

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

In the matter of
Industrial Telecommunications Association
Informal Request for Certification as a Frequency
Coordinator for Part 90 929-930 MHz Paging
Frequencies and PLMR Special Emergency
Frequencies Below 512 MHz

ORDER

Adopted: April 26, 2004

Released: May 6, 2004

By the Chief, Public Safety and Critical Infrastructure Division and the Chief, Mobility Division, Wireless Telecommunications Bureau:

I. INTRODUCTION

1. On June 27, 2002, the Industrial Telecommunications Association (ITA) filed an informal request for certification as a frequency advisory committee or frequency coordinator for Part 90 929-930 MHz paging frequencies and Special Emergency frequencies below 512 MHz. ITA is currently certified as a Part 90 frequency coordinator for frequencies in the Industrial/Business Pool below 512 MHz, the 800 MHz Industrial/Land Transportation and Business Pools and the 900 MHz Industrial/Land Transportation and Business Pools. For the reasons set forth below, we grant ITA's request and certify ITA as a frequency coordinator for the Part 90 929-930 MHz paging frequencies and the Special Emergency frequencies below 512 MHz. We also grant the request of the American Mobile Telecommunications Association, Inc. (AMTA) to be a frequency coordinator for the Part 90 929-930 MHz paging frequencies and the special emergency frequencies below 512 MHz. Finally, we offer the opportunity for other Part 90 certified frequency coordinators to perform the same function for the 929-930 MHz paging frequencies and the Special Emergency frequencies below 512 MHz.

1 The five shared 900 MHz paging frequencies are listed in 47 C.F.R. § 90.494(b).

2 Prior to radio service consolidation in 1997, certain Part 90 frequencies were available for stations in the former Special Emergency Radio Service. Under current rules, applications for these frequencies must be coordinated by the Special Emergency Coordinator. For convenience, we refer to these frequencies herein as "special emergency" frequencies, which are listed in 47 C.F.R. § 90.20(c)(3) with the symbol "PS" in the coordinator column.

3 Industrial Telecommunications Association, Informal Request for Certification to Provide Frequency Coordination Services for the 929-930 MHz Paging Frequencies and Special Emergency Frequencies under Part 90 of the Commission's Rules (filed June 27, 2002) (ITA Request).

4 In its comments to the ITA request, AMTA asks that it, as well as other Part 90 frequency coordinators, be certified as frequency coordinators for the 929-930 MHz paging frequencies and the Special Emergency frequencies below 512 MHz.

II. BACKGROUND

2. A Part 90 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 Part 90 Private Land Mobile Radio (PLMR) Services.⁵ The Commission has recognized the role of frequency coordinators in the process of selecting available frequencies since 1958,⁶ but it was not until 1986 that the Commission formally certified Part 90 frequency coordinators.⁷ 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.⁸ In several of the Part 90 radio services the Commission received more than one request per radio service for frequency coordination certification.⁹ The Commission recognized that certifying multiple coordinators per service could result in lower fees,¹⁰ but decided instead to certify a single coordinator in each service in order to reduce the potential for confusion and avoid inconsistent coordination standards.¹¹

3. The primary factor in the selection of each frequency coordinator was whether the entity represented a class of users eligible for licenses in the service the entity proposed to coordinate.¹² Special emphasis was placed on representativeness since the Commission decided to certify only one coordinator per service.¹³ Additional factors considered were the applicant's overall plan to coordinate the service,¹⁴ 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.¹⁵ The Personal Communication Industry Association (PCIA)¹⁶ was certified as the frequency coordinator for the 900 MHz paging frequencies and PCIA and the International Municipal

⁵ 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*).

⁶ *Frequency Coordination Report and Order*, 103 FCC 2d 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)).

⁷ *Id.* at 1126-47 ¶¶ 70-108.

⁸ *Id.* at 1095 ¶ 2.

⁹ *Id.* at 1127-46 ¶¶ 71-108.

¹⁰ Frequency Coordination in the Private Land Mobile Radio Services, *Notice of Proposed Rulemaking*, PR Docket No. 83-737, 49 Fed. Reg. 45456 ¶ 14 (1986).

¹¹ *Frequency Coordination Report and Order*, 103 FCC 2d 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.

¹² *Id.* at 1126 ¶ 70.

¹³ *Id.* at 1126 n. 17.

¹⁴ For example, how frequency recommendations would be made and whether all applicants would be treated equally. *Id.* at 1126 ¶ 70.

¹⁵ *Id.*

¹⁶ At that time PCIA was known as the National Association of Business and Educational Radio.

Signal Association/International Association of Fire Chiefs (IMSA/IAFC) were certified as the coordinators for the former Special Emergency Radio Service.¹⁷

4. In 1997, the Commission consolidated the twenty PLMR services below 512 MHz¹⁸ (which included the Special Emergency Radio Service) into two pools, the Public Safety Pool and the Industrial/Business (I/B) Pool.¹⁹ The Commission authorized the frequency coordinators of the services consolidated into the Public Safety Pool to manage frequencies that they were responsible for prior to consolidation with one exception. The Commission allowed any of the four certified public safety frequency coordinators to coordinate frequencies in the Local Government Radio Service.²⁰ The Commission adopted this exception, in part, because frequencies in the former Local Government Radio Service are available to all governmental public safety entities and are routinely used for both emergency and non-emergency communications. Moreover, the Commission specifically stated that it took this action to allow competition to be introduced, to the extent possible, into the Public Safety Pool frequency coordination process as a potential vehicle to promote lower coordination costs and foster better service to the public.²¹ In regards to the I/B Pool, the Commission, in general, ended exclusivity of frequency coordination for the I/B Pool frequencies.²² The Commission took this action to provide users with the opportunity to make marketplace decisions when seeking the services of a frequency coordinator.²³ In doing so it also noted that the concept of multiple coordinators was not unique. The Commission pointed out 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 provide recommendations for those frequencies.²⁴

5. Further, the Commission stated that this new policy of 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.²⁵ The Commission explained that “when similarities exist in the types of systems that PLMR licensees utilize,” and that, “where systems are virtually identical and user needs similar ... any of the recognized in-pool frequency coordinators with their extensive experience, and technical expertise in engineering systems and selecting frequencies, possess the ability to provide frequency coordination recommendations.”²⁶

¹⁷ PCIA and IMSA/IAFC filed a joint proposal to coordinate frequencies in the Special Emergency Radio Service. *Frequency Coordination Report and Order*, 13 FCC 2d at ¶ 77.

¹⁸ In general, the PLMR spectrum below 512 MHz comprises PLMR services within the 30-50 MHz, 150-174 MHz, 421-430 MHz, 450-470 MHz and the 470-512 MHz bands.

¹⁹ 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, PR Docket No. 92-235, *Second Report and Order*, 12 FCC Rcd 14307, 14328 ¶ 40 (1997).

²⁰ The four public safety coordinators are the American Association of State Highway and Transportation Officials (AASHTO), IMSA/IAFC, Forestry Conservation Communications Association (FCCA) and Association of Public-Safety Communications Officials International, Inc. (APCO).

²¹ *Second Report and Order*, 12 FCC Rcd at 14327 ¶ 38.

²² The I/B Pool frequencies are listed in § 90.35.

²³ *Second Report and Order*, 12 FCC Rcd at 14310 ¶ 5.

²⁴ 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).

²⁵ *Second Report and Order*, 12 FCC Rcd at 14325-26 ¶ 34.

²⁶ *Id.*

6. The following year, in 1998, the Commission again decided to adopt a competitive approach to frequency coordination. In this instance, the Commission certified all four of the public safety coordinators to provide frequency coordination for the Public Safety 700 MHz General Use channels (a total of 12.5 megahertz of spectrum that is available for licensing to local, regional and state public safety providers).²⁷ In this connection, the Commission found that the frequency coordination approach adopted for the Local Government Radio Service in the *Second Report and Order* was appropriate for the Public Safety 700 MHz band General Use channels. That is, because the reallocated frequencies were available to all public safety entities, the Commission determined that all of the certified public safety frequency coordinators may provide coordination.²⁸ The Commission concluded that by “encouraging competition among coordinators, we will promote cost-shared pricing of coordination services and provide incentives for enhancing service quality.”²⁹

7. In 2001, the Wireless Telecommunications Bureau (WTB), on three different occasions, decided that the public interest was best served by continuing this policy of promoting competition in Part 90 frequency coordination. On April 11, 2001, WTB granted United Telecom Council’s (UTC) request to be certified for coordinating frequencies in the 800 and 900 MHz I/LT and Business Pools.³⁰ At the same time, WTB offered the opportunity for other Part 90 certified frequency coordinators to coordinate frequencies in these two pools.³¹ On June 8, 2001, WTB granted AMTA’s request to coordinate frequencies in the I/B Pool below 512 MHz.³² The following month WTB granted requests by IMSA/IAFC and AASHTO to coordinate frequencies in the 800 MHz Public Safety Pool.³³ In each instance, WTB found that the public interest would be served by allowing additional entities to provide frequency coordination.

III. ITA Request

8. ITA submitted a request for certification to provide frequency coordination services for the Part 90 929-930 MHz paging frequencies and for the former Special Emergency Radio Service frequencies listed in the Public Safety Pool.³⁴ ITA states that the Commission has recognized the benefits of increased competition in the Part 90 frequency coordination process numerous times since 1997. It notes, however, that competition has never reached the 929-930 MHz paging channels or the Special Emergency channels.³⁵ ITA points out that the Commission already has found ITA qualified to coordinate other Part 90 frequencies based on its representativeness, experience and expertise and its

²⁷ See 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, 200 ¶ 98 (1998) (*700 MHz First Report and Order*).

²⁸ *700 MHz First Report and Order*, 14 FCC Rcd at 200 ¶ 98.

²⁹ *Id.*

³⁰ United Telecom Council Informal Request for Certification as a Frequency Coordinator in the PLMR 800 MHz and 900 MHz Bands, *Order*, 16 FCC Rcd 8436 (WTB PSPWD 2001) (certifying UTC, ITA, MRFAC, PCIA and UTC for 800 MHz and 900 MHz Business and Industrial/Land Transportation frequencies)(*UTC Order*).

³¹ *Id.* at ¶ 1.

³² American Mobile Telecommunications Association, Inc. and American Trucking Association, Inc. Petition for Transfer of Frequency Advisory Committee Certification, *Memorandum Opinion and Order*, DA 01-1411, released June 11, 2001 (*AMTA MO&O*).

³³ AASHTO, *et al.*, *Order*, 16 FCC Rcd 14530 (2001) (*AASHTO Order*).

³⁴ See fn 2, *supra*.

³⁵ ITA Request at 3.

ability to coordinate on a nationwide basis. In this connection, it argues that coordinating the 929-930 MHz paging frequencies and the Special Emergency frequencies will not be any more difficult than its current coordination duties.³⁶ Consequently, ITA submits that it is qualified to be a frequency coordinator for these frequencies. ITA contends that WTB has jurisdiction to act on delegated authority and certify it as a coordinator for these frequencies.³⁷ The ITA request for certification was placed on *Public Notice* on December 20, 2002.³⁸

9. AMTA filed comments supporting the ITA Request.³⁹ It contends there is no logical policy rationale for retaining the current coordination system for the Part 90 929-930 MHz frequencies and the Special Emergency frequencies while at the same time endorsing competition in the coordination of Part 90 frequencies in other categories.⁴⁰ AMTA, however, takes the ITA request one step further and recommends that the Commission allow all Part 90 certified frequency coordinators to coordinate frequencies in these two categories. AMTA supports ITA's recommendation that WTB act under delegated authority to address this request. It notes, however, that should the Commission determine that a more extensive review is required, that it consolidate this issue with the ongoing proceeding addressing the issue of competitive coordination in the Public Safety Radio Services.⁴¹ ITA filed reply comments urging the Commission to facilitate competitive coordination in the spectrum in question.

IV. DISCUSSION

10. *Procedural issues.* Before we reach the merits of the ITA Request, we must first address certain procedural issues. First we must determine whether to proceed under delegated authority on an *ad hoc* basis or initiate a full rulemaking proceeding. We agree with ITA and AMTA that the WTB has delegated authority to certify frequency coordinators under Sections 0.131(m) and 0.331 of the Commission's Rules.⁴² Section 0.131(m) lists "[c]ertifies frequency coordinators; considers petitions seeking review of coordinator actions; and engages in oversight of coordinator actions and practices" as Bureau functions.⁴³ In this regard, we note that Section 0.331 delegates authority to "perform all functions of the Bureau described in § 0.331, subject to ... certain exceptions and limitations."⁴⁴ The exceptions and limitations include "... novel or new interpretations of law or policy which cannot be resolved under outstanding Commission precedents and guidelines."⁴⁵ Given the history set forth above regarding certification of Part 90 frequency coordinators in general and specifically for spectrum above 512 MHz, we do not believe that certifying additional coordinators in the 929-930 MHz paging category

³⁶ ITA Request at 6-9.

³⁷ ITA Request at 4-5.

³⁸ Wireless Telecommunications Bureau Seeks comment on Informal Request of Industrial Telecommunications Association for Certification to Provide Frequency Coordination for 929-930 MHz Paging Frequencies and Special Emergency Frequencies Below 512 MHz, *Public Notice*, DA 02-3549, released December 20, 2002. We received one comment and one reply comment.

³⁹ AMTA comments at 1.

⁴⁰ AMTA comments at 5.

⁴¹ AMTA comments at 6. See Amendment of Sections 90.20 and 90.175 of the Commission's Rules for Frequency Coordination of Public Safety Frequencies in the Private Land Mobile Radio Below-512 MHz Band, *Notice of Proposed Rulemaking*, WT Docket No. 02-285, (*Public Safety NPRM*).

⁴² 47 C.F.R. §§ 0.131 and 0.331.

⁴³ See 47 C.F.R. § 0.131(m).

⁴⁴ See 47 C.F.R. § 0.331.

⁴⁵ See 47 C.F.R. § 0.131.

constitutes a new or novel question of law or policy that cannot be resolved under outstanding Commission precedents and guidelines. Further, as the Commission stated in another context “WTB already has delegated authority to select frequency coordinators in the services it administers.”⁴⁶ Accordingly, we conclude that the WTB may properly address this matter on an *ad hoc* basis pursuant to delegated authority.

11. Before deciding whether to proceed on an *ad hoc* basis regarding Special Emergency frequencies, we must consider one additional issue. The Commission determined that the issue of whether to introduce competitive coordination for public safety services below 512 MHz generally should be the subject of a notice and comment rulemaking proceeding.⁴⁷ Since Special Emergency frequencies are technically part of the Public Safety Pool (see 47 C.F.R. § 90.20) we must decide whether the ITA Request should be included as part of that proceeding or whether the Special Emergency frequencies are sufficiently different from the main focus of that proceeding, *i.e.*, introducing competitive coordination for public safety frequencies that are used primarily for critical communications (safety of life, health and property), that we can address the issue of expanding competition in the Special Emergency category under delegated authority.

12. We believe that operations on frequencies in the Special Emergency category are sufficiently different from operations on other Public Safety Pool frequencies below 512 MHz (traditional public safety frequencies) that the issue of expanding competitive coordination in the Special Emergency category can be addressed on an *ad hoc* basis. We take this position for several reasons. First, the eligibility for Special Emergency frequencies is much boarder than for the traditional public safety frequencies. Non-governmental entities are eligible to obtain a license on Special Emergency frequencies without the approval from a governmental entity. The Commission recognized the substantial role of non-governmental users of Special Emergency frequencies when it certified PCIA as a co-coordinator. Second, the frequencies are routinely used for non-emergency communications.⁴⁸ Third, we note that because of the broad eligibility and the frequency of non-emergency communications, the Commission in the past has distinguished between these two categories – Public Safety and Special Emergency. For example, we note here that prior to the Commission’s decision in the *Second Report and Order* to consolidate the twenty PLMR services below 512 MHz, the former Special Emergency Radio Service was not included in the Public Safety Radio Services. Further, for purposes of inter-service sharing, the former Special Emergency Radio Service was grouped with the Industrial/Land Transportation Services not the Public Safety Radio Services. In addition, in separating out the emergency medical functions from the former Special Emergency Radio Service, the Commission noted that placing emergency medical operations in the public safety services “is consistent with our scheme differentiating the Special Emergency and Public Safety Radio Services.”⁴⁹ Fourth, the public safety community did not file comments in this proceeding opposing the ITA request. Finally, we note that it is within an agency’s discretion to determine whether to proceed on any matter by individual or collective action.⁵⁰

⁴⁶ 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).

⁴⁷ See *Public Safety NPRM*.

⁴⁸ In describing the communications on Special Emergency frequencies, the Commission has noted that communications are not ordinarily of the same critical nature as communications in the Public Safety Radio Services. See Amendment of Part 90 of the Commission’s Rules to Create the Emergency Medical Radio Service, *Notice of Proposed Rule Making*, PR Docket No. 91-72, 6 FCC Rcd 2017 ¶ 11 (1991) (*EMRS Notice*). See also, Amendment of Part 90 of the Commission’s Rules to Create the Emergency Medical Radio Service, *Report and Order*, PR Docket No. 91-72, 8 FCC Rcd 1454 ¶ 6 (1993) (*EMRS R&O*).

⁴⁹ *EMRS Notice*, 6 FCC Rcd at 2017 ¶ 11.

⁵⁰ See *SEC v. Chenery Corp.*, 332 U.S. 194, 203 (1947).

Accordingly, we conclude that WTB may properly address this matter on an *ad hoc* basis pursuant to delegated authority.

13. The next issue is whether we should, as suggested by AMTA, expand the scope of this proceeding to include all similarly situated Part 90 certified frequency coordinators. In other similar requests we have expanded the scope to allow other interested frequency coordinators to request certification.⁵¹ We see no reason to depart from this approach here. Therefore, we will consider herein the issue of whether to permit other certified Part 90 frequency coordinators to coordinate the spectrum in question.

14. *Merits of the request.* In order to address the requests, we must first decide whether it is appropriate to introduce competition in the coordination process for the 929-930 MHz paging frequencies and the Special Emergency frequencies. As noted above, on several occasions since 1997 the Commission has decided to introduce competition in the coordination process for various Part 90 frequency groups. In this connection, it was the Commission's belief that, in general, where services are similar, introducing competition in the coordination process will lower prices and improve the quality of frequency coordination, including speeding application processing time. Our experience regarding introducing competition in the frequency coordination process generally has been successful.⁵² Further, we believe, as a general matter, we should promote competition whenever possible.⁵³

15. In regards to the desirability and feasibility of coordinator competition for the Part 90 929-930 MHz paging frequency category, we conclude that there is no significant difference, from a frequency coordination standpoint, between the licensees and systems on these frequencies and on Part 90 frequencies in other categories (*i.e.*, the 800 MHz and 900 MHz I/LT and Business Pools) where we have allowed competition in the coordination process. As for frequencies in the Special Emergency category, we note that the eligibility is similar to the old General Category frequencies where both government (public safety) and non-government (business/industrial) users were eligible. Because of the diverse eligibility in the General Category, the Commission decided to certify multiple coordinators. We believe the public interest is served by taking a similar approach here. Also, although Special Emergency licensees may have slightly different requirements than I/B Pool users, we believe such operations are fundamentally similar and, can be effectively accommodated by any certified frequency coordinator. Accordingly, we find it in the public interest to allow competition in the coordination process for Part 90 929-930 MHz paging frequencies and frequencies in the Special Emergency category.

16. We next address the issue of whether ITA and AMTA are qualified to coordinate 929-930 MHz paging frequencies and Special Emergency frequencies. As noted above, the criteria the Commission established in 1986 for PLMR frequency coordination certification were (a) representativeness of the users 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) nationwide coordination capability. We already have found that both ITA and AMTA meet these criteria for numerous frequency pools when we certified them as a frequency coordinator for the frequencies currently under their respective purview. We now find that their qualifications extend to these new categories. Being a recognized coordinator both ITA and AMTA already have a coordination plan in place for coordinating similar operations, have experience and expertise in coordinating similar operations and provide nationwide service. Further, we have received no significant complaints about either entity's performance to date. In regard to the other

⁵¹ See *UTC Order*. See also, *AASHTO Order*.

⁵² *UTC Order* at ¶ 9.

⁵³ See Federal Communications Commission, *Strategic Plan FY 2003-FY2008* (2002).

criteria, representativeness, we conclude that both ITA and AMTA are generally representative.⁵⁴ In this regard, we note that both are trade associations that have been representing Part 90 non-governmental users for sometime. Further, both are similar to PCIA a current coordinator in each of these categories. Finally, we note that entities that are eligible for the frequency pools these entities already coordinate are also eligible for the 929-930 MHz paging frequencies and the Special Emergency frequencies.

17. *Notification.* When we introduced competition into the coordination process in other categories we required the new coordinators to comply with the current notification procedures for certified coordinators. We see no reason to deviate from such an approach here. Coordinators who choose to recommend frequencies in these two categories will be required to adopt a system of information exchange to ensure that applications, once submitted, are not in conflict with other applications being submitted simultaneously or concurrently. We will require that coordinators provide notification of all frequency recommendations for 929-930 MHz and Special Emergency frequencies to every certified in-pool coordinator that is 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 frequencies, will improve the speed and quality of recommendations.⁵⁵ 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 coordination, communication between coordinators is required.⁵⁶

18. 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.⁵⁷ The implementation details of providing notification will be left to each coordinator's discretion. 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.⁵⁸ We believe that these procedures will prevent the filing of conflicting applications while fostering competition in the frequency coordination process.

V. CONCLUSION

19. After careful consideration of the information before us, we are persuaded that ITA has the qualifications necessary to follow the rules and regulations in performing frequency coordination in the Part 90 929-930 MHz paging and the special emergency categories. We therefore grant ITA's request for certification to provide frequency coordination for Part 90 929-930 MHz paging frequencies and Special Emergency frequencies.

20. Additionally, we conclude that all other coordinators that are certified to coordinate

⁵⁴ In certifying additional coordinators in the past, WTB stated that coordinators are not required to represent a specific segment of eligible users but rather in the current regulatory regime of consolidation need only show that they are generally representative of users eligible to be licensed for the spectrum. *See AMTA MO&O*, at ¶ 13.

⁵⁵ *Refarming Second Report and Order*, 12 FCC Rcd at 1433 ¶ 47.

⁵⁶ *Id.*

⁵⁷ *Id.* at 1433-34 ¶ 47.

⁵⁸ *Id.* at 1434 ¶ 49.

below 512 MHz I/B Pool frequencies are qualified to coordinate the Part 90 929-930 MHz paging frequencies and the special emergency frequencies. Since AMTA has already requested certification for these categories in the context of this proceeding,⁵⁹ we hereby certify AMTA to coordinate frequencies in these two categories. Other currently certified non-public safety coordinators interested in coordinating these frequencies must notify the Bureau of their intentions within forty-five days from the date this *Order* is released. Notification for the 929-930 MHz paging category should be addressed to Mr. Roger Noel, Chief, Mobility Division, Wireless Telecommunications Bureau, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554. Notification for the special emergency category should be sent to Ms. D’wana Terry, Chief, Public Safety and Critical Infrastructure Division, Wireless Telecommunication Bureau at the same address as above. In order to inform applicants and other coordinators as to which entities provide coordination services for these two categories, we will announce the certification of any additional coordinators for this spectrum by public notice.

VI. ORDERING CLAUSES

21. 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 the Industrial Telecommunications Association on June 27, 2002 IS GRANTED to the extent discussed above.

22. IT IS FURTHER ORDERED that the Industrial Telecommunications Association and the American Mobile Telecommunications Association, Inc. ARE CERTIFIED to provide frequency coordination services for the Part 90 929-930 MHz paging frequencies and the special emergency frequencies (those frequencies in the Public Safety Pool with the symbol “PS” in the coordinator column).

23. 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 Critical Infrastructure Division
Wireless Telecommunications Bureau

Roger Noel
Chief, Mobility Division
Wireless Telecommunications Bureau

⁵⁹ See *supra* para 9.