

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

In the Matter of)	
)	
Pacific Gas & Electric Company)	WT Docket No. 10-217
Requests for Waiver for Slow Growth Authority)	
and of Discontinuance Rules)	

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 Notice¹ seeking comment on requests (“Requests”) from Pacific Gas & Electric Company (“PG&E”) for extended construction periods and waiver of the rules prohibiting permanent discontinuance of operations. The waivers are requested to enable PG&E to replace its existing conventional two-way radio facilities with a wide-area single integrated trunked private land mobile radio system to accommodate all of the company’s dispatch voice communications. The system will be deployed using a combination of spectrum allocated under Parts 90 and 22 of the FCC rules and is expected to be completed by the end of 2012. However, PG&E has requested waiver relief until June 30, 2013, to account for the possibility of unanticipated delays.²

As described in the Requests, PG&E’s “Radio Network Refresh Project” is intended to provide wide-area voice connectivity and enhanced radio services in support of the company’s efforts to provide safe and reliable electric and natural gas service to the public throughout northern

¹ *Wireless Telecommunications Bureau Seeks Comment on Request by Pacific Gas & Electric Company for Waivers to Permit Implementation of Wide-Area Land Mobile Radio System Using Part 22 and 90 Spectrum*, WT Docket No. 10-217, Public Notice (rel. Oct. 22, 2010) (“Public Notice”).

² PG&E also seeks a waiver to conduct private land mobile communications, rather than common carrier operations, on the Part 22 channels, a waiver the FCC has granted in numerous instances.

and central California. The estimated cost of the project is \$30 million and involves more than 100 hundred transmitter sites. Because of its scope, the system is logically scheduled to be implemented in phases over a multi-year period, thereby triggering the need for the requested waiver relief.

EWA supports PG&E's request to be granted the equivalent of the extended implementation authority that is routinely available under the rules for 800/900 MHz applicants that demonstrate a need for more than the typical one-year period to place their facilities in operation.³ The historical twelve-month construction requirement is intended to ensure that licensees place their spectrum into operation on a timely basis or return it to the FCC for reassignment to another entity. However, as recognized by the Commission in approving extended implementation at 800/900 MHz, there are systems that require a longer construction period because of their purpose, size or complexity, or because of mandated funding cycles.

The system proposed by PG&E is a perfect example of just such a large capital project. PG&E could not be expected to embark on this undertaking without confidence that it has the necessary spectrum resources to build its intended system and, therefore, it needs to secure the requisite FCC authorizations at this time. However, the scale of the project dictates that these authorizations cannot be placed into operation within twelve months. This is the very scenario anticipated by the FCC in providing for extended implementation in the 800/900 MHz bands. Granting comparable waiver relief in this instance for frequencies below 512 MHz would be consistent with the public interest considerations that support extended implementation authority in the higher bands and should be approved.

For the same reasons, the Alliance also supports PG&E's request to be allowed to take the stations that will be redeployed to form the Radio Network Refresh Project system out of operation for longer than is permitted routinely under FCC Rule Sections 1.955(a)(3), 22.317 and 90.157(a).

³ 47 C.F.R. § 90.629. The FCC rules also permit construction periods of up to five years for public safety systems operated in any band upon an appropriate showing. 47 C.F.R. § 90.155(b).

The FCC's discontinuance of operation rules, like its construction requirements, is intended to prevent spectrum from lying fallow for unreasonable amounts of time. The licenses for stations where the service has been permanently discontinued are deemed to have canceled automatically, thereby enabling the FCC to recover the associated frequencies and make them available for use by other licensees.

In this case, PG&E is not abandoning the use of the frequencies in question at all. Rather, it is necessary to temporarily remove them from operation so they can be repurposed as part of a more efficient network, one that will be capable of satisfying the increasingly demanding communications requirements of a major utility that services millions of customers. As explained in the Requests, the Commission has previously waived the discontinuance of operation rules to allow an orderly transition process from one service or technology to another. EWA urges the FCC to approve the same relief here to facilitate PG&E's deployment of the system contemplated by its Radio Network Refresh Project, a system that clearly will serve the public interest in the efficient delivery of critical utility services.

For the reasons herein, the Alliance recommends that the Requests be granted.

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

November 12, 2010