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May 3rd, 2002

Federal Communications Commission
Office of the Secretary
Mr. William F. Caton
445 12th Street S.W., Room TW-A325
Washington, D.C. 20554

Dear Mr. Caton,

We respectfully submit these comments in reference to FCC Notice of Proposed Rule Making, Docket No. 02-55, released March 15th. We are a licensee in the Public Safety Radio Service at 800 MHz and will soon commence operation of our system under call signs WPMZ616 (through our partner, the City of Everett, Washington) and WPUP506. We are currently starting construction of our county-wide public safety radio system and are concerned about the potential impact on our future operations resulting from the interfering NEXTEL facilities. We have been actively involved in discussions with the managers of neighboring public safety radio systems and are aware that they are suffering from numerous instances of interference to their operations.

General Comments

The suggested changes to the 800 MHz band incorporated in the NEXTEL 'White Paper' and restated in the instant NPRM appear unrealistic given the nature of the region in which we operate. The Puget Sound region encompasses significant populations on both sides of the Canada-United States border. Extensive use has been made of *all* available spectrum in the 800 MHz and 900 MHz bands. Additionally, the future use of spectrum allocations for public safety at 700 MHz will prove challenging given the lack of a treaty for such use in Region 5 and the presence of incumbent Canadian broadcasters. It is our belief that the NEXTEL proposal has essentially no merit for such border areas and different solutions are required to meet the needs of these areas.

Approaches such as those suggested by Motorola as a part of their "Best Practices Guide" and "Technical Appendix" may be the best immediately available options for our region. Should the suggestions of the Project 39 Committee prove ineffective, a more modest restructuring of the 800 MHz band, similar to the MRFAC proposal may be a better choice. All proposals ignore the particular complications found in the regions of the U.S. that are adjacent to the Canadian border. The complications involving spectrum planning in the border areas are severe in a number of major urban areas, including Seattle-Tacoma, Detroit, Cleveland, Rochester and other cities in New York, Michigan, and Ohio.

Border Regions

Many of the public safety pool licensees, both 851-855 MHz and 866-869 MHz, in the greater Seattle area are located in Region 5 of the US-Canada border area. As a result, the plans proposed by both NEXTEL and MRFAC are unrealistic for the specific needs of this area and simply do not offer a practical solution for much of the United States-Canada border area. With 50% of the spectrum in

the public safety pool allocated for Canadian operations, consolidation of services into contiguous bands would require that new treaties be established with Canadian authorities, allowing U.S. use of spectrum currently allocated only for Canadian operations.

Interference Issues

The Snohomish County Emergency Radio System views the resolution of NEXTEL-created interference to be the responsibility of NEXTEL. *Immediate* implementation of all 'Best Practices' recommendations should be required of the licensee generating the interference. Should such changes prove ineffective, NEXTEL should consider larger reductions in transmitted power or ceasing operations entirely at those facilities having the greatest impact on public safety communications.

Wholesale relocation of NEXTEL operations into the spectrum holdings they currently possess at 900 MHz, their participation in the 700 MHz spectrum auctions and use of this spectrum as replacement spectrum also merit serious consideration.

Retuning/Relocation Cost Impact

We believe that retuning within the 800 MHz band is possible, provided that the Canadian-U.S. spectrum issues are addressed. Retuning to 700 MHz or 900 MHz allocations would be impossible given the capabilities of the equipment in use.

The cost of retuning our systems within the 800 MHz band or a complete relocation to the newly allocated spectrum at 700 MHz would be an expensive proposition. We have committed \$32 million for our system. Eliminating the cost of new facilities and microwave radio equipment (all reusable resources) leaves a cost of approximately \$22 million for the purchase of our 800 MHz radio equipment.

Retuning within the 800 MHz would require a re-engineering of our system (primarily developing new transmitter combiner plans and re-licensing) with a cost estimated to be between \$100,000 and \$250,000. This cost assumes that *no new equipment is required* to address different channel spacings at tower sites (avoiding new combiners, antennas and antenna feed lines), nor that replacement of existing fixed equipment with equipment capable of operation on narrower channel bandwidths is required. These changes would have very significant costs, assumed to be in the multiples of millions of dollars.

A wholesale relocation of our system from 800 MHz to 700 MHz spectrum would entail costs of at least \$22 million. This assumes essentially full replacement of all newly purchased radio infrastructure and user agency radios. At this time, there are very limited product offerings at 700 MHz and we would assume that there would be a higher initial cost for this equipment until manufacturing economies of scale had driven prices downward to where they were comparable with 800 MHz products. Those few products currently available entail price premiums of 10-20% when compared with current 800 MHz products.

Fully-Funded Relocation of 800 MHz Public Safety to 700 MHz

Proposals that include full funding for a relocation of public safety radio systems from existing 800 MHz allocations may have significant merit, particularly as such relocations would establish far more commonality of public safety infrastructure than now exists. There may be a very clear public benefit present in such proposals and we encourage the Commission to give serious consideration to such proposals. Auction-funded relocation would certainly be one means by which the very large costs associated with such a change might be paid for. It may be advisable to delay the 'upper 700 MHz auction process until such time as a plan is drafted to eliminate the impact of NEXTEL interference on public safety operations.

Channel Bandwidth

We would assume that any plan for relocation would require comparable bandwidth be provided, particularly with the convergence of voice and digital technologies. A reduction in net spectrum would create significant problems for our operations, now and in the future. We strongly encourage the Commission to maintain comparable bandwidths should a relocation of public safety users be the ultimate result of this rule making process.

Development of Additional National Interoperability Channels at 800 MHz

The notion of creating additional 800 MHz interoperability assignments as a part of any band restructuring at 800 MHz has considerable merit. The existing five channel allocation in the 866-869 MHz spectrum should be expanded to at least ten national interoperability channels, operating in a wideband (25KHz) analog mode. This resource, especially when combined with the existing five state channels allocated for use in Washington state adds significantly to our ability to handle large incidents here in Washington state or in other areas of the U.S.

Conclusion

We perceive a very clear series of steps as being required to resolve interference to public safety operations from NEXTEL facilities. These include immediate implementation by NEXTEL of all of the key recommendations of the 'Best Practices Guide' and include immediate reductions in NEXTEL facility transmitter power, antenna pattern and site channel planning. Additionally, the FCC should give consideration to the need to remove NEXTEL facilities from operation should none of the other facility modifications prove effective.

Longer term options would include implementation of a plan similar to that proposed by MRFAC, with the addition of expanded national interoperability channels. Finally, the Commission should not dismiss entirely consideration of a fully auction-funded relocation of public safety from the 800 MHz band to the 700 MHz band. While expensive, the potential auction revenue generated from vacated 800 MHz spectrum, combined with the clear public benefit of creating a dedicated block of public safety spectrum from 746 to 806 MHz, may prove to be sufficient to give this option serious consideration.

Sincerely,

Ron Solemsaas
Project Coordinator, Snohomish County Emergency Radio System