

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

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

RICHARD C. NOWAKOWSKI

In this Notice of Proposed Rule Making (NPRM) the Commission solicits proposals on how best to remedy interference to 800 MHz public safety systems with minimum disruption to the Commissions existing licensing structure and assurance of sufficient spectrum for critical public safety communications.

In recognizing the rules of the Commission relative to interference I believe that NEXTEL has been identified as the causation of interference to public safety communications across the country. NEXTEL's white paper list many remedies that need to made by public safety agencies, and they have even offered to deposit 500 million dollars somewhere to assist public safety. Their recommendations note that over 5000 public safety agencies across the country need to move from their current systems to other areas of the spectrum or to the 700 MHz band.

NEXTEL has said that they in fact are using the systems that they are legally licensed to operate on. That might be the case, but their operation no matter how legal is interfering with existing public safety communication frequencies making them wrong. Where is the enforcement division of the FCC in this matter?

NEXTEL's white paper has failed to address many issues including

1. Frequency coordination of new channels
2. Refarming
3. Cost reimbursement application

4. Interoperability requirements
5. Long term design and technology issues

Many of the public safety agencies that would be involved in this planned movement have just spent years creating the proper political climate in their municipalities to get bond issues passed for the design and implementation of their radio systems. Now NEXTEL would like these agencies to go back to their citizens and say that what they now require is more money for a temporary fix until 2006 when the 700 MHz channels become allocated for assignment (assuming that there are no delays). This creates a massive monetary and logistical problem for small as well as large agencies.

It is my firm belief that the only reason NEXTEL supports this position is so that the channels now licensed under NPSPAC would become their own nationwide channels (of which they currently have none) thus allowing for nationwide roaming.

Over the years NEXTEL has spent many dollars on their system. Their companies economic climate and potential for growth depends solely on being able to go nationwide on a large number of channels. The only way for them to secure these channels is to hope that their offer of 500 million dollars will convince the commission of their sincerity to alleviate the interference issues that plaque their system.

The countries economic down turn and the events of 9-11-02, have forced public safety agencies across this country to use their budgets to fund and develop new methods of protecting their citizens. Now is the time for the commission to act in responsible manner and demand that NEXTEL use the 500 million dollars that they have proposed to solve the interference issues by proper design of their own system.

Respectfully submitted,

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cc: The Honorable Kathleen Q. Abernathy  
The Honorable Michael Copps  
The Honorable Kevin Martin