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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

August 16, 2002

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

RE: WT Docket 02-55, Notice of Ex Parte Communication

Dear Ms. Dortch:

This is to inform the Commission that the undersigned counsel for the Association of Public-Safety Communications Officials-International, Inc. ("APCO") met with Peter Tenhula, legal advisor to Chairman Powell, Bryan Tramont, legal advisor to Commissioner Abernathy, and Sam Feder, legal advisor to Commissioner Martin, on August 12, 2002, during the APCO Annual Conference in Nashville and provided them with a briefing regarding the Consensus Plan set forth in joint reply comments submitted in the above-reference proceeding. As part of that briefing, the undersigned provided the advisors with copies of the attached slides depicting various aspects of the Consensus Plan.

Please contact the undersigned should the Commission have any questions or require additional information.

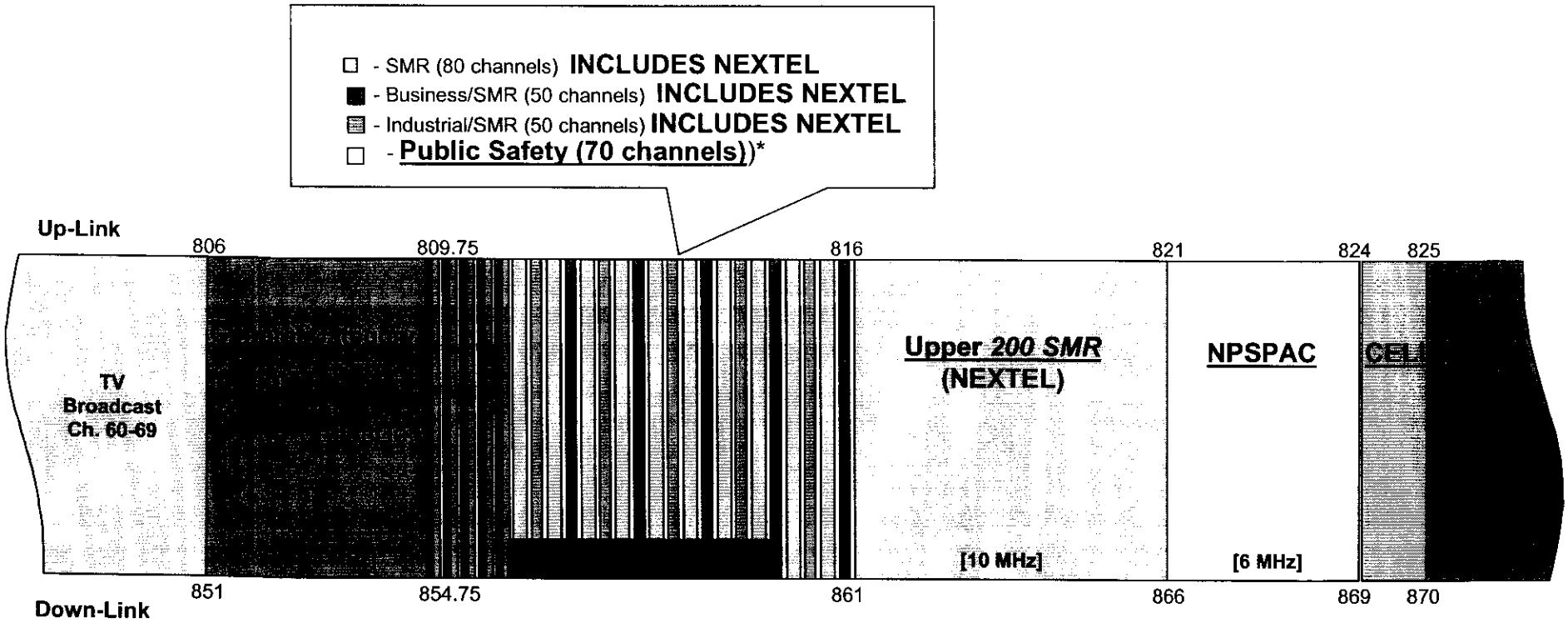
Respectfully submitted,

Robert M. Gurss
Counsel for APCO

No. of Copies rec'd 0+3
List ABCDE

FCC Spectrum Allocation of 800 MHz Band * - Today

* - Allocation for US zone (different in Mexican and Canadian border regions)



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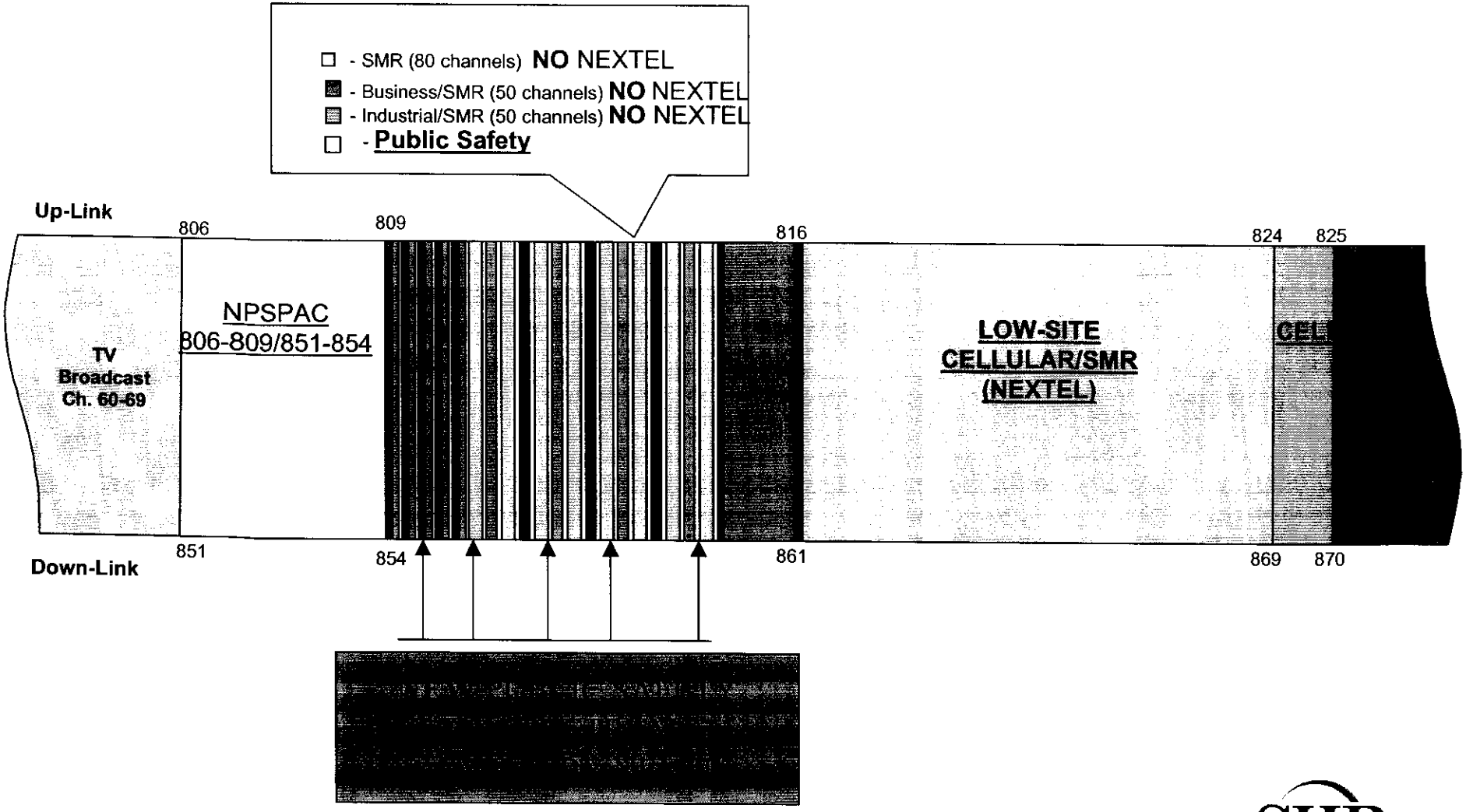
CONSENSUS PLAN



CONSENSUS PLAN AS PROPOSED TO FCC

- Agreed to by public safety groups, private wireless coalition, and Nextel
- Less disruptive than original Nextel proposal
- Full payment for <u>all</u> public safety costs
- No forced moves out of 800 MHz band
- Significant reduction in interference
- Additional channels for public safety

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PARTIES TO CONSENSUS PLAN

- APCO
- INT'L ASSOC. OF CHIEFS OF POLICE
- INT'L ASSOCIATION OF FIRE CHIEFS and INT'L MUNICIPAL SIGNAL ASSOC.
- MAJOR CITY CHIEFS ASSOCIATION
- NAT'L SHERIFF'S ASSOCIATION
- MAJOR COUNTY SHERIFF'S ASSOC.

- NEXTEL

- AMTA
- AMERICAN PETROLEUM INSTITUTE
- ASSOC. OF AMERICAN RAILROADS
- FOREST INDUSTRIES ASSOCIATION
- INDUSTRIAL TELCOM. ASSOCIATION
- PCIA
- TAXICAB, LIMOUSINE AND PARATRANSIT ASSOC.

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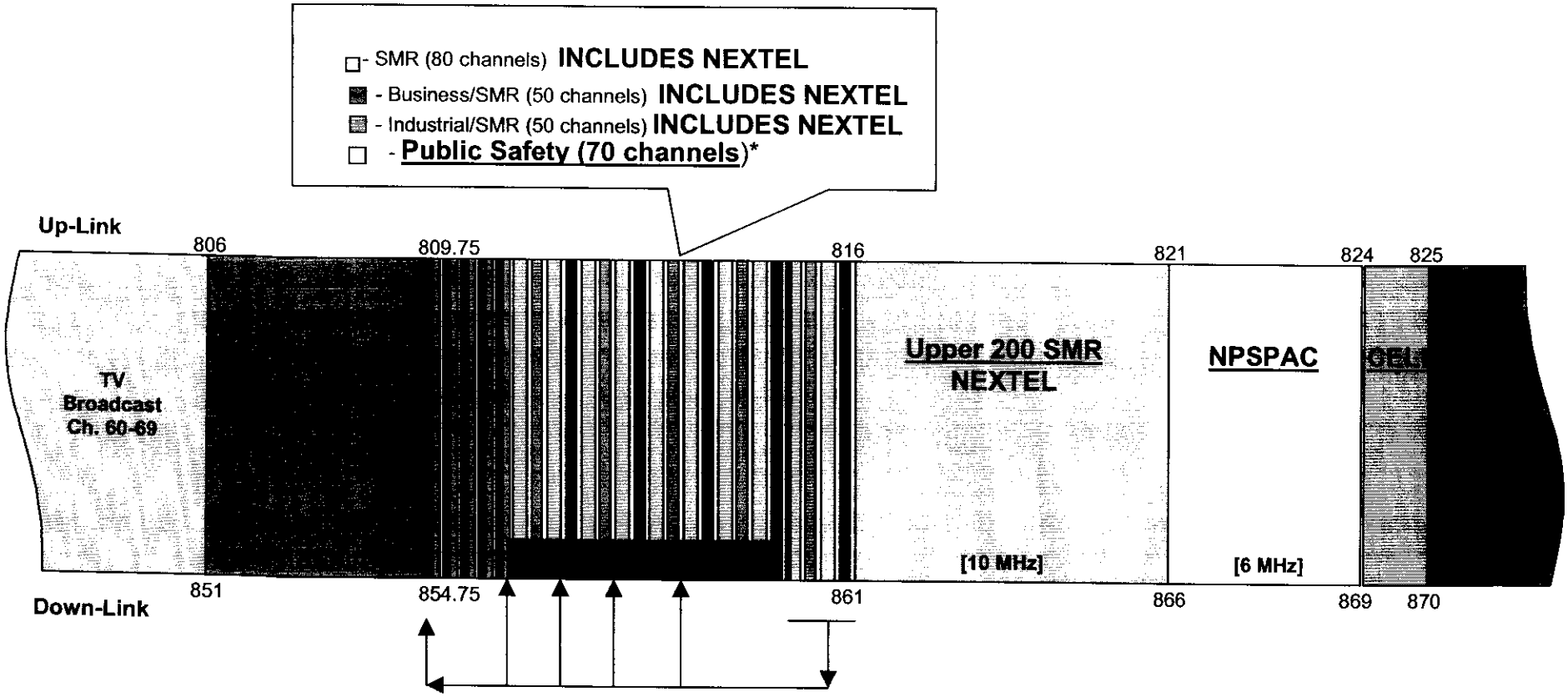
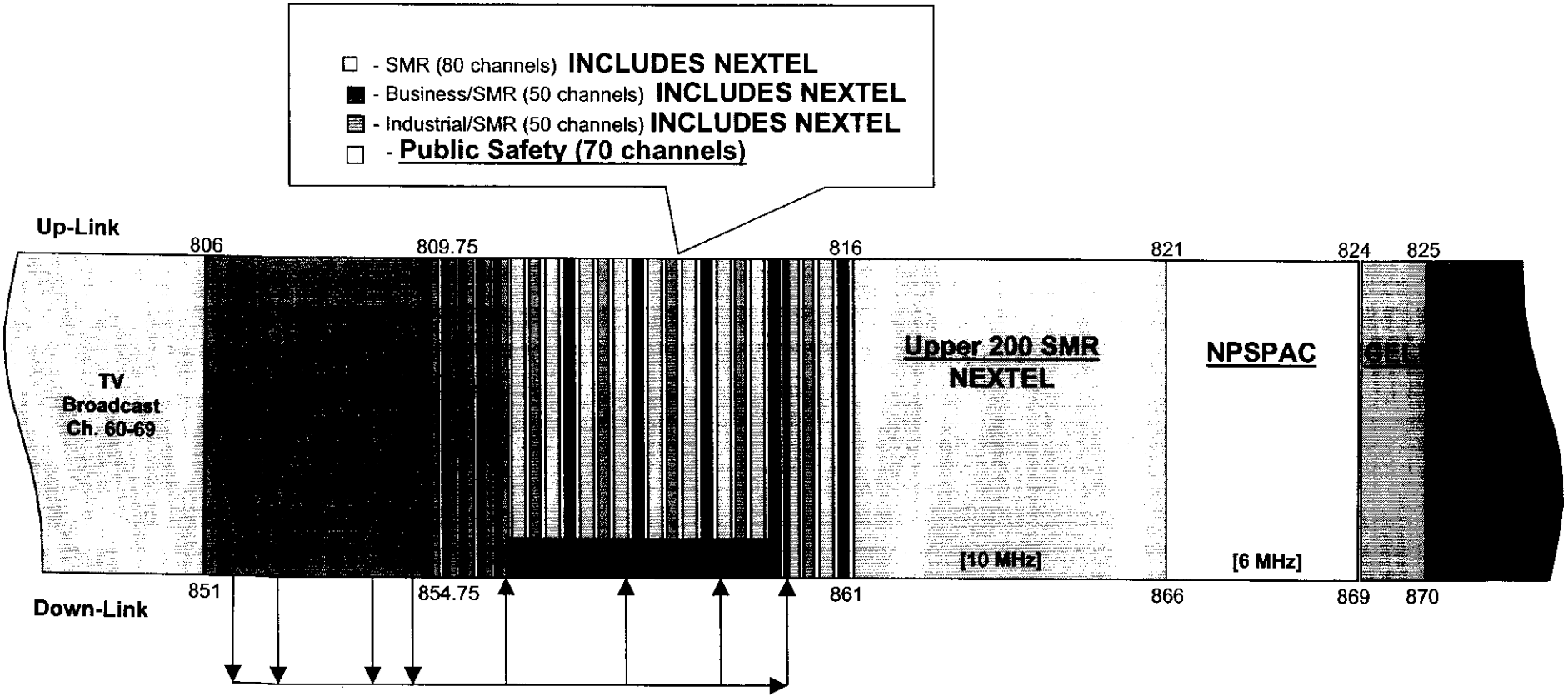
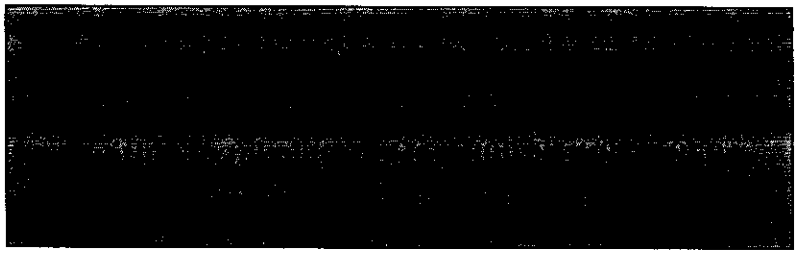
STEP 1 IN CONSENSUS PLAN

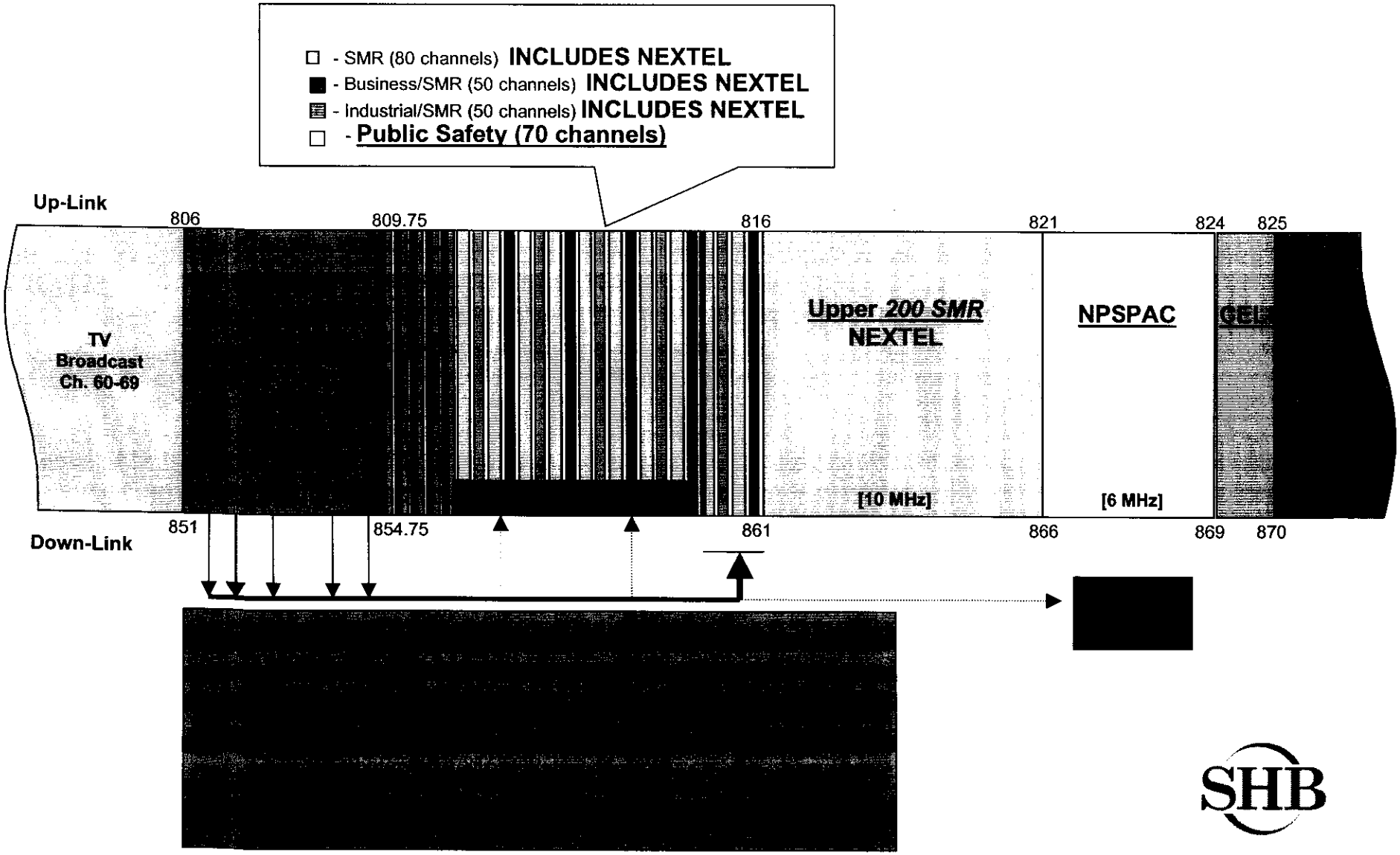


STEP 2 IN CONSENSUS PLAN

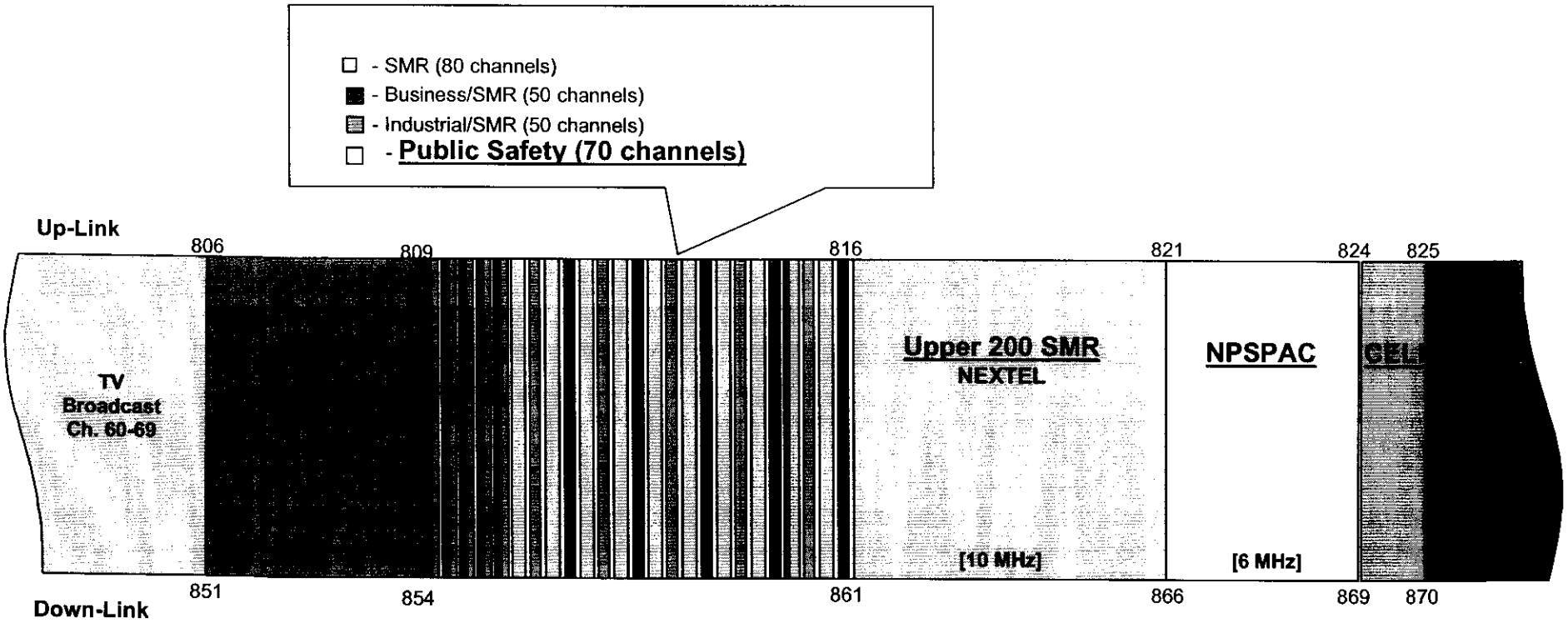




STEP 3 IN CONSENSUS PLAN



AFTER STEP 3 IN CONSENSUS PLAN



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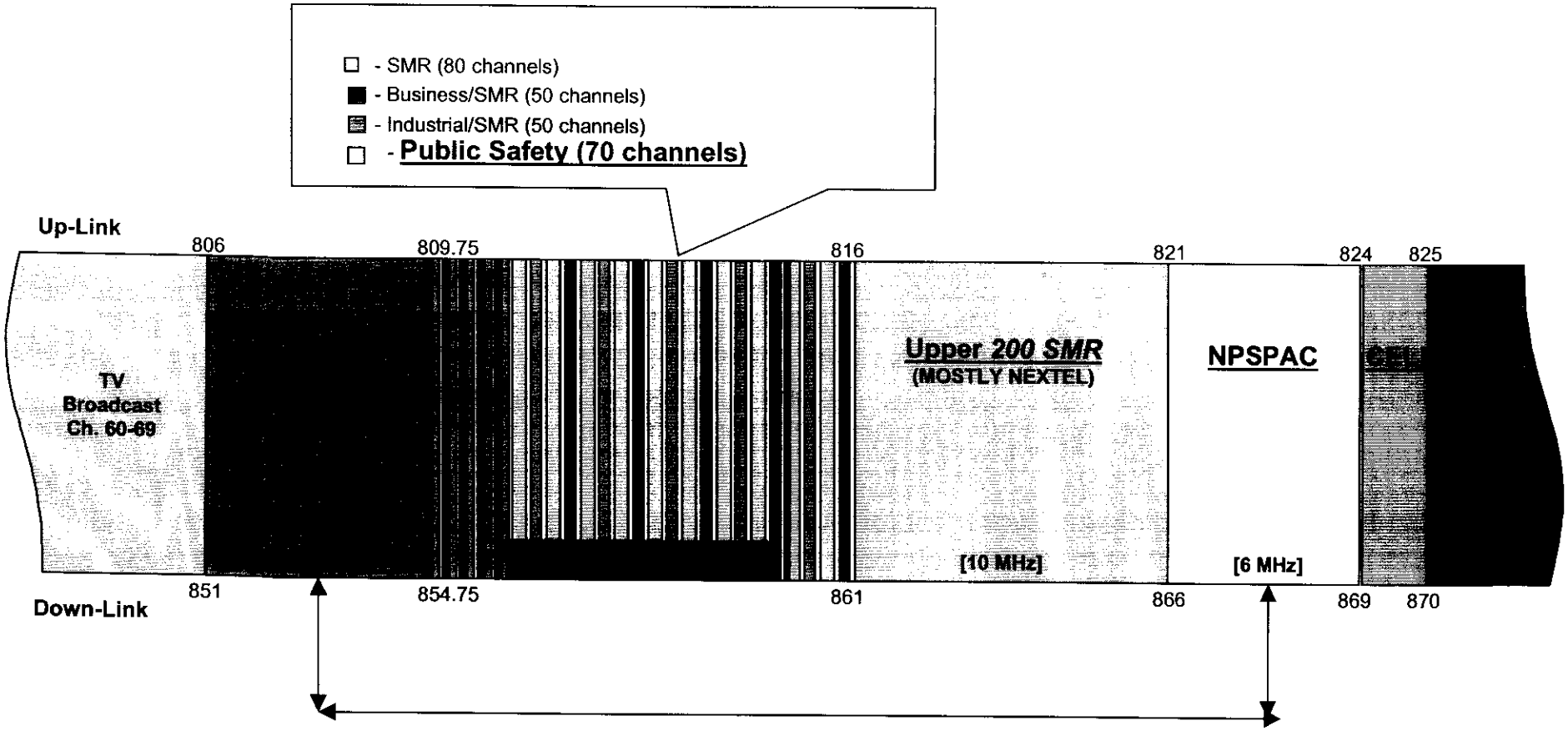
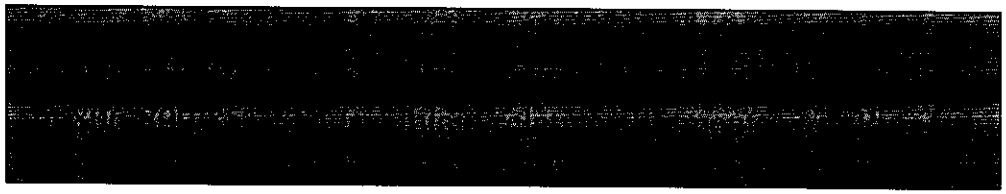
STEP 4A IN CONSENSUS PLAN





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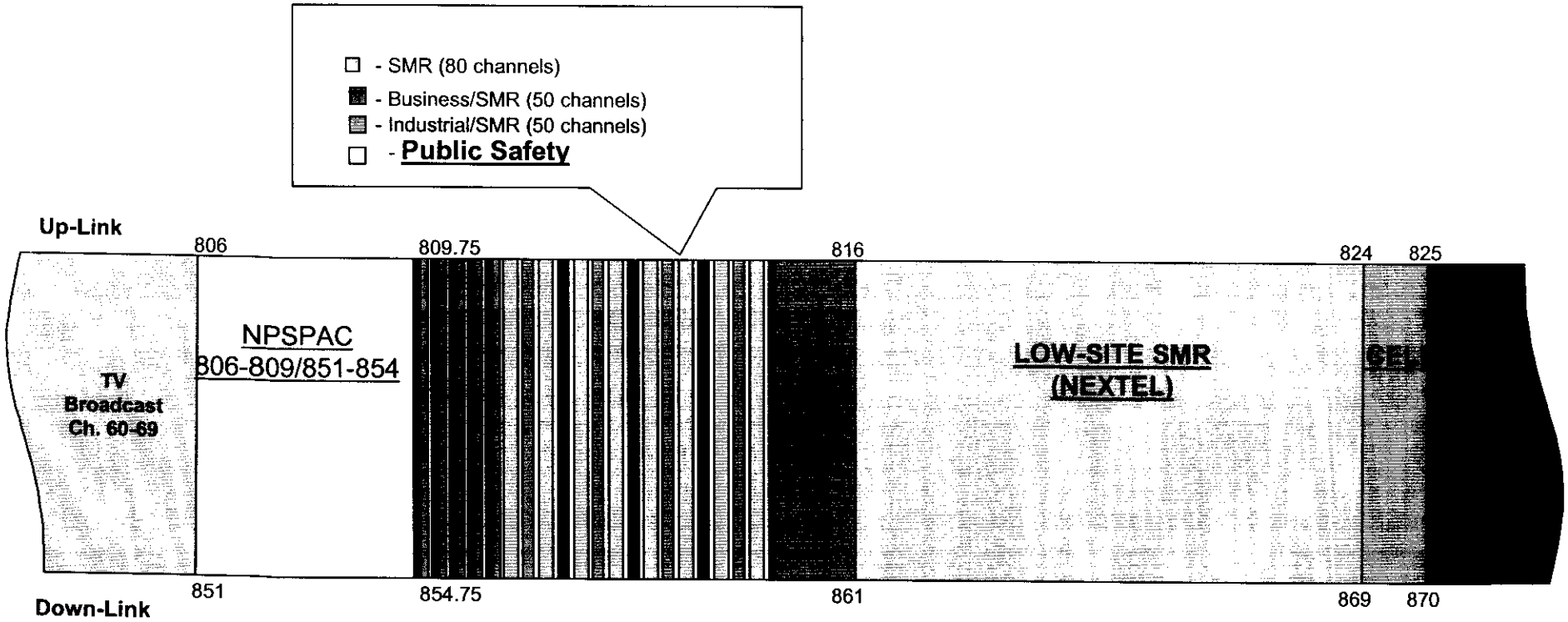
AFTER STEP 4A IN CONSENSUS PLAN



NPSPAC MOVE TO 806-809/851-854 MHz

- MOST EXISTING RADIOS CAN BE "RE-TUNED"
- NO NPSPAC LICENSEE REQUIRED TO MOVE WITHOUT FULL PAYMENT OF ALL COSTS
- NEXTEL TO PROVIDE $500 MILLION IN ESCROW
- MOVES TO OCCUR ON REGION-BY-REGION BASIS WITH NO REGION TO START IF ESCROW IS INSUFFICIENT
- *ORDER OF MOVES: (1) REGIONS WITH INTERFERENCE PROBLEMS, (2) OTHER HEAVILY POPULATED REGIONS, (3) OTHER REGIONS*
- NEXTEL MAY PROVIDE FURTHER FUNDING

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NPSPAC MOVE (continued)

- RELATIVE REGIONAL PLAN ALLOTMENTS UNCHANGED (moves down the band 15 MHz)
- NO DISRUPTION TO CRITICAL OPERATIONS, NPSPAC LICENSES MUST APPROVE TRANSITION
- FUND ADMINISTRATOR ESTABLISHED TO DRAW FROM ESCROW TO PAY FOR MOVES
- PUBLIC SAFETY/NEXTEL TO DEVELOP RULES DEFINING ALLOWABLE COSTS, APPEAL PROCESS, ETC.

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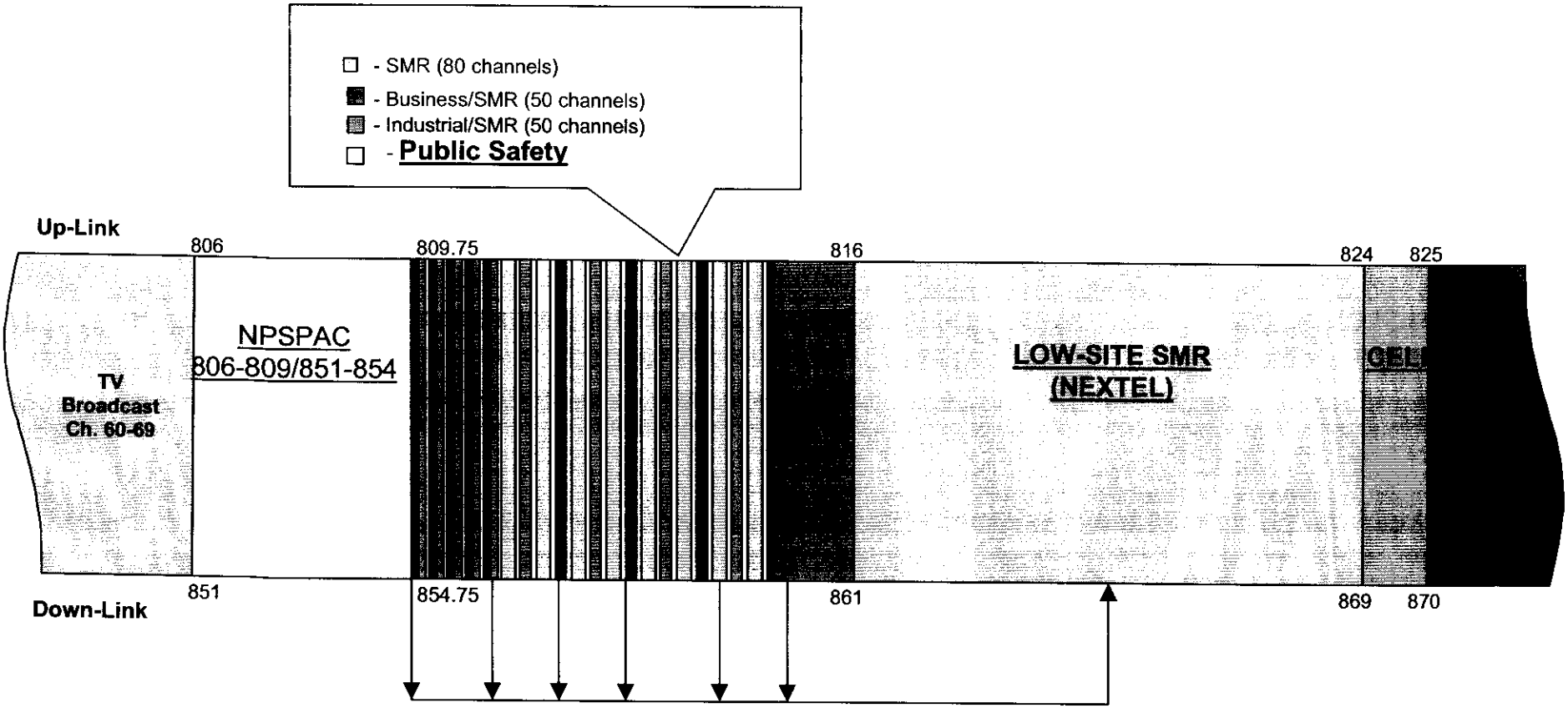
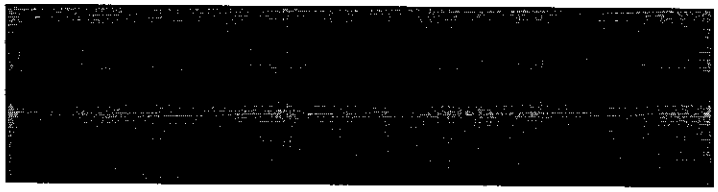
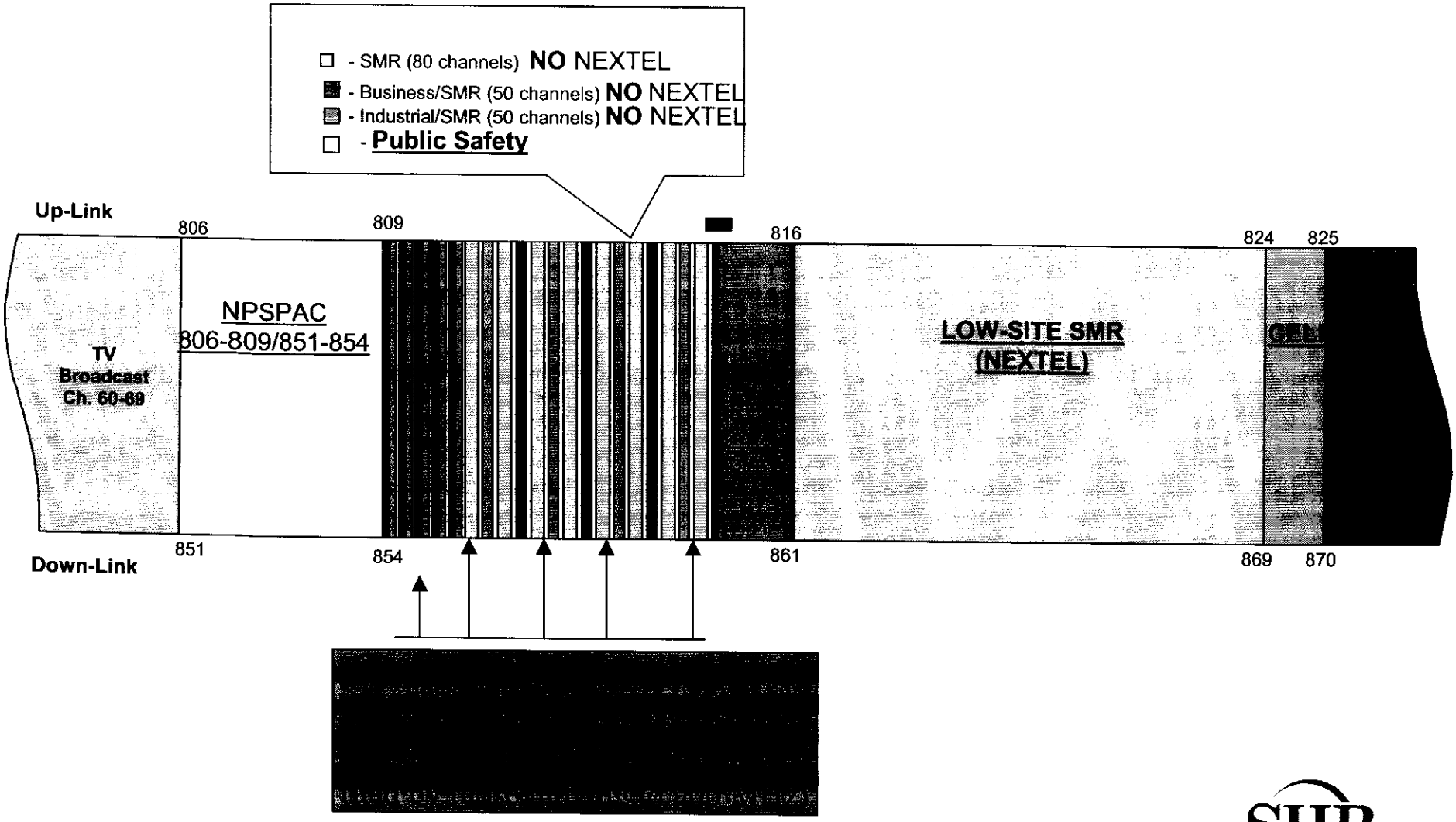
STEP 4B IN CONSENSUS PLAN





STEP 5 IN CONSENSUS PLAN



NEW PUBLIC SAFETY CHANNELS

- **FOR 5 YRS AFTER NPSPAC SHIFT, ONLY PUBLIC SAFETY MAY APPLY, THEN OPEN TO B/ILT**
- **NUMBER WILL VARY MARKET-TO-MARKET, DEPENDING UPON EXTENT OF NEXTEL LICENSES**
- **EXAMPLES OF EST. NO. OF NEW 25 kHz CHANNELS:** New York (18), Los Angeles (9), Chicago (95), Philadelphia (42), Washington (29), Boston (92), Houston (87), Dallas (108), Miami (79), Orlando (68).
- **ADDITIONAL SPECTRUM AVAILABLE TO THE EXTENT THAT B/ILT LICENSEES ELECT 900 MHz**

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INTERFERENCE PREVENTION IN CONSENSUS PLAN

- Nextel and others causing interference required to take immediate corrective action when interference occurs
- "Codify" Best Practices Guide for application now, during band shift, and thereafter
- Necessary, but not Sufficient
  - Interference must be prevented, not just treated

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HOW DOES CONSENSUS PLAN REDUCE INTERFERENCE? (cont.)

- Eliminates interleaving of Nextel and public safety
- Band separation of Nextel and other low-site cellular operations reduces potential for intermodulation into public safety channels
- Consolidation of Nextel channels provides flexibility to address intermodulation problems
- Consolidation of public safety channels allows for future improvements in public safety equipment

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"Low-Site Cellular" Systems Defined

- (1) more than 5 overlapping, interactive sites featuring hand-off capability; (2) sites with antenna heights of less than 100 feet above ground level on HAATs of less than 500 feet; *and* (3) sites with more than 20 paired frequencies.
- Waivers permitted upon demonstration of non-interference, coordination with public safety, and termination of operation should interference occur.
- Goal is to avoid recreating current problem

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