

perspective that surface land passenger transportation service operators would directly benefit from reallocations of spectrum configured for wideband or broadband applications beyond the predominant narrowband voice services of today. We therefore support efforts to assess the current and projected utilization of the current 49 channels (or 294 MHz) of prime spectrum currently allocated to over-the-air broadcasters nationwide in 210 US TV markets. It is our desire that new policy and rules be developed to reallocate vacant TV spectrum for deployment of broadband data applications for the public benefit, including mission critical applications for the transit and transportation community.

2. THE JOINT COUNCIL ON TRANSIT WIRELESS COMMUNICATIONS

2.1 The Joint Council is a newly formed alliance of professionals and transportation organizations created to represent surface land passenger transportation service operators nationwide within the United States on matters of wireless voice and data communications. The Council membership is drawn from public agencies, private providers and industry serving road, water, and rail transit. The federation seeks to educate and inform public and private transportation agencies and providers on issues relating to their use of wireless communications.

COMMENTS

3. Unlicensed versus licensed spectrum

3.1 The Joint Council is in favor of a policy which would make available more licensed spectrum to the transit and transportation users nation-wide. These users provide essential mission critical services to the general public every day and in

emergencies. Unlicensed spectrum is generally not suitable to mission critical functions as unlicensed spectrum is not dedicated to the functions and is therefore less reliable than dedicated spectrum. Licensed spectrum also allows both public and private entities to commit to the implementation of mission critical services with dedicated spectrum not subject to the uncertainties of potential interference and other significant factors usually associated with unlicensed spectrum. While unlicensed spectrum has its place in the marketplace, licensed spectrum encourages commercial development of vital applications requiring dedicated spectrum over many years. The commercial cellular industry existing today as a ubiquitous service to the public is the direct result of the FCC's action in 1982 to reallocate 50 MHz of TV spectrum to the cellular industry. Without this (and other) proactive action, we would not have the affordable and available cellular services that we have today.

4. Repacking of TV Stations

4.1 Now that the changeover to digital over-the-air television has occurred, the amount of unused spectrum in TV bands can be readily identified. The Joint Council observes that repacking² of the TV is the most direct and effective method to make available unused spectrum available for use. While the concept of regional sharing arrangements between broadcasters may result in some improvements in spectrum utilization, it would seem that more spectrum would be recovered by repacking the TV bands. Our users request that a higher priority be given in any future rule making to developing additional licensed spectrum and a lower priority be given to developing

² *Public Notice* at Section A.3.

unlicensed schemes that could be used within the white space³ adjacent to TV channels. The Joint Council believes that the Commission has performed admirably over the past several years in making additional unlicensed spectrum available for use by a variety of services. The Commission now has the opportunity to make that same effort for non-public safety mission critical services.

5. Broadband Services/Applications

5.1 Broadband data services inherently benefit from Wide band channels greater than 25 kHz. While coding and digital modulation techniques allow more data throughput in a given RF bandwidth, there are limits to the efficiencies that can be achieved. It is outside the scope of these brief comments to discuss the technical metrics associated with digital modulation techniques, however if one observes current broadband 3G and 4G services, the data throughput is generally achieved by using wide band channels or aggregating several adjacent channels together to increase throughput.

5.2 In the near term and certainly the long term, availability of spectrum suitable both in bandwidth and propagation characteristics is critical to the future of the commercial, mission critical and industrial business sectors. We urge the FCC to take proactive steps to achieving this end. Unavailability of suitable spectrum will only stunt the growth and development of the industry, and many would argue that unavailability of spectrum already has stunted the growth and roll out of broader bandwidth services.

³ FCC (2008)

6.

CONCLUSION

12.1 The Joint Council is pleased to have the opportunity to present its comments to the Commission's NOI and welcomes further discussion on these issues.

Respectfully submitted,

Joint Council on Transit Wireless
Communications
8211 S 48th Street
Phoenix, AZ 85044
(602) 707-4680

By: /s/ Karl Witbeck

Karl Witbeck
Chair, Coordination Committee
Vice Chair, Joint Council