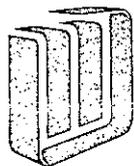


FILED by order  
of the Board of Directors of  
The Metropolitan Water District  
of Southern California 9-17  
at its meeting held APR. 14-1992

**MWD**

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

*Dorcas E. Daff*  
Executive Secretary

March 24, 1992

To: Board of Directors (Executive Committee--Information)  
From: General Manager  
Subject: Proposed FCC Reallocation of MWD Microwave and Radio  
Frequencies

Report

Last December, the District was advised of the Federal Communications Commission's (FCC) intent to reallocate microwave and radio frequencies now in use by Metropolitan. In an attempt to persuade the FCC to abandon this proposal, many MWD Directors sent correspondence to FCC Commissioners and to certain members of Congress. So far, FCC's response appears to be favorable.

Several Southern California Congressmen, including U.S. Senator John Seymour, contacted FCC Chairman Sikes to demand an explanation for FCC's actions. In addition, MWD Directors sent similar correspondence to FCC officials. In view of the resulting FCC response, it appears that Metropolitan has made its case to the Federal Communications Commission. The current status of this issue is somewhat dynamic. Although FCC appears to be responding attentively, the agency may attempt to expedite the proposed rule implementation process as a means to avoid future opposition. Since this recent FCC measure impacts hundreds of government and public safety agencies, it is anticipated that they (the FCC) will attempt to resolve the matter with minimal opposition.

These developments, although still formative, appear to be leaning in a direction favorable to Metropolitan. In the event that the situation deteriorates, the MWD Board and the California Congressional delegation will be so advised.

Board Committee Assignments

This letter was an information item to the Executive Committee because of its authority to study,

advise, and make recommendations with regard to policies and procedures to be considered by the Board Under Administrative Code Section 2417(e).

Recommendation

For information only.

  
Carl Beronkay

CB/aj

Attachments



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

February 25, 1992

Mr. Michael J. McGuire  
Chair  
California/Nevada AWWA  
P.O. Box 5429  
San Bernardino, California 92412

Dear Mr. McGuire:

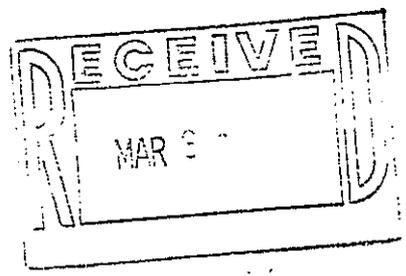
Many thanks for your recent letter expressing your concern about the effect of the Commission's recent spectrum reserve proposal on the communications network operated by the Metropolitan Water District.

As you can see from the enclosed separate statement that I issued in conjunction with the FCC proposal, I am also concerned about the danger of displacing current microwave licensees in favor of speculative services. I will certainly keep your views in mind as we study this issue more closely in the coming months.

Sincerely,

Ervin S. Duggan  
Commissioner

Enclosure



Separate Statement  
of  
Commissioner Ervin S. Duggan

In Re: Amendment of Section 2.106 of the Commission's Rules  
to Allocate Emerging Technology Bands for Future  
Requirements.

I support this item, whose laudable purpose is to further the development of new and promising technologies. By clearing more space for new technologies, the Commission seeks to foster technological progress without directing specific results --- an impartial but significant act to encourage new communications services.

At the same time, however, I wish to express my strong concern that when there is any danger of displacing proven communications services in favor of unproven or speculative services, a heavy burden of proof rests upon us. I believe that the Commission must always demonstrate maximum sensitivity to the needs of incumbent users--- especially those in the public safety community--- who have for long periods acted in good faith and have abided by our rules.

Specifically, we need to ensure, when change appears warranted and necessary, that we have built in ample transition periods, measures for ensuring adequate compensation, and generous substitute spectrum positions for those who must move.

And we need to consider the interests of consumers, who have come to rely on many of these existing communications services.

My general inclination, moreover, will be to support a limited or tentative grant of spectrum to a promising but speculative new service. This will enable the Commission to reclaim any unused or seriously underused spectrum if a market does not develop as hoped for the new service.

Because this proposal seems to me to express careful regard for the interests of incumbents, I support it. I think it important also to remind existing licensees that they need to become efficient users of spectrum as the electromagnetic spectrum becomes more crowded.

# # # #

January 16, 1992

SEPARATE STATEMENT  
OF  
COMMISSIONER ANDREW C. BARRETT

In re: Amendment of Section 2.106 of the Commission's Rules to Allocate Emerging Technology Bands for Future Requirements.

This Notice of Proposed Rulemaking [Notice] begins a difficult, but necessary, proceeding to identify available spectrum for emerging communications technologies. Since my arrival at the Commission, I have kept abreast of the ongoing technological developments occurring in the digital audio, personal communications and mobile communications areas. Many of these technological advances have been integrated into new services that are now being offered in markets overseas. If the U.S. proponents of emerging technologies and services are going to remain competitive in a global context, I believe the Commission must address the spectrum issues that will allow such services to be launched. Thus, I support this Notice.

I write separately to highlight several issues in this docket. First, the Notice proposes to reallocate to emerging technologies 220 MHz of the 1.85-2.20 GHz band that is now used for existing fixed microwave services. I note that the Commission already has received requests totalling more than 370 MHz for new services and technologies [i.e. personal communications, data, Low-Earth orbit, digital audio or mobile satellite services]. Such requests clearly exceed the 220 MHz being examined in this Notice. Thus, I think it is important that, while the Commission proceeds with this docket, we also remain abreast of ongoing legislative efforts taking place between Congress and the National Telecommunications and Information Administration to identify additional spectrum for commercial uses. I hope that commenters will address the adequacy of the spectrum band proposed in this Notice with respect to the spectrum needs of emerging technologies.

Second, I hope to see comments in this docket which will address the technical feasibility of operating public safety microwave systems on a co-primary basis with other new services. Proponents of emerging technologies and services should not only justify their particular spectrum requirements, but also should provide alternative plans for addressing the needs of incumbent operators impacted by any reallocation decisions. This is particularly true where public safety operations are involved.

Finally, I would like to see commenters address the feasibility of utilizing additional market incentives to shift incumbent operators from their current frequency bands.

Specifically, I am interested in reviewing the feasibility of using the tax certificate as an additional market incentive for commercial, microwave operators to sell their operations, turn in their licenses and shift their facilities to non-radio alternative media such as fiber optics. Such a use of the tax certificate could be analogous to action the Commission took in the AM [Radio] Improvement broadcast docket. I look forward to reviewing comments on the feasibility and legality of using the tax certificate in the context of this docket.