

PENDING PART 90 RULE CHANGES AND PROPOSALS

The Federal Communications Commission released one document and published two others in the Federal Register during the second week of April 2010. These documents are of critical importance to most of PCIA'S frequency coordination clients. The following is a summary listing of the Commission's amended final rules for Part 90 resulting from the Second R&O.

The Second Report and Order, WP Docket No. 07-100, FCC 10-36

The rule changes sited in the Commission's Second Report and Order ("Second R&O") in WP Docket No. 07-100, FCC 10-36 were published in the Federal Register on April 14. The rule changes will become effective on May 14, 2010.

Two significant rule changes contained in this document are the removal of the frequency coordination requirement for modifications to reduce the emission bandwidth and changes to Industrial/Business Pool eligibility rules to allow Industrial/Business frequency assignments for a defined group of Public Safety entities. As always, the details for these changes provide a complete picture.

PART 90--PRIVATE LAND MOBILE RADIO SERVICES

Section 90.20 is amended by adding paragraph (e)(7) to read as follows:

Sec. 90.20 Public Safety Pool

(e) (7) Frequencies governed by Sec. 90.35(c)(17). {Provides public safety eligibles access to certain itinerant frequencies in the Industrial/Business Pool}

Amend Sec. 90.35 as follows:

- a. Remove paragraphs (c)(61)(v) and (c)(68)(iv).
- b. Add paragraphs (a)(5) and (c)(91) shown below.
- c. In the table of paragraph (b)(3) place the entry for ``5850-5925" in numerical order.
- d. In the table of paragraph (b)(3), revise the entries for ``27.86" and ``5850-5925".
- e. Revise paragraph (c)(67).

The additions and revisions read as follows:

Sec. 90.35 Industrial/Business Pool.

(a) (5) Public Safety Pool eligibles are eligible for Industrial/Business Pool spectrum only to the extent that they are engaged in activities listed in paragraphs (a)(1) through (4) of this section. Industrial/Business Pool spectrum may not be utilized for the purposes set forth in Sec. 90.20(a).

(b) (3)

Industrial/Business Pool Frequency Table

Frequency or band	Class of station(s)	Limitations	Coordinator
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	* * * * *	
27.86.....	Base or mobile.....	89.....
	* * * * *	
5850-5925.....	do.....	90, 91..... Not applicable.

(c) (67) Medical telemetry operations are authorized on this frequency on a secondary basis. Medical telemetry operations are subject to the provisions of Sec. 90.267(h)(2).

(91) Subpart M of this part contains rules for assignment of frequencies in the 5850-5925 MHz band.

6. Section 90.103 is amended by revising the entries in the table in paragraph (b) for ``1900 to 1950," ``1950 to 2000," ``13,750 to 14,000," and paragraph (c)(1), to read as follows:

Sec. 90.103 Radiolocation Service.

(b)

Frequency or band	Class of station(s)	Limitation(s)

Kilohertz		

1900 to 1950.....	do.....	6, 25, 26, 27 and 28.
1950 to 2000.....	do.....	6, 25, 27 and 28.

Megahertz		

13,750 to 14,000.....	do.....	29.

(c) (1) This frequency band is shared with and stations operating in this frequency band in this service are on a secondary basis to stations licensed in the Maritime Mobile Service.

7. Section 90.175 is amended by revising paragraph (j)(5) and adding paragraphs (j)(19), (j)(20), and (j)(21) to read as follows:

Sec. 90.175 Frequency coordinator requirements.

(j) (5) Applications in the Industrial/Business Pool requesting a frequency designated for itinerant operations.

(19) Applications filed exclusively to return channels that had been authorized for commercial operation pursuant to Sec. 90.621(e) or (f) to non-commercial operation (including removal of the authorization to interconnect with the public switched telephone network).

(20) Applications for a reduction in the currently authorized emission bandwidth or a deletion of an existing emission designator.

(21) Applications for a reduction in antenna height or authorized power.

8. Section 90.247 is amended by removing and reserving paragraphs (b) and (c) and revising paragraph (f) to read as follows:

Sec. 90.247 Mobile repeater stations.

(f) When automatically retransmitting messages originated by or destined for hand-carried units, each mobile station shall activate the mobile transmitter only with a continuous access signal, the absence of which will de-activate the mobile transmitter. The continuous access signal is not required when the mobile unit is equipped with a switch that activates the automatic mode of the mobile unit and an automatic time-delay device that de-activates the transmitter after any uninterrupted transmission period in excess of 3 minutes. For the purposes of this rule section the continuous access signal can be achieved by use of digital or analog methods.

9. Section 90.259 is amended by revising paragraph (b)(4)(ii) to read as follows:

Sec. 90.259 Assignment and use of frequencies in the bands 216-220 MHz and 1427-1432 MHz.

(b) (4) (ii) Washington, DC metropolitan area--Counties of Montgomery, Prince George's and Charles in Maryland; Counties of Arlington, Prince William, Fauquier, Loudon, and Fairfax, and Cities of Alexandria, Falls Church, Fairfax, Manassas and Manassas Park in Virginia; and District of Columbia;

10. Section 90.267 is amended by removing paragraph (e)(3) and redesignating paragraph (e)(4) as (e)(3).

11. Section 90.353 is amended by revising paragraph (f) to read as follows:

Sec. 90.353 LMS operations in the 902-928 MHz band.

(f) Multilateration EA licensees may be authorized to operate on both the 919.75-921.75 MHz and 921.75-927.75 MHz bands within a given EA (see Sec. 90.209(b)(5)).

12. Section 90.357 is amended by revising paragraph (a) to read as follows:

Sec. 90.357 Frequencies for LMS systems in the 902-928 MHz band.

(a) Multilateration LMS systems will be authorized on the following LMS sub-bands:

LMS sub-band	Forward link \1\
904.000-909.750 MHz.....	927.750-928.000 MHz.
919.750-921.750 MHz.\2\	927.500-927.750 MHz.
921.750-927.250 MHz.....	927.250-927.500 MHz.

\1\ Forward links for LMS systems may also be contained within the LMS sub-band. However, the maximum allowable power in these sub-bands is 30 Watts ERP in accordance with Sec. 90.205(1).

\2\ The frequency band 919.750-921.750 MHz is shared co-equally between multilateration and non-multilateration LMS systems.

13. Section 90.621 is amended by revising paragraph (a) to read as follows:

Sec. 90.621 Selection and assignment of frequencies.

(a) Applicants for frequencies in the Public Safety and Business/Industrial/Land Transportation Categories must specify on the application the frequencies on which the proposed system will operate pursuant to a recommendation by the applicable frequency coordinator. Applicants for frequencies in the SMR Category must request specific frequencies by including in their applications the frequencies requested.

(1) For trunked systems, the assignment of frequencies will be made in accordance with applicable loading criteria and in accordance with the following:

(i) Channels will be chosen and assigned in accordance with Sec. Sec. 90.615, 90.617, or 90.619.

(ii) A mobile station is authorized to transmit on any frequency assigned to its associated base station.

(iii) There are no limitations on the number of frequencies that may be trunked. Authorizations for non-SMR stations may be granted for up to 20 trunked frequency pairs at a time in accordance with the frequencies listed in Sec. Sec. 90.615, 90.617, and 90.619.

(2) For conventional systems the assignment of frequencies will be made in accordance with applicable loading criteria. Accordingly, depending upon the number of mobile units to be served, an applicant may either be required to share a channel, or, if an applicant shows a sufficient number of mobile units to warrant the assignment of one or more channels for its exclusive use, it may be licensed to use such channel or channels on an unshared basis in the area of operation specified in its application.

(i) Channels will be chosen and assigned in accordance with Sec. 90.615, 90.617, or 90.619.

(ii) A mobile station is authorized to transmit on any frequency assigned to its associated base station.

Again, we encourage you to read the entire Second Report and Order available at <http://edocket.access.gpo.gov/2010/2010-7648.htm>.

The Second Further Notice of Proposed Rulemaking, WP Docket No. 07-100, FCC 10-36

The Second Further Notice of Proposed Rulemaking, WP Docket No. 07-100, FCC 10-36 was published in the Federal Register on April 14. Interested parties may file comments on or before May 14, 2010 and reply comments on or before June 1, 2010.

A summary listing of the Commission's proposed regulatory/rule changes follows:

PART 90--PRIVATE LAND MOBILE RADIO SERVICES

Section 90.7 is amended by adding definitions for "centralized trunked system" and "decentralized trunked system" in alphabetical order and by revising the definition of "trunked radio system" to read as follows:

Sec. 90.7 Definitions.

Centralized trunked system. A system in which there is dynamic assignment of communications paths by automatically searching all communications paths in the system for and assigning to a user an open communications path within that system. Individual communications

paths within a trunked system may be classified as centralized or decentralized in accordance with the requirements of Sec. 90.187.

Decentralized trunked system. A system which monitors the communications paths within its assigned channels for activity within and outside of the trunked system and transmits only when an available communications path is found. Individual communications paths within trunked system may be classified as centralized or decentralized in accordance with the requirements of Sec. 90.187.

Trunked radio system. A radio system employing technology that provides the availability to search two or more available communications paths and automatically assign a user an open communications path.

3. Section 90.187 is revised to read as follows:

Sec. 90.187 Trunking in the bands between 150 and 512 MHz.

(a) Applicants for centralized and decentralized trunked systems operating on frequencies between 150 and 512 MHz (except 220-222 MHz) must indicate on their applications (radio service and class of station code, instructions for FCC Form 601) that their system will be trunked. Licensees of stations that are not trunked may trunk their systems only after modifying their license (see Sec. 1.927 of this chapter).

(b) Trunked systems operating under this section must employ equipment that prevents transmission on a trunked frequency if a signal from another system is present on that frequency. The level of monitoring must be sufficient to avoid harmful interference to other systems.

(c) The monitoring requirement in paragraph (b) of this section does not apply to centralized trunked systems operating in the 470-512 MHz band that meet the loading requirements of Sec. 90.313 of this part and have exclusive use of their frequencies in their service area.

(d) The monitoring requirement in paragraph (b) of this section does not apply to centralized trunked systems if the application is accompanied by written consent from all affected licensees.

(1) Affected licensees for the purposes of this section are licensees (and previously filed pending applicants) meeting both of these criteria:

(i) Spectral overlap. Licensees (and filers of previously filed pending applications) with an assigned (or proposed) frequency having a spectral separation from a frequency of the proposed centralized trunked station that does not exceed these values:

Proposed station	Incumbent authorized bandwidth		
	20 kHz	11.25 kHz	6 kHz
25 kHz.....	15.0 kHz.....	15.0 kHz.....	15.0 kHz.
12.5 kHz.....	15.0 kHz.....	7.5 kHz.....	7.5 kHz.
6.25 kHz.....	15.0 kHz.....	7.5 kHz.....	3.125 kHz.

Note: The left column is the authorized bandwidth requested for the proposed trunked station. The second row is the authorized bandwidth of the incumbent. The other cells in the table show

the frequency range above and below the frequency of the proposed centralized trunked station that must be considered.

(ii) Contour overlap. (A) Licensees (and filers of previously filed pending applications) with a service contour (37 dBu for stations in the 150-174 MHz band, and 39 dBu for stations in the 421-512 MHz band) that is overlapped by the proposed centralized trunked station's interference contour (19 dBu for stations in the 150-174 MHz band, and 21 dBu for stations in the 421-512 MHz band), or with an interference contour that is overlapped by the proposed centralized trunked station's service contour.

(B) The calculation of service and interference contours shall be performed using generally accepted engineering practices and standards, including appropriate derating factors, agreed to by a consensus of all certified frequency coordinators. Frequency coordinators shall make this information available to the Commission upon request.

(1) Licensees (and filers of previously filed pending applicants) with no permanent base station may be deemed to be affected licensees for the purposes of this section only if center geographic coordinates are specified for the authorized operating area. In such a case, the contours set forth in paragraph (d)(1)(ii)(A) of this section shall be calculated with respect to a station located at the center coordinates.

(2) After January 1, 2013, licensees with an authorized bandwidth exceeding 12.5 kHz will not be deemed affected licensees, unless the licensee meets the efficiency standard set forth in Sec. 90.203(j)(3).

(3) The written consent from an affected licensee shall state all terms agreed to by the parties and shall be signed by the parties. The written consent shall be maintained by the operator of the centralized trunked station and be made available to the Commission upon request. An application for a centralized trunked station shall include either a certification from the applicant that written consent has been obtained from all affected licensees, or a certification from the frequency coordinator that there are no affected licensees.

(4) The exclusive service area of a station that has been authorized for centralized trunked operation will be protected from proposed centralized trunked, decentralized trunked or conventional operations in accordance with the standards of paragraphs (d)(1)(i)(A) and (d)(1)(ii) of this section.

(e) Trunking of systems licensed on paging-only channels or licensed in the Radiolocation Service (subpart F of this part) is not permitted.

(f) No more than 10 channels for new centralized trunked operation in the Industrial/Business Pool may be applied for at a single transmitter location or at locations with overlapping service contours as specified in paragraph (d)(1)(ii)(A) of this section. Subsequent applications for centralized trunked operation are limited to no more than an additional 10 channels, and must be accompanied by a certification, submitted to the certified frequency coordinator coordinating the application, that all of the applicant's existing channels authorized for centralized trunked operation at that location or at locations with overlapping service contours have been constructed and placed in operation. Certified frequency coordinators are authorized to require documentation in support of the applicant's certification that existing channels have been constructed and placed in operation. Applicants for Public Safety Pool channels may request more than 10 centralized trunked channels at a single location or at locations with overlapping service contours if accompanied by a showing of sufficient need. The requirement for such a showing may be satisfied by submission of loading studies demonstrating that requested channels in excess of 10 will be loaded with 50 mobiles per channel within a five year period commencing with the grant of the application.

(g) If a licensee authorized for centralized trunked operation discontinues trunked operation for a period of 30 consecutive days, the licensee, within 7 days thereafter, shall file a conforming application for modification of license with the Commission.

4. Section 90.238 is amended by revising paragraph (e) to read as follows:

Sec. 90.238 Telemetry operations.

(e) In the 450-470 MHz band, telemetry operations will be authorized on a secondary basis with a transmitter output power not to exceed 2 watts on frequencies subject to Sec. 90.20(d)(27) or Sec. 90.35(c)(30), except that telemetry operations used by Railroad licensees may be authorized on frequency pair 452/457.9375 MHz with a transmitter output power not to exceed 8 watts.

5. Section 90.303 is amended by adding paragraph (d) to read as follows:

Sec. 90.303 Availability of frequencies.

(d) Applications for stations in the 470-512 MHz band operating on assigned frequencies allotted for bandwidths of 12.5 kHz or less must demonstrate that the proposed operations will neither cause more than five percent degradation to adjacent-channel licensees (and filers of previously filed pending applications) nor incur more than five percent degradation from adjacent-channel licensees (and filers of previously filed pending applications), using the interference criteria of Telecommunications Industry Association/Electronics Industry Association Telecommunications Systems Bulletin 88 (TIA/EIA/TSB-88), Wireline Communications System--Performance in Noise and Interference-Limited Situations--Recommended Methods for Technology-Independent Modeling, Simulation, and Verification (January 1998). For purposes of this paragraph, adjacent-channel licensees (and filers of previously filed pending applications) are stations with an authorized bandwidth of 20 kHz and an assigned frequency separated by 12.5 kHz or less from the proposed station, and stations with an authorized bandwidth of 11.25 kHz and an assigned frequency separated by 6.25 kHz or less from the assigned frequency of the proposed station.

6. Section 90.425 is amended by removing paragraph (e)(2), redesignating paragraph (e)(3) as (e)(2), and adding paragraphs (f) and (g) to read as follows:

Sec. 90.425 Station identification.

(f) Stations subject to a station identification requirement will be permitted to use a single call sign for commonly owned facilities that are operated as part of a single system. The call sign must be transmitted each hour within five minutes of the hour, or upon completion of the first transmission after the hour.

(g) Stations licensed in the 150-170 MHz and 450-470 MHz bands that are licensed on an exclusive basis, and normally employ digital signals for the transmission of data, text, control codes, or digitized voice, may also be identified by digital transmission of the call sign. A licensee that identifies its call sign in this manner must provide the Commission, upon request, information sufficient to decode the digital transmission and ascertain the call sign transmitted.

We encourage you to read the entire Second Further Notice of Proposed Rulemaking available at <http://edocket.access.gpo.gov/2010/2010-7644.htm>.

Notice of Proposed Rulemaking, MD Docket No. 10-87, FCC 10-51

A Notice of Proposed Rulemaking, MD Docket No. 10-87, FCC 10-51 was released on April 13. This document concerns the assessment and collection of the FCC Regulatory fees for fiscal year 2010. Interested parties may file comments on or before May 4, 2010 and reply comments on or before May 11, 2010.

There are some changes in certain fees as expected, however the FCC regulatory fees that PCIA'S frequency coordination clients pay when they file applications through frequency advisory committees are unchanged. Most Commercial Mobile Radio Service providers will receive a slight reduction in their annual assessments on a per unit basis.

The fee stability since 2009 may be due in part to the pushback via comments and reply comments by motivated licensees and frequency advisory committees in 2008 along with our continued vigilance. PCIA's 2008 comments as drafted by our attorney, Mike Saperstein, were especially effective in pointing out that continued fee increases could have a negative impact moving forward.

The NPRM (FCC No. 10-51) is available at http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-10-51A1.doc.