

WT Docket 11-27 • AMTRAK Use of AMTS Frequencies

Reply Comments of Hammett & Edison, Inc., Consulting Engineers

This filing is in response to the Commission's February 18, 2011, Public Notice, DA 11-322, *Wireless Telecommunications Bureau Seeks Comment on National Railroad Passenger Corporation (AMTRAK) Request for Waiver of Certain Part 80 Automated Maritime Telecommunications System (AMTS) Rules To Implement Positive Train Control (PTC)*. The reply comment deadline is March 21, 2011, so this filing is timely.

I. As Predicted in the H&E Initial Comments, Another Railroad Entity Has Filed For a "Me Too" Waiver

1. Our initial comments gave as one reason for not granting the twenty-five Part 80 AMTS rule waivers necessary to allow AMTRAK to use 217–220 MHz AMTS frequencies for Automatic Train Control (ATC), clearly a Land Mobile application, not a Maritime Coastal Station application, would be that it would invite "me too" waiver requests by other railroads. Now, exactly that has happened, with the March 8, 2011, filing by the Southern California Regional Rail Authority (SCRRA). We note that there is a DTV Channel 13 station licensed to Los Angeles, KCOP-TV. We repeat our belief that spectrum re-allocation by rule waiver is an inappropriate procedure, one that likely violates the Commission's obligations under the Administrative Procedures Act (APA). If AMTS frequencies are to be re-allocated for land mobile applications, the correct vehicle is a rulemaking.

II. The 1997 PR Docket Second R&O Does Not Appear To Allow AMTS Use That Has Nothing To Do With Maritime Communications

2. While paragraph 25 of the June 26, 1997, PR Docket 92-257 Second Report & Order (Second R&O) stated that there is "no reason to limit the numbers or types of land units to be served" [by AMTS coastal stations], that paragraph went on to state that "This goal may be achieved by requiring public coast stations to give priority to maritime traffic, without regard to the number of land units being served." Thus, the Second R&O appears to have envisioned that AMTS would remain a maritime service giving priority to maritime traffic, and not converted to a private land mobile system incapable of responding to maritime traffic.

3. For example, it would appear that expanded land use of AMTS frequencies by a large maritime port covering many acres, to include multiple base stations and hundreds of handi-talkies, in support of such port operations, would be an acceptable expanded "land units" use of AMTS frequencies. Of course, any communications involving marine safety or distress traffic would take precedence. Whereas land use of AMTS frequencies having no linkage at all with maritime service, and no



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monitoring for AMTS transmissions involving safety or distress issues, would not be an acceptable use.

4. For this reason, it appears that related applications for land mobile use of AMTS frequencies that have been filed by Avista Corporation, WQKP817, WQKP819 and WQKP820, without any waiver requests, and in support of a radio system for monitoring electric and natural gas systems in the Pacific Northwest, should not be granted. We note that unlike the AMTRAK waiver request, no public notice was given of the band-reallocation rule waivers that the Avista applications would require.*

5. Even if the Commission decides that band re-allocation by rule waivers would somehow be appropriate, there would still be the elephant-in-the-room problem of the AMTS-into-TV Channels 10 and 13 interference rules, which have never been updated to reflect the protection requirements for digital TV broadcasting. It cannot possibly be in the public interest to allow a massive increase in the number of land stations using 217–220 MHz (and possibly 216–220 MHz) AMTS spectrum until updated studies have been made of the necessary protection ratios for consumer grade DTV tuners.

III. Impact of 173.075 MHz SVRS Stations on TV Channel 7 Operations Should Logically Be Included in Any Study To Update Protection Requirements for Over-the-Air DTV Reception

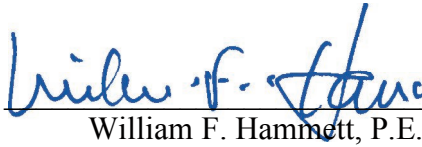
6. As was noted in our initial comments, there is a corollary rulemaking impacting the other side of the VHF high band TV spectrum, which is WT Docket 06-142, involving Stolen Vehicle Recovery System (SVRS) stations operating at 173.075 MHz. This frequency is just below TV Channel 7 at 174–180 MHz, and thus has a similar adjacent-channel interference issue. Like the AMTS-into-TV interference protection rules, the SVRS-into-TV Channel 7 interference protection rules have never been updated to incorporate protection ratios appropriate for DTV. Given that the protected contour for VHF high band TV service has changed from the F(50,50) 56 dBu contour to the F(50,90) 36 dBu contour, it is not at all clear that the coding isolation contained in the 8-VSB over-the-air DTV signal is sufficient to offset the lower protected coverage contour. Thus, updated measurements on a representative universe of consumer-grade DTV receivers are sorely needed, and should be a precondition before any expanded SVRS operations, or land-based AMTS operations, are permitted.

* In an excess of caution, in the event that the pending (and disputed) Avista AMTS applications for 27 fixed sites throughout eastern Washington, northern Idaho, and northwestern Montana are deemed restricted proceedings, a copy of these WT Docket 11-27 reply comments have been simultaneously mailed to Gregory Kunkle, Esq. of Keller and Heckman, representing Avista; to Robert Rini, Esq. of Rini Coran, representing Station KXLY-TV, D13 (V04), Spokane, WA; and to Lawrence Miller, Esq. of Schwartz, Woods & Miller, representing Oregon Public Broadcasting (OPB), licensee of Station KOPB-TV, D10 (V10), Portland, OR; TV Station KTVR-TV D13 (V13), Le Grande, OR; and TV Translator Station K10NF, Halfway, OR. It is noted that K10NF is still an analog station, and has no pending application to flash-cut to digital, or otherwise convert from analog to digital operation.

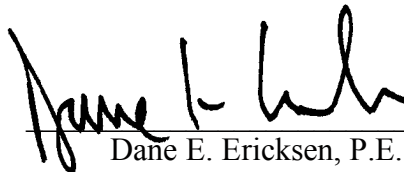


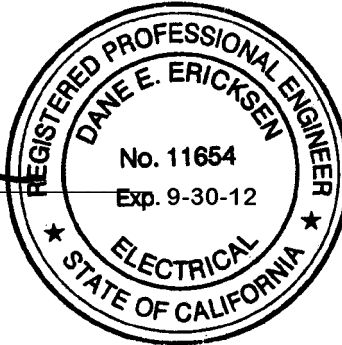
IV. Summary

7. Band re-allocation by rule waivers is an inappropriate procedure. While the 1997 PR Docket 92-257 Second R&O did allow expanded use of AMTS frequencies on land, it remained a Part 80 Maritime Service, not a Part 90 Land Mobile service. No expanded land operations on 216–220 MHz AMTS frequencies can possibly be justified until updated AMTS-into-DTV interference protection requirements have been determined. Updated SVRS-into-DTV interference protection requirements could logically be determined at the same time.


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