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Jerry J. Jasinowski

President

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The Honorable Michael K. Powell  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Dear Mr. Chairman:

On November 21, 2001, Nextel Communications, Inc. ("Nextel") filed a proposal that looks toward realigning the 800 MHz band. The National Association of Manufacturers ("NAM") and MRFAC, Inc. ("MRFAC") have studied the proposal and, on behalf of both organizations, we submit herein our preliminary views.

As discussed below, the proposal represents a step in the right direction in terms of its principal objective: Reducing the interference from Nextel and Nextel-type systems that plague Public Safety – and many manufacturing – operators at 800 MHz. While we have a different view of the best path to reaching that objective than does Nextel, we look forward to the opportunity to work with all stakeholders in crafting what we hope could be a consensus solution. Details follow.

### INTRODUCTION

The National Association of Manufacturers – 18 million people who make things in America – is the nation's largest industrial trade association. The NAM represents 14,000 members (including 10,000 small and mid-sized companies) and 350 member associations serving manufacturers and employees in every industrial sector and all 50 states. Headquartered in Washington, D.C., the NAM has 10 additional offices across the country.

MRFAC is one of the Commission's certified frequency coordinators for the private land mobile bands from 150 to 900 MHz. MRFAC traces its beginnings to its role as the frequency coordinating arm for the NAM. For the past 23 years MRFAC has operated as an independent entity, providing coordination and related application services for manufacturers and other industrial and business entities. MRFAC has a long history of participation in Commission proceedings affecting the spectrum interests of manufacturers. The instant matter is such a proceeding.

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## DISCUSSION

Nextel's proposal entails the migration of cellularized Specialized Mobile Radio ("SMR") systems from the 806-816 / 851-861 MHz band to the 821-824 / 866-869 MHz band currently allocated for Public Safety.<sup>1</sup> Public Safety operators, in turn, would be assigned spectrum in 806-816 / 851-861 MHz. As a part of this migration, Business, Industrial, Land Transportation and analog SMR (collectively "Business") licensees currently occupying the 806-816 / 851-861 MHz band would be relegated to secondary status. If these licensees were not willing or able to accept that status, they would be expected to relocate to spectrum that Nextel would make available in the 700 or 900 MHz bands. Nextel proposes to provide up to \$500 million toward the cost of Public Safety relocation. It further suggests that Business licensees, as well as cellular operators, should contribute toward that cost. In return for the above, Nextel proposes that it be assigned 10 MHz of spectrum currently allocated for the Mobile Satellite Service from the 2.1 GHz band without competitive bidding.

Nextel's proposal represents a structural solution to the interference problem created by the interleaving of cellularized, digital SMR systems (principally its own) with single-site, analog Public Safety systems. In the NAM/MRFAC view, a structural approach is an integral part of the solution to this problem – a problem that is by no means confined to the Public Safety community, but which, as noted, adversely affects numerous manufacturers licensed near Nextel systems.

However, the secondary status / Business relocation aspects of the proposal would cause major disruption and dislocation to thousands of manufacturing operations that depend on the 800 MHz band for productivity and worker safety applications, many of them highly specialized. These systems are vital to the control, maintenance, and repair of the manufacturing processes that they support. They are frequently at the heart of the just-in-time delivery technologies that have sparked the extraordinary growth and competitiveness of U.S. manufacturers over the past 15 years. They are likewise vital to the safety of thousands of manufacturing employees. Finally, in the case of many manufacturing facilities, these systems form the backbone of mutual aid agreements with nearby police, fire and emergency medical services – that is, they form part of the Public Safety infrastructure in particular localities. Thus, the affected manufacturers can no more accept "secondary" status for their systems than could Nextel for its own.

Nor is Nextel's migration proposal any more reasonable. The cost to larger manufacturers of relocating to another band (700 or 900 MHz) would be in the tens of millions of dollars. Extensive 800 MHz trunked systems would have to be junked. There is no reason to require manufacturers to bear costs like these, least of all in the midst of a recession, and least of all when it is Nextel and Nextel-type systems that are creating the interference – not manufacturers.

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<sup>1</sup> Cellular SMRs already occupy the adjacent 816-821 / 861-866 MHz band.

Finally, if the foregoing were not enough, Nextel does not control 700 and enough 900 MHz spectrum in all areas of the country. In other words, the notion that manufacturers could simply migrate their highly specialized systems to one of these other bands in all areas of the country would often prove illusory.

In the NAM/MRFAC view, a better solution must be found. Such a solution should satisfy three basic criteria: (1) create an interference-free radio environment for Public Safety and Business users; (2) benefit Public Safety and Business by creating contiguous, more flexible spectrum; and (3) minimize costs for innocent third parties. We believe that the proposal set forth below meets those criteria, *i.e.* it builds upon elements of the Nextel proposal, but avoids the detriments.

In brief, the approach entails a repacking of the 800 MHz band ("re-banding") in a manner not unlike that which the Commission has adopted at 700 MHz. In particular, Public Safety users would re-tune their systems from 821-824 / 866-869 MHz to the low end of the band, *i.e.* Channels 1-200 (806-811 / 851-856 MHz). Business licensees in turn would re-tune their systems so as to re-locate to Channels 201 to 400. Cellular-type SMR systems would re-tune to the band 821-824 / 866-869 MHz just as under the Nextel proposal.

There are several advantages to this approach:

First. It separates analog Public Safety and Business systems, on the one hand, from increasingly cellularized digital SMR systems on the other hand. The interleaving of incompatible technologies is resolved.

Second. Since Business users are much more compatible with Public Safety than Nextel-type systems, as the Commission recognized in creating the 700 MHz Guard Band, Public Safety benefits by having a compatible neighbor.

Third. It avoids the major disruption and dislocation that Nextel's proposal entails for manufacturing and other Business users. Instead, many, if not most, Business users would be able to re-tune their systems without the need to purchase additional equipment. In those cases where additional equipment is required (*e.g.*, a new combiner), it would be at a very small fraction of the cost and disruption that the Nextel proposal entails.<sup>2</sup>

Fourth. Public Safety is provided with a block of spectrum adjacent to its new allocation at 700 MHz (which is a total of 24 MHz). This is an approach that facilitates the application of newer technologies requiring varying bandwidths. Moreover, to the extent Public Safety (or Business) licensees should seek to implement new technologies, they would be able to more

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<sup>2</sup> SMR operators should further be required to use channels at the low end of their allocation last, thereby offering additional protection for Business users in the adjacent block.

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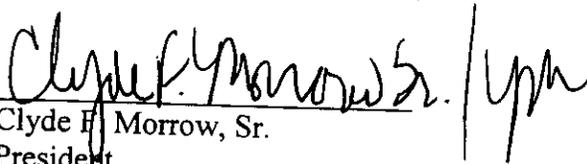
easily coordinate such systems, given the fact that other users within their block are of their own kind, rather than dissimilar operators. In other words, it provides a more efficient use of the spectrum, as well as enhanced interoperability.

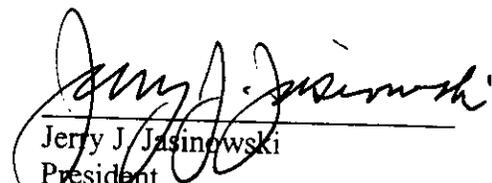
Finally, while Public Safety also realizes some additional spectrum under this proposal, the principal benefits are in terms of interference correction and contiguous bandwidth – benefits which translate into a further increase in useable spectrum compared to the interference-plagued, non-contiguous channels Public Safety has today. At the same time, these benefits are achieved without causing damage to other sectors of the American economy. The search for additional Public Safety spectrum should go forward in separate Commission proceedings where it is already under consideration – the resolution of which should be expedited. In the meantime, the benefits to Public Safety outlined above should not be held hostage to the allocations issue.

These represent our preliminary thoughts on Nextel's proposal. Further study and analysis is required in order to validate the approach, and revisions may well be necessary. However, for the present it represents a useful, if not essential, alternative to the Nextel plan.

NAM / MRFAC look forward to working with your staff, the other Commissioners' offices, and the Wireless Telecommunications Bureau in this matter. In all events, it is essential that the Commission not pursue a policy that, in the name of "Public Safety," inflicts needless damage on American manufacturers.

Sincerely,

  
Clyde F. Morrow, Sr.  
President  
MRFAC, Inc.

  
Jerry J. Jasinowski  
President