



PUBLIC NOTICE

Federal Communications Commission
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DA 01-151

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**WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON INFORMAL
REQUEST OF AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION
OFFICIALS FOR CERTIFICATION TO PROVIDE FREQUENCY COORDINATION FOR 800
MHz PRIVATE LAND MOBILE RADIO SERVICE FREQUENCIES**

Comment Due Date: February 21, 2001

Reply Comment Due Date: March 8, 2001

On December 4, 2000, the American Association of State Highway and Transportation Officials (AASHTO) filed an informal request for frequency coordination certification in the 800 MHz Private Land Mobile Radio Service (PLMR) Public Safety Radio Service frequencies. This *Public Notice* seeks comment on AASHTO's request.

In 1986, the Commission certified frequency coordinators in each of the PLMR services.¹ At this time AASHTO was certified as the exclusive frequency coordinator for the former Highway Maintenance Radio Service in the frequencies below 512 MHz. In the *Refarming Second Report and Order*, the Commission consolidated the PLMR services into two pools and authorized the coordinators of the services consolidated into the Public Safety Pool² to manage frequencies that they were responsible for prior to consolidation with one exception.³ The Commission allowed any of the certified coordinators in the Public Safety Radio Service to coordinate frequencies assigned to the Local Government Radio Service, thus ending exclusive frequency coordination in the service and allowing competition to be introduced, to the extent possible, into the Public Safety Pool.⁴ The introduction of competition among coordinators was intended to promote lower coordination costs and foster better service to the public.⁵

¹ See Frequency Coordination in the Private Land Mobile Radio Services, *Report and Order*, PR Docket No. 83-737, 103 FCC 2d 1093 (1986).

² The Public Safety Pool is comprised of frequencies that were previously allotted to any of the Public Safety Radio Services and the Special Emergency Radio Service, including the Highway Maintenance Radio Service. See 47 C.F.R. §§ 90.15-90.20.

³ See Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services and Modify the Policies Governing Them and Examination of Exclusivity and Frequency Assignments Policies of the Private Land Mobile Services, *Second Report and Order*, PR Docket 92-235, 12 FCC Rcd 14307, 14328 ¶¶ 37-38 (1997).

⁴ *Id.* at ¶ 38.

⁵ *Id.*

In 1998, the Commission established a band plan for the reallocation of the 700 MHz band to public safety use.⁶ In the *First Report and Order and Third Notice of Proposed Rulemaking*, the Commission allowed any of the certified frequency public safety coordinators, including AASHTO, to provide coordination in the 700 MHz band.⁷ The Commission said encouraging competition among coordinators “will promote cost-based pricing of coordination services and provide incentives for enhancing service quality.”⁸

We note, however, that to date, the Commission has not made changes to the frequency coordination process as it pertains to the 800 MHz PLMR band.⁹ AASHTO states that, because of similarities between the PLMR systems below 512 MHz, in the 700 MHz band and in the 800 MHz Public Safety channels, it would be as qualified to coordinate applications in the 800 MHz channels as it is to coordinate frequencies below 512 MHz and in 700 MHz. AASHTO believes that allowing it to serve as frequency coordinator in the 800 MHz band is in the public interest and is consistent with the Commission’s statements in support of competition.

Interested parties may file comments on the request for informal certification on or before February 21, 2001. Parties interested in submitting reply comments must do so on or before March 8, 2001. All comments should reference the subject request including the DA number on this *Public Notice*, and should be filed with the Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, S.W., TW-325, Washington, D.C. 20554. A copy of each filing should be sent to International Transcription Services, Inc. (ITS), 1231 20th Street, N.W., Washington, DC 20036, (202) 857-3800, and John Evanoff, Federal Communications Commission, Wireless Telecommunications Bureau, Public Safety and Private Wireless Division, Policy and Rules Branch, 445 Twelfth Street, S.W., Room 4-B411, Washington, D.C. 20554.

The full text of the informal request for certification, comments and reply comments will be available for inspection and duplication during regular business hours in the Reference Information Center (RIC) of the Consumer Information Bureau, Federal Communications Commission, 445 Twelfth Street, S.W., Room CY-A257, Washington, D.C. 20554. Copies also may be obtained from ITS.

Because of the policy implications and potential impact of this proceeding on persons not parties to this request, we believe it would be in the public interest to treat this matter as a permit-but-disclose proceeding under the *ex parte* rules, *see* Sections 1.1200(a) and 1.1206 of the Commission’s Rules, 47

⁶ *See* In the Matter of the Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010, Establishment of Rules and Requirements For Priority Access Service, *First Report and Order and Third Notice of Proposed Rulemaking*, WT Docket No. 96-86, 14 FCC Rcd 152 (1998).

⁷ *Id.*, 14 FCC Rcd at 200 ¶ 98.

⁸ *Id.*

⁹ Implementation of Section 309(j) and 337 of the Communications Act of 1934 as Amended, Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies, Establishment of Public Service Radio Pool in the Private Mobile Frequencies Below 800 MHz, *Notice of Proposed Rule Making*, WT Docket No. 99-87, 14 FCC Rcd 5206, 5217 ¶ 15 (1999).

C.F.R. § 1.1200(a), 1.1206, rather than a restricted proceeding under Section 1.1208 of the Commission's Rules, 47 C.F.R. § 1.1208. Therefore, any *ex parte* presentations that are made with respect to the issues involved in the subject request, subsequent to the release of this *Public Notice*, will be permissible but must be disclosed in accordance with the requirements of Section 1.1206(b) of the Commission's Rules, 47 C.F.R. § 1.1206(b).

For further information, contact John Evanoff of the Policy and Rules Branch, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau, at (202) 418-0848 or via email to jevanoff@fcc.gov.

By the Chief, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau.

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