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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

**ASSOCIATION OF PUBLIC-SAFETY COMMUNICATIONS OFFICIALS-
INTERNATIONAL, INC.
INTERNATIONAL ASSOCIATION OF FIRE CHIEFS
INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE
MAJOR CITIES CHIEFS ASSOCIATION
NATIONAL SHERIFFS' ASSOCIATION
MAJOR COUNTY SHERIFFS' ASSOCIATION
NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS COUNCIL**

02.55

November 21, 2001

The Honorable Michael Powell
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Chairman Powell:

Public safety agencies represented by the above-named organizations are facing rapidly increasing demands on their operations and communications systems, compounded by the aftermath of the September 11 terrorist attacks on the United States. Yet, as the Commission is well-aware, public safety agencies in many areas lack sufficient radio spectrum and are often without effective interoperable radio communications. At the same time, existing public safety radio systems in the 800 MHz band are also increasingly facing interference from commercial mobile radio systems (CMRS) in the same band.

Nextel Communications Inc. (Nextel) has proposed a substantial reallocation of the 800 MHz band in an effort to address some of these and other complex issues. The Nextel proposal would shift all 800 MHz public safety operations to a contiguous block of spectrum at 806-816/851-861, and all 800 MHz digital SMR operations to 816-824/861-869 MHz. The current interleaving of channels used for public safety and CMRS would be eliminated, and the potential for CMRS interference to public safety systems would be substantially reduced. Importantly, the plan would also yield an additional 10.5 MHz for public safety communications. However, the plan also requires all existing public safety operations in the 821-824/866-869 MHz band (the "NPSPAC" channels) to relocate to frequencies below 816/861 MHz. Nextel's proposal includes a substantial financial commitment intended to offset the cost of this relocation. Finally, to accomplish the proposed reallocations, Nextel would relinquish licenses for 10 MHz of spectrum that it holds in portions of the 700, 800 and 900 MHz bands, in exchange for which Nextel would receive licenses for 10 MHz of spectrum in the 2 GHz Mobile Satellite Service band for terrestrial commercial service.

The technical details and other aspects of this proposal are complex, and many of its elements require further development and analysis. Implementing the proposal will also impose

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substantial, undetermined costs on some public safety licensees, especially those now operating in the NPSPAC channels. Nevertheless, we believe that the basic elements of this proposal, as set forth above, have the potential to substantially improve the quality and quantity of public safety communications. The proposal, therefore, should be given serious and expedited consideration by the Commission through a Notice of Proposed Rulemaking. We emphasize, however, that our support for this or any similar approach will be contingent upon adequate funds being put forward to cover all of the implementation costs imposed on existing public safety licensees. It will be incumbent upon the commercial entities who will benefit from this proposal to bear the full amount of the costs incurred. These costs are unknown at this time, and should not be subject to an arbitrary aggregate ceiling.

We stand ready to work with the Commission and the CMRS industry in addressing and resolving the difficult issues facing the 800 MHz band. The Nextel proposal is a major step in the right direction.

Respectfully submitted,

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cc: The Honorable Kathleen Abernathy
The Honorable Michael Copps
The Honorable Kevin Martin
Mr. Thomas Sugrue
Mr. Robert Pepper

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY



26 February 2002

The Honorable Michael K. Powell
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Mr. Chairman,

On November 21, 2001, Nextel Communications Inc. ("Nextel") submitted a White Paper to the Federal Communications Commission ("the Commission") addressing interference experienced by Public Safety Land Mobile Radio (LMR) systems operating in the 800 MHz radio band. As part of their proposed reorganization of the 800 MHz LMR band, Nextel calls for Business Radio and Industrial/Land Transportation Radio (B/ILT) systems to be reduced to secondary status or completely removed from the 800 MHz band. As an 800 MHz B/ILT LMR licensee/user with considerable operations in the 800 MHz band, American Electric Power Company, Inc. and its affiliated operating companies (collectively referred to as "AEP") respectfully submit the following comments in response to Nextel's White Paper.

American Electric Power Company, Inc., a utility holding company registered under the Public Utilities Holding Company Act (PUHCA) of 1935, is one of the country's largest energy providers. With more than 38,000 Megawatts (MW) of generating capacity in the U.S., AEP serves more than 4.8 million domestic customers. To serve territory covering more than 197,000 square miles in parts of 11 states, AEP operates approximately 38,000 miles of transmission lines and more than 186,000 miles of distribution lines.

AEP has been engineering and operating LMR systems for more than 50 years and has significant expertise in this area. Within the past 10 years, AEP has built an 800 MHz radio communications network throughout the AEP service territory. This sophisticated radio system comprises 270 trunked base stations and serves approximately 12,000 end user terminals and 130 dispatch consoles throughout our 11-state service territory. AEP continues to engineer improvements to the system and is planning to move or add at least 20 base station locations in the next two years. This radio system is not a simple patchwork of mobile, portable, and base station radios, rather it is a complex radio network that offers advanced wide-area voice and data communication services.

While not intending to diminish the importance of Public Safety LMR systems, AEP asserts that Utility-owned LMR systems are also critical to the safety and welfare of the

general public. Utility LMR systems are used to dispatch personnel in the repair of facilities and restoration of electric service as well as to coordinate the day-to-day operation of electrical transmission and distribution systems. If these activities are not properly coordinated or handled in a timely manner, the communities we serve could be negatively affected. Furthermore, these LMR systems enhance the safety of utility personnel who are often called on to work in the harshest and most dangerous of working conditions.

AEP must operate a private wireless network in order to meet the safety and operational requirements of the electric utility business. Commercial wireless networks are not an option due to limitations related to coverage, availability, reliability, and wide area dispatching. Nextel understands this as they have attempted to "partner" with utilities or persuade utilities to use Nextel for utility dispatching functions with very little success. Despite knowing the serious implications of doing so, Nextel is deliberately proposing to take spectrum away from utilities and thereby place the safety of the general public at risk to further their business goals. In fact, since Nextel offers no compensation to the non-public safety entities that would be forced to relocate to other bands, one could view Nextel's proposed realignment as retaliatory in nature.

Proposals in the white paper are nothing more than a veiled attempt by Nextel to sidestep their responsibility to resolve interference caused by their operations. Regulations (such as 47 CFR 90.173(b)) and precedent dictate that Nextel fix the interference problem even if they are operating completely within the channels authorized by their licenses. Nextel should be held solely accountable for the interference they cause to Public Safety radio systems rather than allowing them to divert the responsibility by forcing the B/ILT community to move to 700 or 900 MHz. Such a move by AEP would be extremely costly as well as enormously disruptive to ongoing utility critical operations. This is because, unlike what Nextel leads readers of their White Paper to believe, such relocation would require the complete replacement of all radio equipment on the AEP network. This includes all mobile and portable radio units as well as base station components like repeaters, combiners, antennas, and tower-top amplifiers. Even the mere reassignment of existing AEP radio equipment to another portion of the 800 MHz band would be an enormous logistical task of retuning and reprogramming a large number of radios dispersed over such a large geographical area while trying to maintain normal utility operations. Such an operation would be extremely disruptive and damages to AEP would be compounded should a disaster (such as a hurricane or ice storm) strike AEP service territory while such activity was taking place. Furthermore, in footnote 54 of the White Paper, Nextel suggests that B/ILT users who relocate to 700 or 900 MHz be forced to contribute to the fund to relocate Public Safety since B/ILT "will benefit from interference-free continuous spectrum." AEP finds this completely unacceptable. The cost of correcting harmful interference should be borne by those causing it, not those experiencing it.

While Nextel fails to publicly recognize that the reallocation of the 800 MHz band would create a windfall for their company, it is obvious that the spectrum allocation they are requesting in exchange for their 700 MHz and 900 MHz holdings would be worth far more than the \$500 million they are offering to relocate Public Safety. Furthermore, the benefit that Nextel receives would be paid for by the American public directly through the Public Safety relocation costs that Nextel would not cover and indirectly through higher costs passed on in the price of goods and services provided by B/ILT licensees.

Notwithstanding the financial impacts of Nextel's proposals to B/ILT users, there are other serious flaws to Nextel's plan. Nextel does not hold licenses for 700 and 900 MHz in all areas of the country, including within the service territory of AEP. Even where Nextel does hold 700 MHz licenses, the spectrum will not be completely unencumbered until 2006. The 900 MHz LMR band is equally problematic, as FCC regulations require operation within 12.5 kHz channels rather than the 25 kHz channels utilized at 800 MHz. Such a reduction in bandwidth would reduce the throughput of mobile data systems utilized at AEP.

In summary, AEP recognizes the seriousness of the effect Nextel interference is having on Public Safety radio systems. However, Nextel alone should be called upon to correct the interference, not the B/ILT 800 MHz community, the vast majority of whose members are not causing interference. Any plan that would shift the burden away from Nextel would not be in the public interest and would set a dangerous precedent for the future.

Sincerely,



David B. Trego,
Vice President, Telecommunications
American Electric Power Service Corporation

cc: Commissioner Kathleen Q. Abernathy
Commissioner Kevin J. Martin
Commissioner Michael J. Copps
William J. Canton, Acting Secretary