



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON NTIA REPORT ON CURRENT AND FUTURE SPECTRUM USE BY THE ENERGY, WATER, AND RAILROAD INDUSTRIES

Comment Date: March 6, 2002

Reply Date: March 18, 2002

On January 30, 2002, the U.S. Department of Commerce, National Telecommunications and Information Administration (NTIA) released a Report entitled "Current and Future Spectrum Use by the Energy, Water, and Railroad Industries" (NTIA Report).¹ This report was mandated by Public Law Number (PL No.) 106-533.² Under this legislation, NTIA was directed to submit to the U.S. Congress a study of current and future spectrum use by providers of energy, water, and railroad services to protect and maintain the nation's critical infrastructure. The statute also requires the Federal Communications Commission (FCC) to submit a subsequent report to Congress addressing any needs identified in NTIA's study.³

The NTIA Report contains a compilation of the responses received to its "Request for Comments" from members of the utilities industry and various trade organizations.⁴ In its "Request for Comments," NTIA sought information on any issue of fact, law or policy that might inform the agency about spectrum requirements of the industry taking into account growth, new technology, and future applications. NTIA also received information from federal governmental departments and agencies that exercise oversight of energy, water and railroad industries, as well as from industry certified frequency coordinators.⁵ The Report also reflects the information received from members of the Interdepartment Radio Advisory Committee (IRAC).⁶ Information also was obtained from the Public Safety Wireless Network (PSWN).⁷

¹ Marshall W. Ross and Jeng F. Mao, Current and Future Spectrum Use by the Energy, Water, and Railroad Industries, Response to Title II of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001 Public Law 106-553, U.S. Department of Commerce, National Telecommunications and Information Administration (Jan. 30, 2002) (NTIA Report).

² See Federal Funding, Fiscal Year 2001, Pub. L. No. 106-553, 114 Stat. 2762, 2762A-73 (2000).

³ The FCC's report must be submitted to Congress no later than July 30, 2002 (within six months after the release of the NTIA Report).

⁴ NTIA's Request for Comment on Energy, Water and Railroad Service Providers' Spectrum Use Study, 66 Fed. Reg. 18448 (2001).

⁵ NTIA Report, Section 2. Correspondence was mailed to federal departments and/or agencies that exercise oversight over the energy, water, and railroad agencies, soliciting their comments on current and future spectrum requirements for these entities. *Id.* at 1-3.

⁶ *Id.* at 1-2.

In the NTIA Report, NTIA found that energy, water and railroad services are primary components of the nation's critical infrastructure and that the continued use of spectrum is essential to the current and future operations of these industries.⁸ The NTIA Report submits that without adequate radio spectrum, providers of energy, water and railroad services would be unable to address major service interruptions due to natural disaster, equipment malfunctions or in some cases, terrorist activities.⁹ According to NTIA, these industries believe that additional spectrum is needed -- specifically for exclusive use -- because of existing congestion problems.¹⁰ Commenters stated that commercial wireless services do not adequately service these industries' needs due to issues of compatibility, reliability, and cost-effectiveness.¹¹ The NTIA Report also finds a lack of consensus among the commenters as to where new spectrum can be reallocated or obtained.¹² NTIA received limited response on the issue of whether these industries use spectrum-efficient technology.¹³ NTIA concludes that it is unable to validate the specific spectrum requirements of the energy, water and railroad industries.¹⁴ It suggests, however, that the industries' needs may be addressed by use of advanced communications technology or newly allocated frequency bands.¹⁵

Interested parties may file comments on the NTIA Report on or before **March 6, 2002**. Parties interested in submitting reply comments must do so on or before **March 18, 2002**. All comments should reference the NTIA report including the DA number of this *Public Notice*, and should be filed with the Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, S.W., TW-325, Washington, D.C. 20054. A copy of each filing should be sent to (1) Qualex International, Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, D.C. 20036, telephone (202) 863-2393; (2) John J. Schauble, Esq., Federal Communications Commission, Wireless Telecommunications Bureau, Public Safety and Private Wireless Division, Policy and Rules Branch, 445 Twelfth Street, S.W., Room 4-C336, Washington, D.C. 20554; and (3) Maria Ringold, Federal Communications Commission, Consumer Information Bureau, Reference Information Center, 445 Twelfth Street, S.W., Room CY-B529, Washington, D.C. 20554.¹⁶

The full text of the NTIA Report, comments and reply comments will be available for public inspection and duplication during regular business hours at the FCC Reference Information Center (RIC) of

⁷ *Id.*

⁸ *Id.* at xxi-xxii.

⁹ *Id.*

¹⁰ *Id.* at xviii.

¹¹ *Id.* at 3-23.

¹² *Id.* at xviii.

¹³ *Id.*

¹⁴ *Id.* at xxi.

¹⁵ *Id.*

¹⁶ The address for FCC locations should be used only for documents filed by the United States Postal Service. Documents delivered by Federal Express or any other express mail service should be addressed to the relevant person or office at the Federal Communications Commission, 445 Twelfth Street, S.W., Washington, D.C. 20024. Hand-delivered or messenger-delivered documents are accepted only at our new location at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. *See* FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence, *Public Notice*, 16 FCC Rcd 22165 (2001).

the Consumer Information Bureau (CIB), Federal Communications Commission, 445 Twelfth Street, S.W., Room CY-A257, Washington, D.C., 20554. The full text of the NTIA Report is also available at NTIA's web site at <http://www.ntia.doc.gov/osmhome/reports.html>. This document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, D.C. 20036, telephone (202) 863-2393; facsimile (202) 863-2898, or via e-mail qualexint@aol.com. For further information regarding the public reference file for the Report contact Maria Ringold, Chief, Wireless Branch, RIC, (202) 418-1355.

For further information, contact John J. Schauble, Esq., Chief, Policy and Rules Branch, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau at (202) 418-0680, TTY (202) 418-7233, or via email to jschaubl@fcc.gov.

By the Acting Chief, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau.

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