



**National Wireless
Communications Council**

April 20, 2023

Mr. Charles Cooper, Associate Administrator
Office of Spectrum Management
National Telecommunications and
Information Administration
U.S. Department of Commerce
Washington, DC

Re: Regulations.gov Docket No. NTIA-2023-0003 / NTIA Docket No. 230308-0068

Dear Mr. Cooper:

The National Wireless Communications Council (“NWCC”) welcomes the National Telecommunications and Information Administration (“NTIA”) initiation of this proceeding with the objective of developing and implementing a National Spectrum Strategy (“NSS”) for the United States. The NWCC agrees that an NSS can be a valuable tool for ensuring a spectrum pipeline that (a) addresses the nation’s future spectrum requirements and (b) enhances the U.S. national and economic security. As a result, the NWCC supports NTIA’s inquiry into determining which spectrum approaches will maximize the efficient utilization of spectrum while, at the same time, recognizing that the optimal approach will vary, depending upon the affected frequency band. Factors such as current usage levels, the purposes for which the spectrum has been allocated or is being used, technical suitability for repurposing or spectrum sharing, and the cost of doing so should be considered.

The NWCC is a non-profit association of organizations representing virtually all users of land mobile radio systems, providers of land mobile services, and manufacturers of land mobile

radio equipment. The NWCC acts on behalf of the vast majority of public safety, business, industrial, transportation, and private commercial radio users, as well as a diverse group of land mobile service providers and equipment manufacturers. Membership includes the following organizations:

- American Association of State Highway and Transportation Officials (“AASHTO”)
- American Automobile Association (“AAA”)
- American Petroleum Institute (“API”)
- Association of American Railroads (“AAR”)
- Association of Public-Safety Communications Officials-International, Inc. (“APCO”)
- Aviation Spectrum Resources, Inc. (“ASRI”)
- Enterprise Wireless Alliance (“EWA”)
- Forest Industries Telecommunications (“FIT”)
- Forestry-Conservation Communications Association (“FCCA”)
- Government Wireless Technology & Communications Association (“GWTCA”)
- International Association of Fire Chiefs (“IAFC”)
- International Municipal Signal Association (“IMSA”)
- MRFAC, Inc. (“MRFAC”)
- Telecommunications Industry Association (“TIA”)
- The Monitoring Association (“TMA”)
- Utilities Technology Council (“UTC”)
- Wireless Infrastructure Association (“WIA”)

These organizations represent perhaps the widest range of spectrum users regulated by the FCC. These users deploy primarily private, internal communications systems that are designed to meet their highly specific operating requirements. Many are classified as public safety or critical infrastructure, a label that carries with it a heightened obligation to protect their operations from natural and man-made disasters, from harmful interference from other devices, and from the ever-increasing number of cybersecurity threats. They also may use commercial networks for less critical applications but still require facilities they own and control.

A significant percentage of these users operate on spectrum regulated under Part 90 and Part 101 of the FCC’s Rules as well as spectrum authorized under Part 22 Subpart E. For the Part 90 private land mobile services, this includes low-band, VHF, UHF, 470-512 MHz, and 800/900

MHz allocations. Each of the Part 90 band segments supports a large number of licensees whose systems co-exist because of a multi-decade history of effective frequency coordination. Systems in the Part 90 VHF and UHF bands were required to retune to narrower bandwidths to create spectrum access for new entrants. The 800 MHz band has been rebanded already to address interference to public safety entities. The 900 MHz band is undergoing a voluntary relocation process to provide spectrum for private broadband use. A substantial portion of spectrum in Part 22 Subpart E has been repurposed and incorporated into more efficient trunked systems comprised primarily of Part 90 spectrum. Because this user community has not been allocated additional spectrum for many years, frequency coordination and cooperation among Part 90 licensees enables them to derive maximum utilization of their limited spectrum resources, while also facilitating migration to more efficient technologies.

In NWCC's opinion, the frequency bands allocated under Part 90 and Part 22 Subpart E are not suitable for repurposing as contemplated by NTIA since imposing further spectrum sharing models on them would not add to a national spectrum pipeline. This spectrum already supports appropriate usage levels nationwide, in both major markets and more rural areas. The uses for which this spectrum has been deployed cannot be replicated easily in other bands should these critical operations need to be moved. Further, the cost of doing so would be prohibitive and the disruption to public safety and business communications disastrous. Spectrum sharing in the Part 90 services is already accomplished through a long-established and an effective frequency coordination process. Finally, NWCC respectfully submits that these band segments do not have the technical characteristics that would make them useful for the types of operations for which this planning is intended.

The NWCC endorses both more immediate and long-term spectrum planning. Access to spectrum is an essential underpinning of the American economy and contributes immeasurably to the health and safety of its citizens. As the communications requirements of those represented by the NWCC expand, they too will need to take advantage of access to additional spectrum. NTIA is to be commended for beginning a process that promises to create the spectrum pipeline it envisions. The NWCC also is confident that NTIA will be judicious in identifying bands where repurposing, sharing, or other approaches will advance its objectives and will determine that the FCC Part 90 and Part 22 Subpart E spectrum does not fit that purpose.

Respectfully submitted,

**NATIONAL WIRELESS COMMUNICATIONS
COUNCIL**



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