November 24, 2009

**VIA ELECTRONIC FILING**
Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington DC 20554

REF: RM-11572

Subject: Improving Spectrum Utilization in the 800 MHz Band 854-861/809-816 MHz.

Dear Ms. Dortch:

The Joint Council on Transit Wireless Communications is a newly formed federation of transportation organizations and stakeholders created to represent passenger transportation service operators nation-wide within the United States on matters of wireless voice and data communications.

As such, we offer the following comments.

1. **Timing:** There are many passenger transportation service operators which are incumbent Private Land Mobile Radio users within the 854-861/809-816 MHz band (the 800 MHz Band) currently operate digital and analog voice and mobile data systems within a 25 KHz bandwidth or 20 KHz bandwidth consistent with their licenses under Part 90 rules as applicable. Many of these users are currently involved in the Sprint-Nextel re-banding efforts currently underway. Therefore the timing is not good to be starting a new narrow banding policy in the 800 MHz band prior to the completion of the current re-banding policy. Requiring incumbent users to consider a new narrow banding policy would be a hardship for our users and would create confusion into already challenging radio system planning efforts. Passenger transportation service operators (particularly Public) have protracted planning and funding cycles making it difficult to react to regulatory changes that may require substantial capital investment. Accordingly, we request that the FCC allow sufficient time for re-banding efforts to be completed in any NPRM issued before requiring passenger transportation service operators to consider the financial and operational implications of any proposed 800 MHz band narrow banding policy.

2. Spectral Efficiency: The Enterprise Wireless Alliance (EWA) proposes that improving spectral efficiency as the key justification to taking action on their petition and further proposes that the most effective method for achieving said improved spectral efficiency is via creating 12.5 KHz interstitial channel centers that do not exist today in between the current 25 KHz channel centers. The

concept would be to allow additional transmitters to be licenses at 12.5 KHz centers as adjacent channels and presumably in a non-interfering fashion. As is the case in other FCC regulated bands, occupied channel bandwidth is only one metric for evaluating spectral efficiency. Bits/Hz is the most common method for evaluating the efficiency of digital systems. Another metric is the number of voice paths (and/or data paths) per occupied channel bandwidth. It is our view that the FCC should consider all of these metrics when evaluating the following:

a. The current spectral efficiency of the existing 800 MHz band (post re-banding).

b. Any proposed changes to minimum spectral efficiency requirements of the 800 MHz band such as that proposed by EWA.

c. Ability of current and future technology to meet and exceed current and proposed changes to minimum spectral efficiency rules.

d. As is the case in other sectors, passenger transportation service operators and their patrons are driving the need for high bit data services to deliver applications such as streaming video, WiFi, passenger information and other applications, which are not feasible in 12.5 KHz bandwidth channels.

3. Mobile data is a key application for many passenger transportation service operators. These systems are used for vehicle tracking, telemetry, messaging, and others vital operational functions in rail, fixed route busses, dial-a-ride, para-transit and other services. These systems typically operate in a 25KHz channel so that higher wireless bit rates can be achieved as is required based on fleet size and configuration. Should any rule making issued limit the ability to provide these mobile data services over the required service territory, incumbent passenger transportation service operators would oppose such a rule as being detrimental to the ability to provide and continue to provide mobile data services to their patrons.

4. Protection of incumbent 25 KHz users is of primary concern.

5. Technology: Digital voice and data wireless technology uses many methods to achieve spectral efficiency (as outlined in item 2 above) such as Queuing techniques, Compression algorithms, Modulation type and other methods. We recommend the FCC not constrain the industry by dictating the method of achieving spectral efficiency and allow the Mobile Radio industry to innovate.

We appreciate in advance consideration of our comments.

Respectfully,

Karl Witbeck, PMP
Chair - Coordination Committee
Vice Chair - Joint Council on Transit Wireless Communications
Ph: 602-707-4680
8211 South 48th Street
Phoenix AZ 85044
Karl.witbeck@stantec.com
http://www.npstc.org/transitCommunity.jsp

cc: Barry Ensig - Chair - Joint Council on Transit Wireless Communications
Coordination Committee members