

allocations have been based on forecasts and estimates that have turned out to be far too conservative. To further complicate matters, these allocations have resulted in the scattering of public safety spectrum in relatively small pieces over six (6) radio bands making interoperability very difficult.

From the standpoint of the states, the proposal offered to the Commission by Nextel, is by far the best proposal to date. It doubles the amount of public safety spectrum in the 800 MHz band and only the upper band NPSPAC Public Safety Users would have to move. Those in the lower portion would be able to retain their current channels. It would also provide public safety with a significant contiguous radio band adjacent to the 700 MHz band which is currently unavailable, but hopefully will be released by the Broadcasters sometime in the future, thus, extending the contiguous band.

The proposal offered by NAM is not very attractive because it requires all public safety systems to move which will be very disruptive and it does not offer any additional spectrum for public safety.

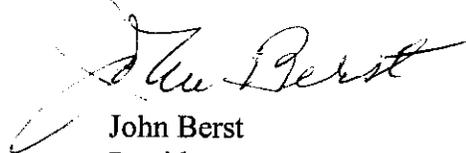
The issue of equipment standards needs to be addressed by the Commission. The current lack of tight receiver selectivity and the resulting inability of receivers to reject unwanted signals causes interference and wastes spectrum. This is a situation which calls for the use of the best technology. It cannot be accomplished in the marketplace.

It is important that any public safety system that is required to move, receive adequate compensation to cover the costs of either new equipment where necessary or retuning where that is possible. Since interference problems are being found both in the interleaved channels as well as in the NCSPAC channels adjacent to the cellular band, it is incumbent upon all of the cellular carriers to contribute to a fund to cover the expense

of moving the NCSPAC channels. While a careful study of costs will have to be made, it appears at this juncture, that the \$500 million dollar offer by Nextel will not be sufficient to cover the amounts needed.

The FCCA will continue to participate in this proceeding and will cooperate with the Commission and the other parties in an attempt to resolve this difficult problem as promptly as possible.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Berst", written in a cursive style.

John Berst
President