

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

<i>In the matter of</i>)	
)	
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)	
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**COMMENTS OF THE
Washington Electric Membership Corporation**

I. INTRODUCTION

Washington Electric Membership Corporation “Washington EMC” submits comments in the above captioned proceeding¹ to convey our concerns regarding the effects the proposed reallocations of the 800 MHz band described in the NPRM would have on the operations of our electric system.

Washington EMC is located in Sandersville, GA and serves approximately 12,000 consumers in a ten county area. Our service territory is approximately fifty miles wide by one hundred and twenty miles long. We are a not-for-profit non-tax exempt organization. As a cooperative, we are owned by the consumers we serve. Our board of directors is elected by and from our consumers. Washington EMC’s primary goal in operating is to provide electricity to our consumer-owners at the lowest possible cost.

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 Fed. Reg. 16,351 (Apr. 5, 2002) (NPRM).

Washington EMC uses the 800 MHz (Call Sign WNPF545) frequency for our day-to-day operations. Our system is a “small entity” as defined by the Small Business Administration.

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.

We fully support the Commission in seeking to ensure that public safety units have adequate spectrum that is free from harmful interference. Our cooperative, like other critical infrastructure providers, often works closely with local public safety systems. In storms and other natural disasters and emergencies, we are among the “first responders.” We make sure that electric power is maintained or quickly restored so that police, fire and rescue can get their jobs done. We get traffic signals up and running. We keep the lights on in emergency shelters and medical care facilities. Without the necessary radio spectrum to operate our communications systems, we cannot do our job, nor can we help public safety units do theirs. There are numerous instances where local public safety has notified us of problems with power lines during storms where it was critical that we contact our crews in the field to correct the problem.

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 move to either the 700 or 900 MHz bands. As will be discussed below, Nextel's "alternative" to allow incumbent 800 MHz licensees to remain on the band on a "secondary, non-interference" basis is not feasible for us as a provider of electricity, an essential service. We estimate the total cost to replace our current radio system to be approximately \$230,496.00. This cost includes base station equipment, mobile radios, and labor to change out radios and climb towers to change out antennas.

Operating on a secondary, non-interference basis within the 800 MHz band, as Nextel suggests as an alternative, is not an 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 We operate a private, wireless communications network because we need a very high level of reliability, that is, we need a communications system that is always operating. That's because we provide an essential service –electricity– that must be provided as continuously as possible or consumers go without light, or heat, or the power to run equipment and appliances. And, in times of storms and other emergencies, our reliance on our communications system is perhaps at its greatest. This is also the time when

² NPRM at ¶ 34.

police, fire and rescue squads would need the spectrum. Obviously, a secondary status to remain in the 800 MHz band is not a workable alternative for us.

IV. NEXTEL'S PROPOSAL WOULD NOT BENEFIT OUR COMMUNITY 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.

Currently the Sandersville Police Department, the Sandersville Fire Department, and the Washington County Sheriff's Department share the tower where our transmitter is located. We also share tower space with the Hancock County Sheriff's department at our Devereaux tower. These public service entities operate in the 150 MHz band. Washington EMC has never caused nor experienced any interference with any of these public safety entities.

The Commission must understand that as a not-for-profit electric cooperative, all the costs associated with moving to other spectrum ultimately fall to the consumer at the end of the line. We cannot simply reduce our profits or shareholder dividend checks to cover this new and unexpected expense as an investor-owned company might. All of Washington EMC's operating expenses are covered in our consumers' electric bills. The costs associated with implementing Nextel's proposal might be easier for our consumers to accept if there was some benefit to our community.

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 with retuning of our system. Our equipment cannot be retuned.

However, we urge the Commission to investigate other alternatives, including those short of reallocation as well. We understand that others have looked at the public safety interference problem and believe both its root causes and possible solutions are different than what Nextel proposes. 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 not use a sledgehammer to kill a fly. If more targeted, technological or market-oriented alternatives will alleviate the interference in those areas of the country where it exists, then it is not necessary to subject all other, non-interfering 800 MHz spectrum users to a costly and disruptive relocation.

Washington EMC 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 Washington EMC is required to relocate, we believe we should be reimbursed for those expenses. Further, we have serious concerns about whether there will be sufficient replacement spectrum on the other bands to accommodate all the displaced users, how that spectrum will be made available and when, and whether the spectrum and the equipment available for use in that band can support our current mission-critical applications and our future plans.

VII. CONCLUSION

We ask that the Commission in seeking to remedy interference to public safety

not unnecessarily disrupt Washington EMC's provision of an essential consumer service. If the Commission determines that a reallocation of the 800 MHz spectrum band is necessary, then fair compensation must be made to us to fully cover the costs of relocating. We therefore urge 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 Washington EMC, the fact that we are a not-for-profit organization, and that we are a small entity, as it considers the impacts of any reallocation proposal on current 800 MHz users. If Washington EMC 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 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 are not experiencing in our community. The Commission could use a sledgehammer to kill a fly, but should it? We think not.

Respectfully submitted,

Washington Electric Membership
Corporation

By: _____

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Chief Executive Officer/General Manager