

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Amendment of Parts 2 and 90 of the) RM-10836
Commission's Rules to Provide for an)
Emergency Vehicle Signaling Service)
)

To: The Commission

Reply Comments of the Society of Broadcast Engineers, Inc.

The Society of Broadcast Engineers, Incorporated (SBE), the national association of broadcast engineers and technical communications professionals, with more than 5,000 members world wide, hereby respectfully submits its reply comments regarding RM-10836, a Petition for Rulemaking filed by Alert Devices International, Inc. (ADiCorp), proposing to create a Part 90 Emergency Vehicle Signaling Service (EVSS). Pursuant to the February 26, 2004, Motion for Extension of Time filed by ADiCorp, requesting that the reply comment deadline be extended by four weeks, from March 3, 2004, to March 31, 2004, these SBE reply comments are timely filed.

**I. ADiCorp Did Not Even File Comments in Support of Its Own
Petition for Rulemaking**

1. SBE is surprised to find that ADiCorp did not file comments in support of its own petition for rulemaking. While there is no FCC requirement for a proponent to do so, the lack of a filing by ADiCorp in support of its own petition for rulemaking certainly seems telling.

**II. No Technical Filings In Support of Proposal, But Multiple
Technical Filings Opposing Proposal**

2. Of the parties filing in favor of the ADiCorp proposal for EVSS, most appear to be public safety agencies or employees with little knowledge of land mobile or broadcast technical issues. Indeed, many of those filings use identical language. SBE could not find any filings by parties in favor of RM-10836 that included a technical basis for supporting the rulemaking.¹ In contrast,

¹ Although the Association of Public-Safety Communications Officials-International, Inc. (APCO) filed a non-substantive, two-page comment in favor of the proposal, the APCO filing did not include any discussion of the technical merits (or lack thereof) of the proposal, nor did the APCO filing include any

SBE Reply Comments: RM-10836, EVSS

in addition to its own RM-10836 comments, SBE found several filings by technically knowledgeable parties opposing the rulemaking: Specifically, the National Association of Broadcasters (NAB); Leventhal Senter & Lerman (LSL), which attached an engineering exhibit prepared by a Registered Professional Engineer; and a filing by McCarthy Radio Enterprises, Inc. (MRE).² SBE supports, and concurs with, the NAB, LSL, and MRE filings opposing RM-10836.

3. NAB's comments, which note that the Safety Warning Service (SWS) set aside 21.4 GHz over twenty years ago for the purpose of alerting motorists of hazardous driving conditions and the presence of emergency vehicles, are well founded. The NAB comments further pointed out the recent adoption by the Commission of Dedicated Short-Range Communications (DSRC) in the Intelligent Transportation Systems (ITS) radio service at 5.9 GHz.³ Thus, even if ADiCorp's proposal for EVSS was not technically flawed, there is no need for a third warning service.

4. SBE suggests that its proposed alternative (which would require all vehicles sold in the United States after a certain date be equipped to detect RF transmissions on a reserved frequency from an emergency vehicle, and trigger a dashboard icon and alerting tone completely independent of the non-emergency vehicle's audio entertainment system), should work equally well with SWS or DSRC/ITS based signaling. This would further avoid causing intentional harmful interference to broadcast stations, which SBE believes is prohibited by Sections 302(a) and 333 of the Communications Act. This is also a fundamental defect shared by the Midland version of EVSS.

5. Finally, SBE notes the filing by the Bainbridge Island Police Department, opposing the petition on the grounds that EVSS could be used to "alert the criminal element" to "police activity and whereabouts." While SBE believes that is not a threat for the technically flawed ADiCorp version of EVSS, in that by the time a criminal listening to an AM or FM radio heard the alert the police would probably already at, or only seconds from, the crime scene, this does raise an interesting possible downside to an EVSS-like system that didn't have fundamental technical defects, and could actually fulfill its intended mission. The possibility of an un-

engineering attachment. Midland Associates, Inc. (Midland) filed in favor of the *concept* of EVSS, but opposed the ADiCorp petition as technically flawed.

² SBE wishes to disclose that the principal of McCarthy Radio Enterprises, Inc., Mr. Michael G. McCarthy, CSRE (SBE certified Senior Radio Engineer), CEA (SBE certified Audio Engineer), is also a member of the SBE FCC Liaison Committee, the SBE committee charged with the drafting and filing of virtually all national-level SBE comments with the FCC.

³ FCC news release, "FCC Adopts Rules for Intelligent Transportation System to Advance Homeland Security," WT Docket 01-90, released December 17, 2003.

SBE Reply Comments: RM-10836, EVSS

intended and un-desired alerting of persons up to no good to the approaching presence of a police vehicle is much less likely if the alerting signal is broadcast at 5.9 GHz or 21.2 GHz, rather than on an AM or FM broadcast frequency.

III. RM-10836 Should Be Denied

6. Rarely has SBE found the record of a rulemaking so clear cut; this is a seriously technically flawed proposal that should be denied.

Respectfully submitted,

Society of Broadcast Engineers, Inc.

/s/ Ray Benedict, CSRE
SBE President

/s/ Dane E. Ericksen, P.E., CSRTE
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