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KAY BAILEY HUTCHISON
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Ex Parte

# United States Senate

WASHINGTON, DC 20510-4304

COMMITTEES:
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WTB
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2178

June 13, 2002

02-55

RESPECTFULLY REFERRED:
Congressional Liaison
Federal Communications Commission
445 Twelfth Street SW
Washington, DC 20554

Dear Sir/Madam:

The attached communication was forwarded to Senator Hutchison by a constituent who is concerned about a matter that falls within your agency's jurisdiction. I would appreciate it if appropriate inquiries could be initiated on this individual's behalf, and if a full response could be prepared for me to report to the constituent.

It would be very helpful if the attached were to accompany your response. In the event you require more information, please do not hesitate to contact me in Austin at 512/916-5834 or by fax at 512/916-5839.

Thank you for your courtesy.

RECEIVED & INSPECTED
JUN 18 2002
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PLEASE REPLY TO:

Office of Senator Kay Bailey Hutchison
Attention: Jennifer Moreton
961 Federal Building
300 East Eighth Street
Austin, Texas 78701

Enclosure

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South Plains
COMMUNICATIONS
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April 10, 2002

Honorable Kay Bailey Hutchison
United States Senate
Washington, D.C. 20515

Dear Hon. Kay Bailey Hutchison

As business owners in the radio communication industry and as constituents in your district, we feel compelled to bring before you an urgent issue in the communication industry. Currently before the Federal Communication Commission is a proposal by NEXTEL that calls for the reconfiguration of the 800 MHz band (Docket 02-55). The 800 MHz band is frequently plagued with interference problems. This is significant because the public safety industry operates within this band. Since September 11, our country is keenly aware of the need for sound security. With the creation of the Homeland Security agency, we see a heightened awareness of the necessity for the most prepared public safety forces possible. Therefore, when interference occurs on the 800MHz band it becomes a top priority. The interference problems that are plaguing the 800 MHz band have been caused by NEXTEL transmitters. It is at this point that the problem intensifies. In addition to public safety usage, the 800 MHz band is also used by:

1) NEXTEL
2) SMR service providers
3) Independent business and industries that maintain their own 800 systems

It is and has been the goal of NEXTEL for the last several years to control the 800 MHz spectrum. NEXTEL' s reconfiguration plan would:

1) Create an enormous upheaval in the communication industry.
2) Create a NEXTEL MONOPOLY at the expense of many other spectrum users.

Most importantly, taking the 800 MHz band away from users would not solve the interference problem, it would create other massive problems. The FCC is currently underway seeking an immediate solution to this dilemma. We respectfully request that you would consider the following information:

- Since NEXTEL created the problem, they should be the ones to solve it.

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- Forcing local communication companies out of the 800 MHz aspect of their business would deal a major financial blow to local communication companies, thus to a major portion of the local economy.
- Removing 800 MHz bands from the business and industry sector and forcing them to switch bands would also deal severe financial blows to businesses that maintain their own 800 MHz sites. Businesses such as public utility companies and oil and gas industries could be especially hard hit.
- To switch bands would be to cast a tremendous financial burden on local companies. Putting a local business in financial jeopardy filters down to the local economy as well.

  {The industry magazine, Radio Resource, April 2002 can also provide more information. See pages 8 and 10.}

As your constituents we appeal to you to research and assist the people of West Texas as we diligently seek a plausible solution. Your input to the Federal Communications Commission could have a substantial effect for our local company and for our many end-users who will be adversely affected should NEXTEL succeed in eliminating the 800 MHz market.

Attached please find a copy of the letter we have sent to the Federal Communication Commission. We would welcome further conversation with you regarding this most urgent situation. Thank you for your time and consideration in this matter.

Respectfully

Jay Jenkins
President, South Plains Communications

Jim Jenkins
Vice-President, South Plains Communications

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April 8, 2002

Federal Communications Commission
Mr. William Caton, Office of Secretary
445 – 12th S.W., Room T W – A 325
Washington, D.C. 20554

Mr. Caton

As President of South Plains Communications in Lubbock, Texas it is with great interest that I read and studied the NEXTEL proposal, "Improving Public Safety Communications in the 800 MHz Band," Docket No. 02-55. Speaking on behalf of the largest two-way communication company in the South Plains region of Texas and for the people who will be directly affected by any change, I appreciate the opportunity to comment and respectfully ask your consideration.

Since September 11, 2001 we are all keenly aware of the significance of safety and security. We too concur that public safety communication is a top priority for the security of all. We agree that interference on these channels can pose potential dangers. Like the Commission, we too are concerned that the appropriate solution is reached in a timely manner.

When NEXTEL offered 500 million dollars to the public safety industry to help solve the interference problem it became all too apparent that this is an attempt on their part to influence the public safety industry into advocating and endorsing their solution. This money could be better spent if they would apply it to solving the interference problems that they have created. We are keenly aware that NEXTEL is relentless in their pursuit of growth and acquisition in the communication industry. Calling for a reconfiguration of the 800 MHz band is a political move that is being perceived by many, and rightly so, as an attempt by NEXTEL to gain a monopoly of the 800 MHz band. Squeezing two-way communication businesses and other independent businesses and industries out of spectrum for their own gain is a direct attack upon the very principles of the free enterprise system. It is with these concerns that I request your consideration of the following issues:

- The primary source of interference on the 800 MHz band is being created by NEXTEL and their equipment. I propose to you that a significant amount of the interference problem could quite possibly be corrected by implementing something as simple as the

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appropriate transmitter-filter. This solution has been proven to correct the problem in some areas. Before millions of dollars are needlessly spent, NEXTEL should be given the opportunity to correct a problem they are responsible for having created.

- The current proposal by Cingular Wireless to move public-safety 800 operations to the 700 MHz band offers a much more logical solution to the interference problem. Even though technology for the 700 MHz band is still being developed, by the time the 800 band is reconfigured, the 700 MHz band and equipment should be in place.
- Since advances in communication technology is moving at such an incredible pace, to reconfigure the 800 band is to simply gloss over a problem rather than to address and solve it. Reconfiguring bands has been used before, but to no avail. It did not prove to be effective then and it is highly improbable that it will prove to be effective now. To glaze over the problem is to delay the solution. The same problem of interference or additional problems will arise as time goes on.
- To ask companies to switch bands at costs that could be astronomical, and in many cases financially devastating, is unreasonable. This request is selfish and totally insensitive to the American public.
- In light of the events of September 11, it is more evident than ever that we must be diligent in our efforts to maintain a high level of public safety and equipment. But, to use this massive tragedy as a means to promote and encourage confirmation of their agenda is deplorable. Interference was an issue before September 11 as well.

I respectfully propose that the Federal Communications Commission diligently explore the many possible solutions available. I applaud the Commission for seeking to do what is right for all rather than what is politically and financially advantageous for a few.

Thank you,

Jay Jenkins, President
South Plains Communications

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