

## memorandum

DATE: September 9, 1983

REPLY TO  
ATTN OF: Chief, Spectrum Management Division, OST

SUBJECT: House Draft Report on HR 2755 (FCC Authorization Bill)

TO: General Counsel (Attn: Jack Lee)

While this office has no additional language or corrections to make with respect to the portion assigned OST for review, there are several points which should be raised with appropriate legislative staffs for their consideration.

A. With respect to the section on New Technologies there are two points:

1) Experimental/Developmental licenses are usually issued under Part 5 rapidly and generally without serious reservations, conditions, etc. However, the biggest problem which is on the horizon is the cost of development/experimentation of many systems involving satellite technology. The economic impact of such experiments (involving perhaps \$250 million) makes it virtually impossible to terminate their operation and can result in a "de-facto" reallocation without benefit of rule making required by the Administrative Procedure Act. Related thereto is the need to obtain market studies of a new service/system which results in a proliferation of an experimental system to large segments of the public making it difficult for regulatory action to be taken in the event of interference being caused to authorized services.

2) In several cases, the Commission has set aside reserve bands to meet anticipated spectrum requirements only to find that industry now wishes to use them for development of new services. Obviously,

at least in this case, the two objectives (e.g. reserve spectrum for future requirements and encourage experimental/developmental applications) are conflicting and counter-productive.

B. With respect to Spectrum Allocation and Assignments for Public Safety Purposes there are also two points:

1) OST authority for making allocations lies in allotting spectrum broadly to service categories (e.g. land mobile, broadcasting, fixed, etc.) and to purposes (e.g. private, broadcasting, common carrier). Public safety requirements, since they are a land mobile service, must not be taken out of context with respect to overall land mobile requirements. Under the present delineation of responsibilities, PRB is responsible for the task of evaluating public safety requirements vis-a-vis other land mobile services.

2) OST has, over a period of many years, cooperated with FEMA (and its predecessors) in the development of Emergency Readiness Plans for Use of the Radio Spectrum. This action takes place in the Interdepartment Radio Advisory Committee structure. The Commission however, must rely upon FEMA/OSDP to develop specific emergency functions which the civil sector would be expected to perform, and on the industry to develop communication plans to accomplish those assigned functions. Indeed, the NIAC is currently tasked with developing such plans and the Commission expects to coordinate with the Executive Branch in implementation of those plans into the overall national planning mechanism.

  
Robert L. Cutts

cc: Chief Scientist