

**Federal Communications Commission
Washington, D.C. 20554**

March 14, 2001

Mr. Tun Aung, Manager
Public Safety Telecommunications Division
City of Los Angeles
Information Technology Agency
250 East First Street, Room 1400
Los Angeles, California 90012

Re: Experimental Radio Station WB2XEN
File No. 0247-EX-PL-1999

Christopher D. Imlay, Esq.
Booth Freret Imlay & Tepper, P.C.
5101 Wisconsin Avenue, NW
Suite 307
Washington, DC 20016-4120

The Amateur Television Network
c/o Moody T. Law, President
1384 Oxford Lane
Claremont, California 91711

Keith Baker KB1SF
President
The Radio Amateur Satellite Corporation
850 Sligo Avenue, #600
Silver Spring, Maryland 20910

Dear Applicant, Petitioners, and Counsel:

We are considering the Experimental Radio license of the City of Los Angeles ("City") for Station WB2XEN, which was granted on December 1, 1999, and the opposition pleadings filed with respect to the underlying application, File No. 0247-EX-PL-1999.¹

In the application, City stated that the purpose of its experiment was to demonstrate how commercially available equipment in the 2402-2448 MHz band could be used to downlink video images from airborne platforms to command and control centers on the ground in order to benefit public safety agency tactical and emergency response. City stated that it currently used Part 90 microwave video downlinks in the 2450-2483.5 MHz band. But, City stated, it had been difficult to coordinate its existing operations with the television broadcast auxiliary operations that share the band. City also claimed that its existing operations received interference from those broadcast auxiliary operations. To improve service, City stated that it wished to implement a new citywide airborne downlink video system within the next few

¹ An Informal Objection was filed on November 30, 1999 by The Amateur Television Network ("ATN"), and Petitions for Reconsideration were filed on December 8, 1999 by The Amateur Radio Relay League, Incorporated ("ARRL"), and on September 1, 2000 by The Radio Amateur Satellite Corporation ("AMSAT"). There are no responsive pleadings. The Informal Objection has not been acted on, and we will now consider it in conjunction with the Petitions for Reconsideration.

months. City would use the 2402-2448 MHz band to demonstrate that at least four video channels of 10 MHz each can be obtained from this spectrum. Also, it stated that public safety agencies would work closely with equipment manufacturers to maximize the use of the spectrum by using state-of-the-art equipment to minimize bandwidth and signal deviation. City concluded that the experimental license would “alleviate the critical need for additional spectrum for microwave video communications in the greater Los Angeles area, thus allowing a better coexistence between public safety agencies and broadcasters in the Los Angeles area.”²

The ARRL and ATN argue that the City’s application should not have been granted, because the proposed operations do not constitute an experimental use of the spectrum. Instead, the proposed use, they assert, is in reality an extension of the City’s existing Part 90 operations in the 2450-2483.5 MHz band to four new 10-megahertz wide channels in the 2402-2448 MHz band. No new technology is proposed, only the use of off-the-shelf, conventional analog technology and equipment.³

By this letter, we grant reconsideration of our authorization for Station WB2XEN, and will cancel that license effective December 1, 2001. Existing licensees in a radiocommunication service who seek additional frequencies for their existing operations may seek additional authorizations under their existing service rules (*e.g.*, Part 90) or may seek the initiation of a rulemaking proceeding for the allocation of additional spectrum to their service. Experimental licenses, on the other hand, are not substitutes for regular radiocommunication service licenses. In addition, radiocommunication service licensees who seek to develop operational data or techniques to improve or to extend that service are expected to file a developmental application under the rules of the established service.⁴ Experimental authorizations are intended mainly to permit experimentation with new radio technologies or in connection with a research project. However, experimental licenses of a developmental nature may be granted in support of a spectrum allocation rulemaking proceeding. Generally, the experiment or research project is expected to have specific objectives and a planned termination date. Normally, only a single frequency is assigned to an experimental radio licensee unless a specific showing is made demonstrating the need for the assignment of additional frequencies is essential to the experimental program.⁵

A close reading of City’s application does not reveal an intent to conduct an experiment or research project. Instead, the application indicates that City intends to use experimental authority to provide continuously and indefinitely the type of microwave video downlink operations it routinely provides under Part 90 and which television broadcast auxiliary stations routinely provide. The application also seeks four frequencies without an adequate showing of need.

² City added that its proposed experimental video downlink system would consist of one receive site, centrally located in the city, which would be capable of automatically tracking an airborne transmitter along its flight path. The video images would then be routed through the city’s existing private communications network to police and fire department facilities. Also, existing mobile command units would be equipped to receive the video images from airborne units. The mobile command units would be deployed only during those events requiring local emergency tactical operations. City’s stated goal is to equip 12 police helicopters and three fire department helicopters with microwave video equipment.

³ The ARRL, ATN, and AMSAT also allege that the City did not adequately demonstrate that the proposed operations would not cause harmful interference to amateur radio operations, and that such harmful interference was, in fact, likely to occur. In light of our action herein, we do not need to address these issues.

⁴ See Section 5.51(b) of the Commission’s Rules, 47 C.F.R. § 5.51(b).

⁵ See Section 5.85(b) of the Commission’s Rules, 47 C.F.R. § 5.85(b).

In canceling the license for Station WB2XEN, we are cognizant of the public safety nature of the City's operations as well as the record in this case. Specifically, we are accounting for the possibility that rapid cessation of operations could unnecessarily impair the City's legitimate public safety operations. We shall therefore permit the City to operate under this license until December 1, 2001.⁶ This action should permit the City sufficient time to complete any developmental work regarding its 10-MHz bandwidth operations and to transition its public safety operations from the spectrum at 2402-2448 MHz, without causing any unreasonable burden on other users of that spectrum. Upon surrender of its license, we expect City to submit a report of the results of its operations. Accordingly, IT IS ORDERED pursuant to Section 5.83(b) of the Commission's Rules,⁷ that the license for Station WB2XEN IS CANCELLED effective 3:00 a.m. EST, December 1, 2001.⁸

In addition, we observe that this proceeding currently has "restricted" status under the Commission's *ex parte* rules. See Section 1.1208 of the Commission's Rules, 47 C.F.R. § 1.1208. We anticipate, however, that the parties may have questions concerning our remedy and the transition of public safety operations from the instant spectrum that could best be resolved through informal communication with the Commission staff. We therefore find that freer communication between the Commission staff and the parties should be permitted and would serve the public interest in this case. Thus, we are exercising our discretion pursuant to Section 1.1200(a) of the Commission's Rules, 47 C.F.R. § 1.1200(a), to modify the *ex parte* status of this proceeding to "permit-but-disclose." Therefore, until further notice, the disclosure requirements of Section 1.1206(b) of the Commission's Rules, 47 C.F.R. § 1.1206(b), shall henceforth apply to all *ex parte* presentations between the parties and Commission staff in this proceeding. A photocopy of Section 1.1206 is enclosed for your information.

Sincerely,



Charles Iseman
Deputy Chief
Electromagnetic Compatibility Division
Office of Engineering and Technology
Telephone: 202-418-2444
FAX: 202-418-1918
E-mail: ciseman@fcc.gov

Enclosure

cc: Gary Poon
Garrett Mayer
Robert Gurss, Esq.
Art McBride
Thomas R. O'Hara

⁶ This is the existing expiration date for the Station WB2XEN license.

⁷ 47 C.F.R. § 5.83(b).

⁸ We reserve the right to accelerate the cancellation date if we are presented with additional claims of harmful interference that are supported by concrete evidence implicating Station WB2XEN as the source. See Sections 5.83, 5.85(c), and 5.111(a)(2) of the Commission's Rules, 47 C.F.R. §§ 5.83, 5.85(c), and 5.111(a)(2).