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Date: 5/6/02 8:13PM
Subject: NPRM 02-81

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

May 6, 2002

The Honorable Michael K. Powell
Chairman, Federal Communications Commission
445 12th Street, SW, Room 8-B201
Washington, DC 20554

Re: NPRM 02-81 Comments

Dear Mr. Chairman:

On November 21, 2001, Nextel, Inc. submitted to the Commission a White Paper that proposes to realign the 800 MHz land mobile radio band "to rectify commercial mobile radio - public safety interference and allocate additional spectrum to meet critical public safety needs." Several interested private land mobile representatives subsequently filed a letter with the Commission outlining the impact of this proposal on business and industrial land transportation (B/ILT) users. Subsequently, this proposal has led to this NPRM which is an attempt, as I understand it, to address the interference problems. This letter serves to support the views of the aforementioned parties in this letter by elaborating on the damage that our particular business will suffer as a result of this proposal.

The proposed solution, as I understand it, includes relocating B/ILT licensees at their own cost to 700 MHz or 900 MHz spectrum; recommending that they otherwise become secondary to public safety on a non-interference basis. My small business, Professional Communications, currently operates ten (9) 800 MHz channels under 4 FCC licenses for the purpose of supplying SMR two-way radio service to 32 other businesses and 2 local government agencies in the Blacksburg, Roanoke, and South Boston, VA. area. This proposal will cause great harm and difficulty for the continued operations of our stations. This hardship will have an adverse economic effect on the business interest and operations of our users, some of which are public safety agencies. I would also point out that we maintain a 2-channel radio system on 866 MHz. for the Blacksburg, VA. Police department. This proposal would force them to move their system, which they have recently put into service. If they are forced to move to the other bands about 100 mobile radio units and all of the base station equipment would have to be replaced. This cost estimate could be as high as \$250,000.

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Professional Communications initial costs estimates for its relocation indicate that such a transition would cost our business at least \$125,000 to \$150,000 and this does not include the cost of our users' radio equipment. I would not be able to rebuild a system under these financial circumstances and would be forced out of the business of supplying competitive private mobile radio service to our local business, industry, and local government agencies. Even if I could afford to rebuild, the proposed relocation spectrum either has no equipment available yet (700 MHz) or is impractical to operate in this terrain (900 MHz). If we are relegated to secondary status on our current channels, we will have no future on which to build.

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As an operator and licensee of the Commission, I have a reasonable expectation of the original conditions in my licenses. I would respectfully submit that the Commission inferred a reasonable expectation of the ability to operate with assurance and longevity considering the investment put forth. I then extended this expectation to the private community of users which I am licensed to serve. If you suddenly mandated evacuation of our financial and service commitments to the community, we would be devastated.

I urge the Commission to find another solution to this problem rather than disrupt thousands of business and public safety users. This action would be detrimental to the American business community; specifically, our nation's daily business communications in rural and suburban communities. It seems very apparent to me that acceptance of this proposal would have an adverse effect on the daily business that Congress and the White House are seeking to support to keep the economy improving. The private wireless industry is fully committed to working with the Commission to find a way to minimize public safety interference. We just ask that the solution not result in the wholesale eviction of private wireless systems from the 800 MHz band.

Sincerely,

Henry B. Henderson
Professional Communications

Blacksburg, VA. 24060

3805 South Main Street

cc: Commissioner Kathleen Q. Abernathy
Commissioner Kevin J. Martin
Commissioner Michael J. Copps
Marlene H. Dortch
Secretary, Federal Communications Commission

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