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April 30, 2002

Mr. William F. Caton  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: WT Docket No. 02-55

Dear Mr. Caton:

Please find attached SLEMCO's comments relating to WT Docket No. 02-55,  
"Improving Public Safety Communications in the 800 MHz Band and Consolidating the  
900 MHz Industrial/Land Transportation and Business Pool Channels".

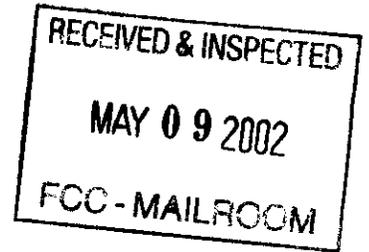
Sincerely,

J. U. Gajan  
CEO and General Manager

Attachment

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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554



*In the matter of* )  
)  
**Improving Public Safety** )  
**Communications in the 800 MHz Band** )  
**and Consolidating the 900 MHz** )  
**Industrial/Land Transportation** )  
**and Business Pool Channels** )  
\_\_\_\_\_ )

WT Docket No. 02-55

**COMMENTS OF  
Southwest Louisiana Electric Membership Corporation**

**I. INTRODUCTION**

Southwest Louisiana Electric Membership Corporation (SLEMCO) submits comments in the above captioned proceeding<sup>1</sup> to convey our concerns regarding the effects the proposed reallocations of the 800 MHz band described in the NPRM would have on the operations of our electric system.

SLEMCO is an electric distribution cooperative headquartered in Lafayette, Louisiana providing electric power service to approximately 80,000 consumers in seven parishes in southwest Louisiana. The area served by SLEMCO is approximately 5,000 square miles. SLEMCO was founded in 1937. SLEMCO is a not-for-profit organization.

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<sup>1</sup> See *Improving Public Safety Communications in the 800 MHz Band and Consolidating the 900 MHz Industrial/Land Transportation and Business Pool Channels, Proposed Rule*, WT Docket No. 02-55, 67 Fed. Reg. 16,351 (Apr. 5, 2002) (NPRM).

As a cooperative, we are owned by the consumers we serve. The SLEMCO board of directors is elected by and from the consumers. SLEMCO's primary goal in operating is to provide electricity to our consumer-owners at the lowest possible cost.

SLEMCO holds several 800 MHz licenses. These frequencies are utilized to operate a voice radio system to communicate with a mobile work force to maintain the distribution system and restore power in times of emergencies. The radio system is vital in SLEMCO's ability to restore power in a timely manner. SLEMCO operates a 24 hour dispatch center that coordinates daily work and outage restoration. While the radio system is vital to the day-to-day operations and outage restoration, it becomes indispensable during major disasters. This was evidenced during Hurricane Andrew. The radio system was used to coordinate disaster recovery within the SLEMCO system.

**II. WE SUPPORT THE COMMISSION'S GOAL TO ENSURE THAT PUBLIC SAFETY HAS ADEQUATE SPECTRUM, FREE FROM HARMFUL INTERFERENCE, AND URGE THE COMMISSION ALSO TO CONSIDER THE NEEDS OF ELECTRIC COOPERATIVES, WHICH ARE PART OF THE NATION'S CRITICAL INFRASTRUCTURE PROVIDING ESSENTIAL SERVICES TO CONSUMERS.**

We fully support the Commission in seeking to ensure that public safety units have adequate spectrum that is free from harmful interference. Our cooperative, like other critical infrastructure providers, often works closely with local public safety systems. In storms and other natural disasters and emergencies, we are among the "first responders." We make sure that electric power is maintained or quickly restored so that police, fire and rescue can get their jobs done. We get traffic signals up and running. We keep the lights on in emergency shelters and medical care facilities. Without the necessary radio spectrum to operate our communications systems, we cannot do our job,

nor can we help public safety units do theirs. SLEMCO is located adjacent to the Gulf of Mexico in a hurricane prone area. As stated above the radio system was indispensable in during Hurricane Andrew in August 1992.

SLEMCO operates electric transmission and distribution systems. These systems provide electrical service important to public facilities such as schools, medical clinics, nursing homes, governmental buildings, public street lighting and public signal lights. The cooperative also provides electric service to fire stations, public water and sewage stations, locks and dams systems and other critical public infrastructure.

These public facilities become essential during times of disaster. The Red Cross uses schools as evacuation centers during hurricanes. The necessity for other critical public facilities to have electric service during disasters is indisputable.

Another public safety concern is when electric lines are damaged and fall to the ground. This causes a public hazard and must be remedied immediately. The cooperatives radio system becomes indispensable in communicating with its emergency crews to enable them to protect life and property. This type of emergency occurs not only during major disasters but also on a random and frequent nature. SLEMCO works closely with state and local police, fire and rescue personnel during accidents or other events to protect the public from downed power lines. It is evident that the cooperative's radio system services a public safety need. SLEMCO also provides service to other vital industries such as refineries and oil production facilities. SLEMCO is part to the power grid that supplies power to the nation. The cooperative is part of this critical industry.

### **III. THE COMMISSION SHOULD REJECT THE NEXTEL REALLOCATION PROPOSAL BECAUSE IT WOULD IMPOSE**

**UNREASONABLE COSTS ON OUR SYSTEM, WOULD BE SERIOUSLY DISRUPTIVE, AND MAY NOT EFFECTIVELY ADDRESS PUBLIC SAFETY INTERFERENCE.**

Under Nextel's proposal, we would be forced to move to either the 700 or 900 MHz bands. As will be discussed below, Nextel's "alternative" to allow incumbent 800 MHz licensees to remain on the band on a "secondary, non-interference" basis is not feasible to SLEMCO as a provider of electricity, an essential service. In 2001 SLEMCO received licenses to operate in the 800 MHz frequency range. The frequencies are currently used for voice communications with SLEMCO's mobile work force. The system utilizes six communications towers, several repeater sites, vehicle mobile radios and hand held mobile radios. The to-date cost of this system is \$1.2 million. A move from the 800 MHz frequency range would require a total change out of existing equipment. This would cause an undue burden on SLEMCO's ratepayers. Any change within the 800 MHz range would require retuning of all existing radios at considerable cost.

In addition to the voice communication link, a data link with all mobile work force vehicles is scheduled for this year. The data link will utilize the existing 800 MHz frequencies now licensed by SLEMCO. The cooperative is in the process of purchasing this system. The expected in service date of this system the fourth quarter 2002. One million dollars is budgeted for this data link system. In addition to the financial burden that changing frequencies would cause, SLEMCO would have to abandon its plans for mobile data because the necessary equipment is not available in the 700 or 900 MHz frequency range.

Operating on a secondary, non-interference basis within the 800 MHz band, as Nextel suggests as an alternative, is not an option for SLEMCO. As the Commission itself noted in the NPRM, “it would not appear advisable to require a station associated with the restoration of electrical power service to precipitously discontinue service.”<sup>2</sup> SLEMCO operates a private, wireless communications system because it needs an extremely high level of reliability. The system must operate 24 hours a day, 365 days a year. This is necessary because SLEMCO provides an essential service –electricity– that must be provided as continuously as possible or consumers go without light, or heat, or the power to run equipment and appliances. And, in times of storms and other emergencies, our reliance on our communications system is perhaps at its greatest. This is also the time when police, fire and rescue squads would need the spectrum. Obviously, a secondary status to remain in the 800 MHz band is not a workable alternative for us.

**IV. NEXTEL’S PROPOSAL WOULD NOT BENEFIT OUR COMMUNITY BECAUSE PUBLIC SAFETY IS NOT EXPERIENCING ANY INTERFERENCE FROM OUR OPERATIONS, AND OUR LOCAL CONSUMERS SHOULD NOT BE ASKED TO PAY TO SOLVE A PROBLEM THEY DID NOT CREATE.**

SLEMCO is not aware of any interference with any entity, especially public safety organizations, caused by its 800 MHz system. SLEMCO has never received a complaint emanating from its use of the 800 MHz frequencies. The SLEMCO system consists of six tower locations, unlike the cellular systems that have a multitude of tower sites. SLEMCO therefore does not have the inherent interference and side band problems that are characterized by the cellular architecture.

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<sup>2</sup> NPRM at ¶ 34.

The Commission must understand that as a not-for-profit electric cooperative, all the costs associated with moving to other spectrum fall to the consumer at the end of the line. All of SLEMCO's operating expenses are covered in our consumers' electric bills. As stated above, the 800 MHz equipment is only one year old and in no way can be considered near the end of its useful life.

**V. WE URGE THE COMMISSION TO CONSIDER OTHER ALTERNATIVES THAT MORE EFFICIENTLY AND EFFECTIVELY ADDRESS THE INTERFERENCE PROBLEMS WHILE MINIMIZING THE BURDEN ON THE INCUMBENT 800 MHZ LICENSEES SUCH AS OUR SYSTEM.**

SLEMCO urges the commission to consider an alternative that would eliminate or reduce the cost to consumers. We urge the Commission to investigate other alternatives, including those short of reallocation as well. We understand that others have looked at the public safety interference problem and believe both its root causes and possible solutions are different than what Nextel proposes. Because we are not currently a source of interference, nor are we experiencing harmful interference on our system at this time, we urge the Commission to use a more targeted, technological or market-oriented alternative that will alleviate the interference in those areas of the country where it exists, then it is not necessary to subject all other, non-interfering 800 MHz spectrum users to a costly and disruptive relocation.

SLEMCO is pleased to see that the Commission is seeking input on the issue of who should be entitled to reimbursement if required to move to other spectrum. As we stated above, we do not believe it is fair to make our consumers pay to solve a problem that their electric cooperative did not cause. If SLEMCO is required to relocate or to retune, we believe the cooperative members should be reimbursed for those expenses.

Further, we have serious concerns about whether there will be sufficient replacement spectrum on the other bands to accommodate all the displaced users, how that spectrum will be made available and when, and whether the spectrum and the equipment available for use in that band can support our current mission-critical applications and our future plans to expand/upgrade the system and to support high-speed data transfers.

## **VII. CONCLUSION**

SLEMCO asks that the Commission in seeking to remedy interference to public safety not unnecessarily disrupt SLEMCO's provision of an essential consumer service. If the Commission determines that a reallocation of the 800 MHz spectrum band is necessary, then fair compensation must be made to SLEMCO to fully cover the costs of relocating or retuning. SLEMCO therefore urges the Commission to reject Nextel's proposal and to consider, after further study, other alternatives that will more efficiently and effectively address the causes of public safety signal interference. SLEMCO appreciates the Commission efforts in seeking to remedy this significant problem while minimizing the disruption and costs to incumbent 800 MHz users. To that end, SLEMCO requests that the Commission consider that essential services are being provided and that SLEMCO is a not-for-profit cooperative organization as it considers the impacts of any reallocation proposal on current 800 MHz users. If SLEMCO is required to move to other spectrum, it must be of comparable quality, technically capable of supporting our current and future communications functions, and available. Further, our costs to move to other spectrum bands or to retune our equipment should be fully reimbursed. The electric consumers should not have to pay higher electric bills to cover

the costs of replacing communications equipment that is not obsolete or worn out, nor should they be forced to pay to resolve a problem that we did not create and are not experiencing in our community.

Respectfully submitted,

Southwest Louisiana Electric Membership  
Corporation

By:   
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J. H. Gajan  
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Manager

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