



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 14-653
May 14, 2014

**WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON REQUESTS OF
NATIONAL FREQUENCY COORDINATION, LLC TO BE CERTIFIED AS A PART 90
FREQUENCY COORDINATOR AND THE ASSOCIATION OF AMERICAN RAILROADS TO
BE CERTIFIED TO COORDINATE 800/900 MHZ BAND BUSINESS/INDUSTRIAL/LAND
TRANSPORTATION FREQUENCIES**

WT Docket No. 14-75

Comments Due: June 13, 2014

Reply Comments Due: June 30, 2014

This *Public Notice* seeks comment on two requests to be certified to coordinate frequencies under Part 90 of the Commission's Rules. Frequency coordination is the process by which a private organization recommends to the Commission the most appropriate frequencies for applicants in designated radio services.¹ In 1986, the Commission certified frequency coordinators in the private land mobile radio (PLMR) services.² 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.³ In 1997, the Commission determined that the Industrial/Business Pool below 512 MHz would be administered by multiple coordinators, thus ending exclusive frequency coordination on certain frequencies and allowing competition to be introduced into

¹ With limited exceptions, frequency coordination is required before the Commission will grant a license to a PLMR applicant. See 47 C.F.R. § 90.175 (setting forth the frequency coordination requirements).

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

³ See *id.* at 1126 ¶ 70.

the coordination process in those frequencies.⁴ The Wireless Telecommunications Bureau subsequently introduced competitive coordination to the 806-824/851-869 MHz and 896-901/935-940 MHz bands.⁵

On March 24, 2014, National Frequency Coordination, LLC (NFC) filed a request to be certified as a frequency coordinator for Part 90 frequencies. NFC states that it was formed in 2013 and its team has extensive experience in spectrum management and frequency coordination. It indicates that it will provide nationwide frequency coordination services for PLMR licensees. It assures that it will provide frequency coordination services to every client in a non-bias and non-discriminatory basis. NFC insists that it will provide coordination services in a timely manner with a high degree of quality control. NFC seeks certification to coordinate frequencies both below 512 MHz and in the 800/900 MHz bands.

The Association of American Railroads (AAR) is certified as a frequency coordinator for land mobile frequencies below 512 MHz. On March 26, 2014, it filed a request to modify its certification to permit frequency coordination of Business/Industrial/Land Transportation frequencies in the 800 and 900 MHz bands. AAR indicates that to meet the growing railroad spectrum needs it has been a license⁶ holder in the 800/900 MHz band and has been coordinating the use of the licensed spectrum among various railroads. AAR has determined that it is important for AAR to be in the position to coordinate this band. It seeks to serve not only its members but any eligible non-public safety entity in the B/ILT pool. AAR asserts that doing so will further the Commission's goals of providing applicants with a competitive frequency coordination services.

Procedural Matters

Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See* Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number.

⁴ *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 No. 92-235, 12 FCC Rcd 14307, 14328 ¶ 40 (1997). The introduction of competition among coordinators was intended to promote lower coordination costs and foster better service to the public. *Id.*

⁵ *See* United Telecom Council, *Order*, 16 FCC Rcd 8436, 8443 ¶ 13 (WTB PSPWD 2001). Currently, nine frequency coordinators are certified for the 800/900 MHz B/ILT Pool. *See* http://wireless.fcc.gov/services/index.htm?job=licensing_3&id=industrial_business#800/900%20MHz%20Coordinators.

⁶ *See* Station WPSF894.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

-Deliver hand-delivered or messenger-delivered paper filings to FCC Headquarters at 445 12th St., S.W., Room TW-A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Envelopes must be disposed of before entering the building. The filing hours at this location are 8:00 a.m. to 7:00 p.m.

-Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

-U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, DC 20554.

Parties are requested to send one copy of their comments and reply comments to Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, DC 20554, (800) 378-3160, e-mail FCC@BCPIWEB.com.

The requests, and comments and reply comments filed in response to this *Public Notice* are available for viewing via the Commission's Electronic Comment Filing System (ECFS) by entering the docket number, **WT 14-75**. The documents also will be available for public inspection and copying during business hours in the FCC Reference Information Center, Portals II, 445 12th Street S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from Best Copy and Printing, Inc., telephone (800) 378-3160, facsimile (202) 488-5563, TTY (202) 488-5562, e-mail FCC@BCPIWEB.com.

Alternate formats of this *Public Notice* (computer diskette, large print, audio recording, and Braille) are available to persons with disabilities by contacting the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY), or send an e-mail to fcc504@fcc.gov.

This proceeding has been designated as a “permit-but-disclose” proceeding in accordance with the Commission's *ex parte* rules.⁷ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations,

⁷ See 47 C.F.R. §§ 1.1200(a), 1.1206.

and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

For further information, contact Mr. Rodney Conway of the Mobility Division, Wireless Telecommunications Bureau, at (202) 418-2904 or via e-mail at rodney.conway@fcc.gov.

Action by the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau.

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