

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

In the Matter of
United Telecom Council
Informal Request for Certification as a Frequency
Coordinator in the PLMR 800 MHz and 900 MHz
Bands

ORDER

Adopted: April 11, 2001

Released: April 18, 2001

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

I. INTRODUCTION

1. On March 6, 2000, United Telecom Council (UTC) filed an informal request for Commission certification as a frequency coordinator in the private land mobile radio (PLMR) service for 800 MHz and 900 MHz Business and Industrial/Land Transportation (I/LT) frequencies.

1 Informal Request for Certification filed by UTC on March 6, 2000 (Informal Request).

2 Wireless Telecommunications Bureau Seeks Comment on Informal Request of United Telecom Council for Certification to Provide Frequency Coordination for 800 MHz and 900 MHz Private Land Mobile Radio Service Frequencies, Public Notice, 15 FCC Rcd 9135 (WTB PSPWD 2000).

3 Comments were submitted by Ameren Corp. (Ameren), American Mobile Telecommunications Association, Inc. (AMTA), Bay State Gas Co. (Bay State), Cara Enterprises, Central Maine Power Co. (Central Maine), Commonwealth Edison Co. (Commonwealth Edison), Consolidated Edison Co. of New York, Inc. and Orange and Rockland Utilities, Inc., Consumers Energy, Industrial Telecommunications Association, Inc. (ITA), MRFAC, Inc. (MRFAC), Pacific Gas and Electric Co., Personal Communications Industry Association, Inc. (PCIA), Public Service Electric and Gas Co. (PSE&G), Southern Co., and Western Resources, Inc.

4 UTC and MRFAC filed reply comments.

5 UTC asks that its Informal Request be dealt with on an ad hoc basis rather than as part of a larger proceeding dealing with all pending requests for coordinator certification. See Letter from Jill M. Lyon, Vice President and General Counsel, UTC to Kathleen O'Brien Ham, Deputy Chief, Wireless Telecommunications Bureau, FCC (dated Feb. 6, 2001). This Order addresses only the issue of whether entities already certified to coordinate below 512 MHz I/B frequencies should also be certified to coordinate 800 MHz and 900 MHz Business and I/LT (continued....)

II. BACKGROUND

2. A PLMR frequency coordinator is a private-sector entity or organization that has been certified by the Commission to recommend the most appropriate frequencies for use by licensees in the PLMR services.⁶ The Commission has recognized the role of frequency coordinators in the process of selecting available frequencies since 1958,⁷ but it was not until 1986 that the Commission formally certified frequency coordinators.⁸ The Commission examined the facets of the frequency coordination process in an effort to maximize service to the public by assuring that the assignment and management of the PLMR spectrum was performed in an efficient and effective manner.⁹ In almost all of the Industrial and Land Transportation Radio Services the Commission received only one request per radio service for frequency coordination certification.¹⁰ The Commission recognized that certifying multiple coordinators per service could lower fees,¹¹ but decided to certify a single coordinator in each service in order to reduce the potential for confusion and avoid inconsistent coordination standards.¹² The Commission believed that “competition in the recommendation of frequencies should not be necessary to assure the lowest price or best service.”¹³

3. The primary factor in the selection of each frequency coordinator was whether the applicant represented a class of users eligible for licenses in the service the applicant proposed to coordinate.¹⁴ Special emphasis was placed on representativeness since the Commission decided to certify

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 frequencies. UTC’s *Informal Request* has not been consolidated with the other pending requests for certification. See, e.g., Wireless Telecommunications Bureau Seeks Comment on Informal Request of the International Association of Fire Chiefs, Inc., and the International Municipal Signal Association for Certification to Provide Frequency Coordination for 800 MHz and 900 MHz Private Land Mobile Radio Service Frequencies, *Public Notice*, DA 01-152 (WTB PSPWD rel. Jan. 22, 2001).

⁶ For the Part 90 definition of a frequency coordinator, see 47 C.F.R. § 90.7. See also Frequency Coordination in the Private Land Mobile Radio Services, *Report and Order*, PR Docket No. 83-737, 103 FCC 2d 1093, 1094 ¶ 1 (1986) (*Frequency Coordination Report and Order*). I/B frequencies are listed in 47 C.F.R. § 90.35, and Business and I/LT frequencies are listed in 47 C.F.R. §§ 90.613, 90.617, 90.619.

⁷ *Frequency Coordination Report and Order*, 103 FCC 2d at 1096 ¶ 4 (citing Amendment of Part 11, Rules Governing the Industrial Radio Services, to Delete, Modify and Create Services and to Effect Changes in the Availability of Frequencies, *First Report and Order*, Docket No. 11991, FCC 58-602, 23 Fed. Reg. 4784 (1958)).

⁸ See *Frequency Coordination Report and Order*, 103 FCC 2d at 1126-47 ¶¶ 70-108.

⁹ *Id.* at 1095 ¶ 2.

¹⁰ *Id.* at 1127-46 ¶¶ 71-108.

¹¹ Frequency Coordination in the Private Land Mobile Radio Services, *Notice of Proposed Rulemaking*, PR Docket No. 83-737, 49 Fed. Reg. 45454, 45456 ¶ 14 (1986).

¹² *Frequency Coordination Report and Order*, 103 FCC Rcd at 1121-22 ¶¶ 57-59. The Commission permitted the continued use of three coordinators for recommending 800 MHz General Category frequencies because this procedure had evolved into a workable, manageable system. The Commission recognized that there was no reason to deviate from the then-current situation even though this was a departure from the overall policy and direction. *Id.* at 1146 ¶ 108.

¹³ *Id.* at 1123 ¶ 61.

¹⁴ *Id.* at 1126 ¶ 70.

only one coordinator per service.¹⁵ Additional factors considered were the applicant's overall plan to coordinate the service,¹⁶ whether the entity had any experience coordinating frequencies in that service or any technical expertise in engineering land mobile radio stations, and whether the applicant was capable of nationwide coordination.¹⁷ UTC was certified as the frequency coordinator for the Power Radio Service,¹⁸ *i.e.*, the frequencies below 512 MHz allocated for use by electric, gas, water, and steam utilities.¹⁹ The Industrial Telecommunications Association, Inc. (ITA) was certified to coordinate 800 MHz I/LT frequencies.²⁰ The Personal Communications Industry Association, Inc. (PCIA) was certified as the exclusive coordinator in the 800 MHz Business category.²¹ Once I/LT and Business frequencies were allotted in the 900 MHz band, the Commission made ITA and PCIA the coordinators for the respective categories in the 900 MHz band.²²

4. In 1997, the Commission consolidated the twenty PLMR services below 512 MHz²³ into two pools, Public Safety and I/B.²⁴ The Commission ended exclusivity of frequency coordination in those frequencies, and, with certain exceptions, certified the existing coordinators to coordinate all of the frequencies in the pool into which their service was consolidated.²⁵ Consequently, UTC now shares with other entities responsibility for coordinating I/B Pool frequencies below 512 MHz, which formerly were allocated to various Industrial, Land Transportation, and Business radio services, including the Power Radio Service.²⁶ The Commission took this action to provide users with the opportunity to make marketplace decisions when seeking the services of a frequency coordinator.²⁷

¹⁵ *Id.* at 1126 n.17.

¹⁶ For example, how frequency recommendations would be made and whether all applicants would be treated equally. *Id.* at 1126 ¶ 70.

¹⁷ *Id.*

¹⁸ *Id.* at 1132 ¶ 80.

¹⁹ 47 C.F.R. § 90.63 (1986).

²⁰ *Frequency Coordination Report and Order*, 103 FCC 2d at 1142 ¶ 99. ITA was then known as the Special Industrial Radio Service Association.

²¹ *Id.* PCIA was then known as the National Association of Business and Educational Radio.

²² Amendment of Parts 2 and 22 of the Commission's Rules Relative to Cellular Communications Systems, *Report and Order*, GEN Docket No. 84-1231, 2 FCC Rcd 1825, 1835 ¶ 78 (1986).

²³ The PLMR spectrum below 512 MHz comprises PLMR services within the 150-174 MHz, 421-430 MHz, 450-470 MHz, and 470-512 MHz bands.

²⁴ Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services and Modify the Policies Governing Them, *Second Report and Order*, PR Docket No. 92-235, 12 FCC Rcd 14307, 14318 ¶ 20 (1997) (*Refarming Second Report and Order*).

²⁵ *Id.* at 14325 ¶ 33, 14328 ¶ 40.

²⁶ *Id.* at 14322 ¶ 27. The I/B Pool frequency coordinators are as follows: UTC, Petroleum Frequency Coordinating Committee, Association of American Railroads, American Automobile Association, PCIA, Central Station Alarm Association, Forest Industries Telecommunications, MRFAC, Alliance of Motion Picture and (continued....)

5. The Commission stated that certifying multiple coordinators for the same frequencies was not a rejection of its 1986 requirement that each coordinator be representative of the users of the radio service in which it was certified.²⁸ Instead, the Commission concluded that licensees and systems within the consolidated pools were sufficiently similar that in-pool frequency coordinators -- with their extensive experience, and technical expertise in engineering systems and selecting frequencies -- possessed the ability to provide frequency coordination recommendations for all licensees within their pool.²⁹ We recognize that radio communications in the I/B Pool, in general, is used to support business operations. The Commission found that although each licensee may have slightly different requirements based on the particular business they operate, the majority of communications systems are used for support of day-to-day business activities, *e.g.*, such as dispatching and diverting personnel or work vehicles, coordinating workers' activities, or remotely monitoring equipment.³⁰ Further, it was noted that even when businesses use their radio stations for emergencies -- which generally constitutes only an occasional use -- such emergencies are fundamentally similar and can be easily accommodated by any frequency coordinator.³¹

6. The Commission stated that as a direct result of permitting any in-pool coordinators to coordinate any frequency in the pool, further competition would be introduced into the frequency coordination process.³² The Commission believed that this action would result in lower frequency coordination costs and better service to the public.³³ It concluded that market forces would reduce the time it takes to obtain frequency coordination, thereby permitting users to commence their communications operations more rapidly.³⁴ The Commission anticipated that competing frequency coordinators in the bands below 512 MHz would minimize, if not eliminate, market entry barriers for small businesses.³⁵ It further noted that before the 800 MHz band was reallocated, applicants for conventional and trunked systems on General Category frequencies had the option of seeking coordination from any one of three coordinators certified to recommend those frequencies.³⁶

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Television Producers, American Trucking Association, Inc., Newspaper Association of America, ITA, International Taxicab and Livery Association, Telephone Maintenance Frequency Advisory Committee.

²⁷ *Id.* at 14310 ¶ 5.

²⁸ *Id.* at 14325-26 ¶ 34.

²⁹ *Id.*

³⁰ *Id.* at 14328 ¶ 40.

³¹ *Id.*

³² *Id.*

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ Trunking in the Private Land Mobile Radio Services for More Effective and Efficient Use of the Spectrum, *Report and Order*, PR Docket No. 87-213, 5 FCC Rcd 4016, 4022-23 ¶¶ 54-57 (1990); Amendment of Part 90 of the Commission's Rules to Expand Coordination of the 800 MHz General Category Channels, *Report and Order*, PR Docket No. 92-209, 8 FCC Rcd 3626, 3627 ¶ 7, 3628 ¶ 9 (1993).

III. DISCUSSION

7. *Procedural issues.* Before we reach the merits of UTC's request, we must address certain procedural issues raised by the commenters. First, we must determine whether to proceed under delegated authority on an *ad hoc* basis, or initiate a rulemaking proceeding. The parties favoring a rulemaking proceeding note that all other PLMR frequency coordinator certifications were done by rulemaking, and urge that any changes should come about only through further rulemaking.³⁷ We do not find this argument persuasive. Instead, we agree with UTC and the American Mobile Telecommunications Association, Inc.³⁸ that the Commission has delegated to the Wireless Telecommunications Bureau (Bureau or WTB) the authority to certify frequency coordinators under Sections 0.131(m) and 0.331 of the Commission's Rules. Section 0.131(m) lists "Certifies frequency coordinators; considers petitions seeking review of coordinator actions; and engages in oversight of coordinator actions and practices" as Bureau functions.³⁹ In this regard, we note that Section 0.331 delegates authority to "perform all Bureau functions, described in § 0.131," subject to certain exceptions and limitations.⁴⁰ The exceptions and limitations include "new or novel questions of law or policy which cannot be resolved under outstanding Commission precedents or guidelines."⁴¹ Given the history set forth above regarding certification of PLMR frequency coordinators, we do not believe that the subject of this proceeding constitutes a new or novel question of law or policy that cannot be resolved under outstanding Commission precedents and guidelines. As the Commission recently stated, "WTB already has delegated authority to select frequency coordinators in the services it administers."⁴² In addition, we note that it is within an agency's discretion to determine whether to proceed on any matter by individual or collective action.⁴³

8. The next issue is whether we should, as requested by ITA and MRFAC, expand the scope of this proceeding to include all similarly situated certified frequency coordinators.⁴⁴ In addition, ITA and PCIA each request certification in the 800 MHz and 900 MHz category currently coordinated by the other.⁴⁵ ITA also asks that we conduct a broader review of PLMR frequency coordination, including such issues as the frozen coordination in the lower 150 General Category Pool, whether the current frequency coordination in the 800 MHz and 900 MHz bands is satisfactory, and management of post-licensing conflicts.⁴⁶ We conclude that the issues involved in deciding whether to certify UTC to coordinate 800

³⁷ See ITA Comments at 3, 4; MRFAC Comments at 3; PCIA Comments at 3.

³⁸ See AMTA Comments at 3; UTC Comments at 12.

³⁹ 47 C.F.R. § 0.131(m).

⁴⁰ 47 C.F.R. § 0.331.

⁴¹ 47 C.F.R. § 0.331(a)(2).

⁴² Amendment of Parts 2 and 95 of the Commission's Rules to Create a Wireless Medical Telemetry Service, *Report and Order*, ET Docket No. 99-255, 15 FCC Rcd 11206, 11218 ¶ 36 (2000).

⁴³ See *SEC v. Chenery Corp.*, 332 U.S. 194, 203 (1947).

⁴⁴ ITA Comments at 3; MRFAC Comments at 3.

⁴⁵ ITA Comments at 3 n.5; PCIA Comments at 4.

⁴⁶ ITA Comments at 2-3.

MHz and 900 MHz Business and I/LT frequencies apply equally to all current I/B Pool coordinators. Therefore, the question of whether to certify other existing below 512 MHz PLMR coordinators to coordinate 800 MHz and 900 MHz frequencies will be considered herein. However, we believe that the other issues presented by ITA go beyond the question of whether to permit multiple coordination in these bands and, thus, we will not consider them in the instant action.

9. *Merits of the requests.* In order to resolve the requests, we must first decide whether it is appropriate to introduce competition among frequency coordinators in the 800 MHz and 900 MHz Business and I/LT categories. As noted above, when the Commission certified PLMR coordinators in 1986, it recognized the benefits of certifying more than one coordinator in each service, but declined to do so at that time.⁴⁷ In 1997, as part of a broad review of the PLMR services below 512 MHz, the Commission concluded that it would be in the public interest to allow more than one entity to coordinate most of the frequencies in the I/B Pool.⁴⁸ Our experience since then indicates that the introduction of competitive PLMR coordination generally has been successful. We conclude that, with respect to the desirability and feasibility of frequency coordinator competition, there is no significant difference between the licensees and systems in the I/B Pool and those in the 800 MHz and 900 MHz Business and I/LT categories. That the Commission did not also introduce competitive coordination in the 800 MHz and 900 MHz bands does not indicate that the Commission finds such action unwarranted, because those bands simply were not at issue in that proceeding. Indeed, we believe that the Commission subsequently has indicated its willingness to expand competition into these bands.⁴⁹ Accordingly, we find it in the public interest to expand competition among certified coordinators to the 800 and 900 MHz PLMR frequencies.

10. We first address the qualifications of UTC to be a certified frequency coordinator for the 800 MHz and 900 MHz Business and I/LT frequencies. Second, we will consider whether the other below-512 MHz frequency coordinators also are qualified to provide frequency recommendations for the subject 800 MHz and 900 MHz frequencies. As noted above, the criteria the Commission established in 1986 for PLMR frequency coordination certification were (a) representativeness of the users of the frequencies to be coordinated, (b) the entity's overall coordination plan (including how recommendations would be made and equality of applicant treatment), (c) the entity's experience coordinating frequencies in the service or technical expertise, and (d) its nationwide coordination capability.⁵⁰ The Commission found that UTC met these requirements with respect to the Power Radio Service, and we now conclude that UTC meets them in regard to the 800 MHz and 900 MHz Business and I/LT categories.

11. The Commission found that UTC represented the nation's electric, gas, water and steam utilities.⁵¹ We find that this continues to be the case.⁵² Because utilities are eligible for 800 MHz and 900

⁴⁷ *Frequency Coordination Report and Order*, 103 FCC 2d at 1121-23 ¶¶ 57-61.

⁴⁸ *Refarming Second Report and Order*, 12 FCC Rcd at 14328 ¶ 40.

⁴⁹ Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended, *Notice of Proposed Rule Making*, WT Docket No. 99-87, 14 FCC Rcd 5206, 5217 ¶ 15 (1999) ("We have not introduced competition into the frequency coordination process in the 800 MHz and 900 MHz bands, so potential for improvement in those areas still exists.").

⁵⁰ *Frequency Coordination Report and Order*, 103 FCC 2d at 1126 ¶ 70.

⁵¹ *Id.* at 1132 ¶ 80.

⁵² See, e.g., Ameren Comments at 2; Bay State Comments at 1-2; Central Maine Comments at 1.

MHz Business and I/LT frequencies,⁵³ we conclude that UTC is representative of a class of users of the frequencies it now seeks certification to coordinate. Regarding UTC's experience and expertise, we note that UTC has been providing frequency coordination services for over thirty-five years, predating its formal certification as a frequency coordinator.⁵⁴ In that time, we have received no significant complaints about UTC's performance. In this connection, we note that several commenters attest to UTC's qualifications.⁵⁵ Moreover, we concur with UTC and Public Service Electric and Gas Company⁵⁶ that an entity that successfully addresses the complex engineering questions presented by many below-512 MHz frequency coordinations can be expected to correctly apply the express mileage separation requirements set forth in the Commission's 800 MHz and 900 MHz rules.⁵⁷ We disagree with ITA's suggestion that the special rules governing 800 MHz and 900 MHz Business and I/LT frequencies in border areas⁵⁸ render coordination of these frequencies significantly more complex than coordination below 512 MHz.⁵⁹ Finally, we note that UTC intends to retain its overall coordination plan and nationwide coordination,⁶⁰ which the Commission already found satisfactory.⁶¹

12. In 1986, the Commission determined that, in addition to UTC, the other frequency coordinators certified at that time represented their respective categories.⁶² For example, it was determined that the American Trucking Association, as a national trade association of the motor carrier industry, was representative of the Motor Carrier Radio Service.⁶³ Also, the Commission determined that the Association of American Railroads, as an organization of member railroad companies generating approximately 97% of the total operating revenues of all railroad companies in the U.S., was representative of the Railroad Radio Service.⁶⁴ We find that these entities, as well as the other certified frequency coordinators for PLMR frequencies below 512 MHz, continue to be representative of the industries for which they were first certified.⁶⁵ Since those eligible in the service categories below 512 MHz also are eligible for 800 MHz and

⁵³ 47 C.F.R. § 90.603(a).

⁵⁴ *Informal Request* at 10.

⁵⁵ *See, e.g.*, Central Maine Comments at 1; Commonwealth Edison Comments at 2; PCIA Comments at 2.

⁵⁶ *Informal Request* at 8; PSE&G Comments at 3-4.

⁵⁷ *See* 47 C.F.R. § 90.621(b)(1)-(3).

⁵⁸ *See* 47 C.F.R. § 90.619.

⁵⁹ ITA Comments at 2.

⁶⁰ *Informal Request* at 9.

⁶¹ *See Frequency Coordination Report and Order*, 103 FCC 2d at 1132 ¶ 80.

⁶² *Id.* at 1132-1140 ¶¶ 81-96.

⁶³ *Id.* at 1138 ¶ 92.

⁶⁴ *Id.* at 1139 ¶ 94.

⁶⁵ For instance, PCIA is a trade association that currently represents the interests of both commercial and private users of businesses involved in all facets of the personal communications industry. PCIA Comments at 1 n.1.

900 MHz Business and I/LT frequencies,⁶⁶ we conclude that all these certified coordinators are representative of classes of users of the latter frequencies. In regard to their experience and expertise, these coordinators provided frequency coordination services long before they were certified to do so in 1986. For instance, Forest Industries Telecommunications has more than fifty years of experience as a frequency coordinator.⁶⁷ Also, ITA has had experience coordinating the Business Radio Service since 1970.⁶⁸

13. As indicated above, we anticipate that any entity that has successfully resolved the complex engineering questions presented by numerous below-512 MHz frequency recommendations will be able to correctly apply the mileage separation requirements set forth in the Commission's 800 MHz and 900 MHz band PLMR service rules.⁶⁹ Further, we believe that the below-512 MHz certified frequency coordinators are also well-equipped to coordinate 800 MHz and 900 MHz frequencies in border areas.⁷⁰ In our view, these frequency coordinations are not materially more complex than those below 512 MHz.⁷¹ We note that all of the certified below-512 MHz frequency coordinators currently have nationwide coordination capability. We expect these entities to retain their nationwide capability for continued use in coordinating frequencies below 512 MHz, and for use in coordinating 800 MHz and 900 MHz PLMR frequencies if they choose to seek certification for these latter frequencies. In view of the foregoing, we invite the frequency coordinators currently certified for below 512 MHz I/B frequencies to coordinate Business and I/LT frequencies in the 800 MHz and 900 MHz band spectrum.

14. *Notification.* Coordinators who choose to recommend these frequencies will be required to adopt a system for information exchange to ensure that applications, once submitted, are not in conflict with other applications being submitted simultaneously or concurrently. While the Commission indicated in the *Refarming Second Report and Order* that a real-time common database was desirable under the consolidated pool approach, it did not require that this method be adopted because there might be less expensive and less complex methods of sharing data and maintaining up-to-date records.⁷² As the Commission did in that proceeding, we will leave the issue of whether to use a real-time common database to the coordinators' discretion.⁷³ We note that many of the subject frequency coordinators share data through the same third party database that is utilized by UTC.⁷⁴ As a result, coordinators may use that database or choose a different method of sharing pertinent data.

15. We will require that coordinators provide notification of all frequency recommendations for Business and I/LT 800 MHz and 900 MHz frequencies to every certified in-pool coordinator that is

⁶⁶ 47 C.F.R. § 90.603(a).

⁶⁷ See *Frequency Coordination Report and Order*, 103 FCC 2d at 1133 ¶ 82.

⁶⁸ *Id.* at 1136-37 ¶ 88.

⁶⁹ See 47 C.F.R. § 90.621(b)(1)-(3).

⁷⁰ See 47 C.F.R. § 90.619.

⁷¹ ITA Comments at 2.

⁷² *Refarming Second Report and Order*, 12 FCC Rcd at 14332 ¶ 46.

⁷³ *Id.*

⁷⁴ MRFAC Comments at 3.

also certified to coordinate that frequency *within one business day* of making such recommendations. This notification requirement, which in 1997 was imposed on coordinators recommending below-512 MHz I/B frequencies, will improve the speed and quality of recommendations.⁷⁵ In the interests of efficiency and fairness, notification must be made to all in-category coordinators at approximately the same time. To encourage and facilitate the cooperation between in-category coordinators, we will require that each coordinator communicate at least once each business day with each other in-category coordinator. Even on days that there are no coordinations, communication between coordinators is required.⁷⁶

16. Each notification, at a minimum, must include the following: (a) name of applicant, (b) frequency or frequencies recommended, (c) antenna height, (d) antenna location(s), (e) type of emissions, (f) effective radiated power, (g) a description of the service area, and (h) the time the recommendation was made.⁷⁷ The implementation details of providing notification will be left to each coordinator's discretion.⁷⁸

Coordinators may choose to notify each other coordinator every time a recommendation is made, each time a certain number of recommendations are made, or they can send a notification containing all recommendations at the close of each business day.⁷⁹ Also, rather than require coordinators to routinely include all information on proposed systems, we will require coordinators to provide this additional information only upon request. Therefore, each coordinator must furnish, upon request, within one business day, any additional information requested regarding a pending coordination that it processed.⁸⁰ We believe that these procedures will prevent the filing of conflicting applications while fostering competition in the frequency coordination process.

IV. CONCLUSION

17. After careful consideration of the information before us, we are persuaded that UTC has the qualifications necessary to follow the rules and regulations in performing frequency coordination in the 800 MHz and 900 MHz Business and I/LT categories. The overwhelming number of commenters support UTC's petition, many speaking to first-hand knowledge of UTC's coordination practices and abilities, and they establish that UTC has the experience, expertise and diligence necessary to provide frequency coordination services for these frequencies. We therefore grant UTC's request for certification to provide frequency coordination services in the 800 MHz and 900 MHz Business and I/LT categories.

18. Additionally, we conclude that all other below 512 MHz coordinators are qualified to coordinate the 800 MHz and 900 MHz Business and I/LT frequencies. Since ITA, PCIA, and MRFAC have already requested certification for this segment of the spectrum in the context of this proceeding,⁸¹ we hereby certify these entities to coordinate the 800 MHz and 900 MHz Business and I/LT frequencies also. Other currently certified I/B coordinators interested in coordinating these frequencies must notify the

⁷⁵ *Refarming Second Report and Order*, 12 FCC Rcd at 14333 ¶ 47.

⁷⁶ *See id.*

⁷⁷ *See id.* at 14333-34 ¶ 47.

⁷⁸ In other words, for notification purposes coordinators may use e-mail or facsimile.

⁷⁹ *See id.* at 14334 n.128.

⁸⁰ *See id.* at 143334 ¶ 49.

⁸¹ *See supra* para. 8.

Bureau of their intentions within forty-five days from the date this *Order* is released. Notification should be addressed to Ms. D'wana R. Terry, Chief, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554. In order to inform applicants and other coordinators as to which entities provide coordination services for 800 MHz and 900 MHz PLMR frequencies, we will announce the certification of any additional coordinators for this spectrum by public notice.

V. ORDERING CLAUSES

19. Accordingly, IT IS ORDERED that, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 1.41 of the Commission's Rules, 47 C.F.R. § 1.41, the *Informal Request for Certification* filed by United Telecom Council on March 9, 2000 IS GRANTED.

20. IT IS FURTHER ORDERED that United Telecom Council, the Industrial Telecommunications Association, Inc., the Personal Communications Industry Association, Inc., and MRFAC, Inc., ARE CERTIFIED to provide frequency coordination services for the 800 MHz and 900 MHz Business and I/LT categories.

21. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

D'wana R. Terry
Chief, Public Safety and Private Wireless Division
Wireless Telecommunications Bureau