

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

In the Matter of
AMENDMENTS OF SUBPARTS C, G, H, AND I OF
PART 21 OF THE COMMISSION'S RULES TO RE-
DUCE THE SEPARATION BETWEEN ASSIGNABLE
FREQUENCIES IN THE 450-470 MC/S BAND FOR
DOMESTIC PUBLIC RADIO SERVICES (OTHER
THAN MARITIME MOBILE) } Docket No. 17023

ERRATA TO REPORT AND ORDER 11 FCC (2d) 977

(Released March 18, 1968)

The Report and Order, FCC 68-243, in the above matter, adopted March 6, 1968, and published in the Federal Register on March 15, 1968, 33 FR 4577, is corrected to read as follows:

1. On page 1 after the phrase "By the Commission:" the participation should read "Chairman Hyde absent; Commissioner Johnson concurring and issuing a statement."

2. The attached statement of Commissioner Johnson should be added to the Report and Order.

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE, *Secretary*.

CONCURRING OPINION OF COMMISSIONER NICHOLAS JOHNSON

I concur in the Commission's order which divides those channels in the 450-470 mhz (megahertz) band which are now used by communications common carriers. By its action the Commission provides that two channels will be available where there was one before—users being required to use half the amount of frequency per channel. I concur because the Commission is providing for more intensive use of this part of the spectrum, but I am troubled about certain aspects of the decision. I have commented previously about the adequacy of the Commission's decisional processes with regard to frequency management but there are a few additional points I want to make in the context of this decision. (See Channel-Splitting in the 400-470 Mc/s Band, 8 P & F Radio Reg. 2d 1629, 1633 (1966); Frequency Allocations—450-470 Mc/s Band, 10 F.C.C. 2d 885, 897 (1967); Channel-Splitting, FCC 68-128 (1968).)

The Commission is, in effect, creating "new" spectrum space in a highly congested frequency band. In earlier actions the Commission has made rough judgments as to how new channels should be allocated.

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It has not always given the newly created channels to previous users. In this case the Commission says that the question of reallocations is beyond the scope of this proceeding, and then proceeds to give all new channels to those who had the old channels. It may be that such an allocation of new channels is the most appropriate by whatever standards one might apply. But such a result is not warranted by our present analysis.

The most fundamental defect, of course, is that this Commission simply does not have a decisional scheme that would allow it rationally to compare the needs of alternative potential users of new channels.

Most of the frequencies affected by this decision are used by common carriers to provide mobile telephone systems—a variety of “land mobile” service. This is a land mobile service much different from services provided by the private use of frequencies in a taxicab dispatch service or a public safety service for police. Some work is now being done on common carrier systems that would combine several channels into a trunking-switching system with automatic multiple access to many channels. In such a system, if one channel is busy, a search is automatically made for an alternate channel, much as a telephone switching system searches for an available land route. The advantage of such a system is that situations in which unused and overloaded private channels exist side by side are eliminated. Users have a greater chance of getting a free channel. It may be that the use of radio channels under different peak needs could be much more efficient with systems of multiple-access switching—where a given channel is switched between uses for a taxicab, then a mobile car telephone, and then a television repair truck, and so forth. But we have not really allocated sufficient adjacent channels to common carrier users to test such ideas fully.

If the Commission is unable to make even elementary systematic comparisons between like users within a small band of frequencies one can imagine how much more impossible it would be for the Commission to make rational decisions as to basic reallocations between users, or systems of use (such as common carrier and private users). This is an era of burgeoning spectrum use, and rapidly changing technology. This Commission, however, has been reduced to searching for ways that growing needs can be met by methods and decisions that will hurt no present user—a course which promises only temporary and unsatisfactory spectrum management results. I regret we have not made more of the opportunity presented by this case.