

**Before the
Federal Communications Commission
Washington, DC 20554**

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

WT Docket No. 02-55

To: The Commission

**REPLY COMMENTS OF
AVR, INC.**

AVR, Inc. (“AVR”) is a major supplier of ready-mixed concrete in the Minneapolis/St. Paul area. As such, AVR relies heavily on its 800 MHz radio system to dispatch vehicles, coordinate potentially hazardous industrial operations, and provide a reliable means of communications during emergency situations. For these reasons, AVR has a great interest in the outcome of this proceeding.

The comments in this proceeding expressed widely divergent opinions, but a constant theme in a majority of the comments was that 800 MHz rebanding would be disruptive, costly, and have no up-front assurance of solving the interference problem. AVR notes that three of the major equipment suppliers, Motorola, Kenwood, and M/A-Com, all question whether rebanding will solve the problem. These comments must be taken very seriously, as these companies design, produce, and know the capabilities of

their equipment. If the most knowledgeable commenters about equipment capabilities question the propriety of rebanding, then AVR urges the Commission to dismiss the idea.

Many of the commenters suggested that public safety licensees should be moved to 700 MHz. AVR agrees that such a relocation should solve the problem, but it would be highly disruptive and raises issues of funding. AVR suggests that the better solution is to move Nextel out of the band, as suggested by M/A-Com. The problem is clearly Nextel's. Southern LINC indicated that it operates iDEN equipment in several states with no apparent interference problems. It is Nextel's technical choices in deploying iDEN technology that is causing the problem and Nextel should be held solely responsible for finding a cure.

AVR believes that the best choice is to move Nextel to new spectrum. This option impacts only one licensee, Nextel, the cause of the problem. This option is the only one that will assure *elimination of the interference* with **no negative impact on incumbent licensees**. In the long term, it also provides new 800 MHz spectrum for public safety or other private uses as Nextel vacates the band. It requires no new "super coordinator." It also has no transition issues. If the Commission is truly serious about eliminating the interference to public safety systems, opening new spectrum for public safety use, and minimizing the impact on incumbent licensees, then moving Nextel out of the band is the only viable option.

AVR would also like to reiterate a point made in its comments. Nextel exists today only because of waivers granted to Fleet Call. Those waivers were based on Nextel's assurances that interference would not be a problem and if interference did occur, it would take responsibility to fix it. Unless the Commission chooses to ignore Nextel's

promise, then the instant solution must be based on Nextel solving the interference problems itself. If Nextel is now unable to eliminate the interference that it assured the Commission would not occur, then transitioning out of the band is the only remaining option that would force Nextel to live up to its earlier representations to the Commission.

AVR urges the Commission to dismiss the rebanding of the 800 MHz band as being technically unsound and too difficult to administer during the transition stage. AVR believes that the only long-term, absolute solution to the problem is to make Nextel move to new spectrum. This places the burden of solving the problem on Nextel and has absolutely no negative impact on other 800 MHz licensees.

Respectfully submitted,

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