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OPPD Omaha Public Power District

April 30, 2002

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Marlene H. Dortch
Secretary
Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Room TW – A325
Washington, DC 20554

Re: Comments to Improving Public Safety Communications in the 800 MHz Band, WT Docket No. 02-55

Dear Mr. Caton:

The following comments are offered jointly from the Omaha Public Power District (OPPD) and the Metropolitan Utilities District of Omaha (MUD). Both companies are utilities serving customers in the metropolitan area of Omaha, Nebraska. Our comments will address three main areas:

- Description of OPPD & MUD as local government operated utilities
- Discussion of the existing shared 800 MHz trunked mobile radio system and the current FCC licensing
- Discussion of factors important to OPPD & MUD concerning any proposed FCC action

Description of OPPD & MUD as Local Government Operated Utilities

OPPD and MUD are political subdivisions of the State of Nebraska. Both companies are utilities. OPPD provides electricity to a population of approximately 700,000 people in 53 communities, including Omaha, in eastern Nebraska. MUD provides potable water and natural gas to approximately 500,000 people in Omaha and several adjacent communities. While the populations served by OPPD and MUD may not seem large, they do represent essentially one-third of the population of the entire State of Nebraska.

Like many other public organizations, OPPD and MUD have made many operational changes since September 11, 2001. Our products and services are now, more than ever, critically important not only to our customers, but also to other public safety organizations such as police and fire departments, and most importantly to our own employees.

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Both OPPD and MUD are considered critical to the infrastructures of the populations served. Communications are vitally important to the process of serving electricity, water and natural gas to our customers safely and reliably during normal and emergency situations. Concerning natural gas, MUD is required, by Parts 191 and 192 of the Department of Transportation Pipeline Safety Regulations, to have emergency plans, including communications, in place at all times.

Discussion of the Existing Shared 800 MHz Trunked Mobile Radio System and the Current FCC Licensing

In December of 2000, MUD abandoned its existing 800 MHz conventional mobile radio system and began operation of an 800 MHz trunked mobile radio system in conjunction with OPPD's existing 800 MHz trunked mobile radio system. The two systems operate independently and have completely separate frequency licenses, but share certain critical infrastructure equipment, therefore making it impossible for the MUD system to operate independently. OPPD manages it's own radio system as well as the MUD radio system.

OPPD's shared radio system consists of nine tower sites covering approximately 5,000 square miles of service area in eastern Nebraska. MUD's radio system shares infrastructure at four of these tower sites with coverage in Omaha and the surrounding areas.

The FCC licensing for these two systems was obtained from two different FCC license pools. OPPD currently holds FCC licenses for fourteen (14) 800 MHz frequencies. Twelve of these frequencies are constructed and in use. The licenses for these 12 frequencies are Public Safety licenses. The remaining two frequencies, which will become part of OPPD's trunked system, were licensed as slow growth and are not yet constructed or in operation. However, these two additional frequencies were licensed as Business and I/LT licenses due to the unavailability of any Public Safety frequencies in this area.

Similarly, MUD currently holds FCC licenses for four (4) 800 MHz frequencies used for the MUD trunked mobile radio system. These four frequencies, which are Public Safety licenses, are constructed and in use. MUD is well into the planning stage of expanding its 800 MHz trunked mobile radio system. An additional FCC license has been granted for the MUD system. This particular license was granted in OPPD's name and will be assigned to MUD once this frequency is constructed and in operation. Like OPPD's additional frequencies, the additional MUD frequency came from the Business and I/LT pool due to the unavailability of any Public Safety frequencies in this area. Additionally, MUD has two 800 MHz licenses for talk-around use only from the Business and I/LT pool.

The point to be recognized is that both the OPPD and MUD 800 MHz trunked radio systems have licenses from two license pools. It is critical to OPPD and MUD that our Public Safety and B-I/LT frequency licenses stay together for effective system operation. It will not be possible to relocate some of these frequencies outside the 800 MHz band and still use them as part of the shared trunked radio systems.

Discussion of Factors Important to OPPD & MUD Concerning any Proposed FCC Action

At this time we are not directly supporting any of the many 800 MHz band realignment proposals that have been recommended to the FCC. OPPD, as a member of UTC, and MUD, as a member of ITA, continue to monitor this situation through these organizations. We consider the following comments relevant to any proposal that would ultimately be accepted as a solution to this problem.

The three main comments we have at this time are:

- Amend FCC rules to disallow interference in the 800 MHz band
- Hold interfering parties financially responsible for the interference solution
- Implement a market based solution for realignment of the 800 MHz band

Amend FCC Rules to Disallow Interference in the 800 MHz Band

We strongly support a solution that includes the FCC amending its rules to make radio interference, as is involved here, unacceptable. The issue has been raised that realignment of the 800 MHz band will not necessarily solve all the interference problems. Regardless of how effective any given realignment plan might be, to continue to allow such interference seems impractical. This suggests that technological solutions for interference need to be part of the solution. In a recent conference call with UTC and many other 800 MHz radio users, evidence was given that technological solutions exist for solving some of the interference caused by users such as Nextel. We encourage the FCC to make users find technology-based answers to the interference problems.

Hold Interfering Parties Financially Responsible for the Interference Solution

We must stress that OPPD and MUD are utilities and that any proposed realignment plan that places an undue financial burden on our rate-payers is unacceptable. Furthermore, we believe the FCC should require the interfering party be held financially accountable to pay the actual cost to solve the interference problem. Predetermining a set dollar amount, such as Nextel is

suggesting, is completely unacceptable. Many systems may be left with unmanageable financial burdens unless the interfering party is held accountable for the entire cost of fixing their particular problem.

In the last 18 months, MUD has invested in excess of $4 million to purchase and implement its new 800 MHz mobile radio system. MUD expects to invest another $250,000 within the next six months to expand this system.

Implement a Market Based Solution for Realignment of the 800 MHz Band

While we realize that some form of realignment of the 800 MHz band may be necessary, we are not in favor of making such realignment mandatory within any certain time frame. We encourage the FCC to allow market forces to dictate when parties realign according to the newly adopted band plan. Also, we would suggest that the party initiating any movement of users within the band bear the financial burden of moving all involved users.

Letting market forces drive the timing makes good financial sense for OPPD and MUD since neither utility is currently experiencing interference problems. It seems unreasonable to make unaffected users like OPPD and MUD participate in a solution to a problem that may never exist in the Omaha area.

Conclusion

We hope the FCC will recognize that OPPD and MUD have cooperated to develop two unique and very effective shared 800 MHz trunked radio systems in the Omaha metro area. Our radio systems, although small by many standards, provide support for utility service to roughly one third of all Nebraskans. These systems however could be adversely affected by potential changes now being considered by the FCC. Therefore, we strongly urge the FCC to amend its rules to disallow interference in the 800 MHz band, hold interfering parties financially responsible for the interference solution, and implement a market based solution for realignment of the 800 MHz band rather than adopting any one of the proposed realignment plans.

Sincerely,

Thomas A. Wurtz
General Manager
Metropolitan Utilities District

Diane Kremlacek
Manager, Communications Dept.
Omaha Public Power District