**Before the**
**FEDERAL COMMUNICATIONS COMMISSION**
**Washington, D.C. 20554**

| | | |
|---|---|---|
| *In the matter of* | ) | |
| | ) | |
| **Improving Public Safety** | ) | |
| **Communications in the 800 MHz Band** | ) | WT Docket No. 02-55 |
| **and Consolidating the 900 MHz** | ) | |
| **Industrial/Land Transportation** | ) | |
| **and Business Pool Channels** | ) | |
| | ) | |

**COMMENTS OF THE**
**HOLY CROSS ELECTRIC ASSOCIATION, INC.**

## I. INTRODUCTION

Holy Cross Electric Association, Inc. ("Holy Cross") submits comments in the above captioned proceeding[1] and extends its strong support of the comment positions taken by the National Rural Electric Cooperative Association (NRECA), and the United Telecom Council (UTC) in this matter.

Founded in 1939, Holy Cross is a not-for-profit distribution electric cooperative utility owned by its member/consumers, and is governed by a Board of Directors elected from the membership. The primary responsibility of Holy Cross is to provide reliable electric service at the lowest possible cost to 48,000 accounts. Located approximately 150 miles west of Denver on Interstate Highway 70, Holy Cross provides electric service for the resort areas of Aspen and Vail, and numerous other small towns. True to its REA

[1] See *Improving Public Safety Communications in the 800 MHz Band and Consolidating the 900 MHz Industrial/Land Transportation and Business Pool Channels, Proposed Rule,* WT Docket No. 02-55, 67 ed. Reg. 16,351 (Apr. 5, 2002) (NPRM).

roots, Holy Cross is also responsible for providing electric service throughout a sparsely populated rugged mountainous terrain over a 1400 square mile service area.

To facilitate its operations Holy Cross has utilized various VHF low band, VHF high band, and UHF conventional radio systems dating back to 1952. Holy Cross currently owns and operates an 800 MHz radio system licensed under call signs KNNT445 and KNNT446 in the Industrial/Land Transportation Category.

## II. WE SUPPORT THE COMMISSION'S GOAL TO ENSURE THAT PUBLIC SAFETY HAS ADEQUATE SPECTRUM, FREE FROM HARMFUL INTERFERENCE, AND URGE THE COMMISSION ALSO TO CONSIDER THE NEEDS OF ELECTRIC COOPERATIVES, WHICH ARE PART OF THE NATION'S CRITICAL INFRASTRUCTURE PROVIDING ESSENTIAL SERVICES TO CONSUMERS.

As a critical infrastructure provider, Holy Cross distributes power to many loads that are essential to the communities we serve, including hospitals, public safety dispatch centers, traffic signals, telecommunications facilities, airports, water and wastewater treatment plants. Loss of power to ski areas can force evacuation of ski lifts and create significant economic impacts to resort businesses. Sustained power outages during cold weather can quickly result in property damage from frozen pipes.

The electric utility business is by nature a hazardous industry, our operations personnel are continually exposed to situations that place the public, themselves and expensive equipment at considerable risk. Without the necessary radio spectrum to operate our communications systems, we cannot do our job safely, nor can we help public safety agencies do theirs. Obviously radio communication with field personnel is of vital importance in the timely response to power outages, as well as routine daily activities.

Conversations with field crews are often lengthy and detailed due to safety procedures and technically complex subject matters. Storm related power outages can quickly overburden limited channel resources, and a lack of adequate communications can create serious threats to safe operations. Therefore, effective radio coverage, system reliability, and channel availability are crucial. Safety is of the highest priority to Holy Cross.

In 1994 Holy Cross purchased and installed its current six site, wide-area 800 MHz trunked radio system following the installation of a digital microwave backbone the previous year. This feature rich communications system has been carefully engineered and maintained to provide seamless coverage of 99.9% of our service area and "five nines" reliability. With occasional upgrades and maintenance we fully expect the $2 million radio system and $1 million microwave system to perform beyond their fourteen year depreciation life cycle to the year 2008.

Holy Cross also shares its 800 MHz system with another Industrial/Land Transportation Category eligible user in accordance with 47CFR §90.179. The Roaring Fork Transportation Authority is the second largest regional transportation district in the state of Colorado, and would also be affected by this NPRM.

## III. THE COMMISSION SHOULD REJECT THE NEXTEL REALLOCATION PROPOSAL BECAUSE IT WOULD IMPOSE UNREASONABLE COSTS ON OUR SYSTEM, WOULD BE SERIOUSLY DISRUPTIVE, AND MAY NOT EFFECTIVELY ADDRESS PUBLIC SAFETY INTERFERENCE.

Under Nextel's proposal, we would be forced to leave the 800 MHz band. We operate a private, wireless communications network because we need a very high level of reliability. During severe storms and other emergencies, our reliance on communications

systems is at its greatest. This is also the time when police, fire and rescue squads would likely need the spectrum. Operating on a secondary, non-interference basis within the 800 MHz band, as Nextel suggests as an alternative, is not a viable option for us. As the Commission itself noted in the NPRM, "it would not appear advisable to require a station associated with the restoration of electrical power service to precipitously discontinue service."[2]

Holy Cross has calculated the potential financial impacts of the Nextel proposal based on booked asset values and best estimates. Obviously you cannot retune 800 MHz equipment to 700 or 900 MHz, the Nextel proposal would require a complete replacement of all RF equipment, literally a forklift upgrade of a two million-dollar system:

**NEXTEL PROPOSAL**

| Item | Quantity | Price Ea. | Total $ |
|---|---|---|---|
| Repeaters | 21 | 19,200 | 403,000 |
| Repeater Antenna Systems | 6 | 22,500 | 135,000 |
| Subscriber Radios | 352 | 2,800 | 986,000 |
| Man hours (est.) | 400 | 100 | 40,000 |
| | | | 1,564,000 |

Commercial carriers in our region offer good coverage and features in municipal areas, however their coverage along major highway corridors is sporadic, and virtually non-existent in the rural valleys and mountainous terrain we serve. Therefore, carriers such as Nextel are not a viable option for our critical mobile communications, contrary to Nextel's possible hidden agenda to increase its subscriber base with displaced Industrial/Land Transportation Category users.

[2] NPRM at ¶ 34.

## IV. NEXTEL'S PROPOSAL WOULD NOT BENEFIT OUR COMMUNITIES BECAUSE PUBLIC SAFETY IS NOT EXPERIENCING ANY INTERFERENCE FROM OUR OPERATIONS, AND OUR LOCAL CONSUMERS SHOULD NOT BE ASKED TO PAY TO SOLVE A PROBLEM THEY DID NOT CREATE.

Presently, the only public safety radio system in our region operating at 800 MHz is the Eagle County Sheriff's Department multi agency system. Interestingly, three of their repeater sites are co-located at facilities owned by Holy Cross, sharing the same 800 MHz antennas and our microwave network. Neither system has ever experienced interference from the other. This is not by accident or luck, both systems were designed by the same Motorola engineer using "best practices engineering". Further, we are not aware of anyone creating or experiencing interference from any other 800 MHz systems in this region.

Most other state and local public safety agencies in our region are still operating conventional VHF and UHF systems. The State of Colorado has delayed the deployment of its wide-area 800 MHz system in our region due to economic issues. Accordingly, we suggest that there is no shortage of 800 MHz public safety frequencies in this region.

The Commission must understand that as a not-for-profit electric cooperative, all costs associated with moving to other spectrum would ultimately fall to the consumer at the end of the line. Our communications equipment has not reached the end of its useful life and is not in need of replacement. The Nextel proposal clearly offers no benefits to the citizens of our region and would create an unnecessary and unreasonable burden to the consumers of Holy Cross.

## V. WE URGE THE COMMISSION TO CONSIDER OTHER ALTERNATIVES THAT MORE EFFICIENTLY AND EFFECTIVELY ADDRESS THE INTERFERENCE PROBLEMS WHILE MINIMIZING THE BURDEN ON THE INCUMBENT 800 MHZ LICENSEES SUCH AS OUR SYSTEM.

The NAM/MRFAC alternative proposal discussed in the NPRM would allow our system to remain in the 800 MHz band. While retuning of our system would be necessary, most of the components are software configured and the only expenses would be in-house labor. We estimate the costs of re-tuning as follows, assuming the new frequencies are in the 806-824/851-869 band:

**NAM/MRFAC PROPOSAL**

| Item | Quantity | Price Ea. | Total $ |
|---|---|---|---|
| Man hours (est.) | 120 | 100 | 12,000 |
| | | | 12,000 |

Obviously this proposal would place less of a financial burden on Holy Cross and our consumers. However, we urge the Commission to investigate other alternatives, including those short of reallocation. We understand that others, notably Motorola, have looked at the public safety interference problem and believe both its root causes and possible solutions are different than what Nextel proposes. Also, the recent Winter Olympics at Salt Lake were reportedly interference free utilizing the existing band plans and "best practices engineering". Because we are not currently a source of interference, nor are we experiencing harmful interference on our system at this time, we urge the Commission to consider more targeted, technological or market-oriented alternatives to alleviate the interference in those areas of the country where it does exist.

Holy Cross is pleased to see that the Commission is seeking input on the issue of who should be entitled to reimbursement if required to move to other spectrum. As we stated above, we do not believe it is fair to make our consumers pay to solve a problem

that their electric cooperative did not cause. If Holy Cross is required to relocate or to retune, we believe we should be fully reimbursed for those expenses.

## VII. CONCLUSION

Holy Cross urges the Commission to reject Nextel's proposal and to consider, after further study, other alternatives that will more efficiently and effectively address the causes of public safety signal interference. We applaud the Commission for seeking to remedy this significant problem while minimizing the disruption and costs to incumbent 800 MHz users. To that end, we request that the Commission consider the essential services being provided by Holy Cross, and the fact that we are a not-for-profit small entity, as it considers the impacts of any reallocation proposal on current 800 MHz users. If Holy Cross is required to move to other spectrum, it must be of comparable quality, technically capable of supporting our current and future communications functions, and available. Further, our costs to move to other spectrum bands or to retune our equipment should be fully reimbursed. Our electric consumers should not have to pay higher electric bills to cover the costs of replacing communications equipment that is not obsolete or worn out, nor should they be forced to pay to resolve a problem that we did not create and is not evident in our region.

In closing, we are encouraged by Commissioner Abernathy's recent comment that she is "quite skeptical of any [800 MHz] proposal that requires the significant imposition of costs on any one group of licensees – particularly licensees that do not cause – and are not harmed by – the interference." [3]

[3] UTC Alert, April 26, 2002

Respectfully submitted,

HOLY CROSS ELECTRIC
ASSOCIATION, INC.

By: /s/
Richard Brinkley,
General Manager – Regulated Services

By: /s/
Kevin Milner,
Telecom Technical Advisor

PO Drawer 2150
Glenwood Springs, CO 81602-2150
Phone: (970) 945-5491
e-mail: kmilner@holycross.com

May 3, 2002
RB:km
cc: Tracey Steiner, Corporate Council, NRECA
Jill Lyon, Vice President & General Council, UTC
/Holy Cross Comments – WT Docket No. 02-55.pdf