit to the incumbent.

Moreover, the potential threat of involuntary relocation out of the 470-512 MHz band could not come at a worse time. The Part 90 licensees currently operating on this spectrum are under an FCC deadline of January 1, 2013 to modify their equipment from “wideband” 25 kHz bandwidth to no more than 12.5 kHz bandwidth capability.<sup>8</sup> This is an unfunded federal mandate that requires 470-512 MHz licensees to modify or replace their equipment at their own expense to make even more intensive use of this limited spectrum resource. The Commission already has expressed concern that certain Part 90 licensees may not be moving quickly enough to comply with the narrowband requirement. The FCC’s suggestion that it may reclaim 470-512 MHz spectrum from Part 90 incumbents who have just been required to invest in improved

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<sup>6</sup> *Id.* at ¶ 11.

<sup>7</sup> *Id.* at n. 33.

<sup>8</sup> *See* 47 C.F.R. §§ 90.203(j), 90.209(b).

technology certainly will not facilitate the efforts of LMCC member organizations that are trying to assist the Commission by promoting narrowband migration within their constituencies.

The 470-512 MHz band is essential to organizations that serve the public interest directly through public safety and service activities, as well as those whose operations are fundamental to the economic well-being of the nation. LMCC urges the FCC to recognize the vital role played by this band and not to include it in whatever decisions it reaches with regard to the repurposing of other television broadcast spectrum.