

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 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

Dated: September 20, 2002

To: The Commission

**COMMENTS OF THE NEW YORK CITY TRANSIT AUTHORITY WITH
RESPECT TO THE “CONSENSUS PLAN” FILED IN THE 800 MHZ
PUBLIC SAFETY INTERFERENCE PROCEEDING**

On September 6, 2002, the Federal Communications Commission (the “Commission”) requested comments on what has become known as the “Consensus Plan” proposing certain revisions to spectrum allocations in order to address interference to public safety providers caused by other entities, primarily entities using moderately powered, low site SMR technology. In our prior submission, NYCT demonstrated not only its critical provision of services to the public, but also its essential role in responding to crises on its system or elsewhere in New York City. That earlier submission also described NYCT’s experience with interference problems, which thus far have been attributable to services provided by Nextel. Those problems are continuing. We will not repeat that discussion but will limit this response to a few key points which, we believe, any final rulemaking or order must address.

I. The Goal Of Any Plan Must Be The Elimination Of Interference From Any Source On Both A Short-Term And Long-Term Basis.

NYCT's radio communications systems are vital to the safe transport of millions of people each working day. Its 800 MHz radio system is primarily devoted to surface transit and police street crimes unit operations. Uninterrupted communications is not simply a desirable option; it is essential to the provision of services by NYCT and for other governmental providers of essential services. The Consensus Plan does address the problem of interference from low site SMR providers, such as Nextel, and develops an approach designed to remove them to an area of the spectrum where it is expected that they will not interfere with public safety providers. No assurances, however, are given that once the relocation occurs, future interference from entities using similar technologies will not cause additional interference problems.

This is particularly true for entities operating wide area "interference limited" systems with frequencies in the upper portion of the Consensus Plan's Public Safety, B/ILT, and High Site SMR Pool. These systems may experience interference and system coverage problems due to operations of campus systems utilizing low site technologies. The Consensus Plan's designation of the guard band was based on the premise that campus systems are more interference resistant to low site cellularized operations. NYCT agrees with this premise, however, the potential impact of campus operations on neighboring public safety systems is unknown and not addressed in the Consensus Plan.

II. The Plan Must Address How Mandated Moves Will Be Fully-Funded

The Consensus Plan both acknowledges the funding commitment already made by Nextel and endorses the concept that moves by governmental entities must be fully funded,¹ but does not identify what is surely to be a shortfall of funds given the number and magnitude of the moves anticipated. No governmental entity should be required to absorb the anticipated multi-million costs for this move. Adequate provisions need to be made in the final order specifying the source of these funds.

III. Adequate Transitioning Provisions, Assuring No “Down Time” To Vital Governmental Services, Such As Those Provided By NYCT, Need To Be Set Forth In Detail

NYCT provides vital transportation services to more than six million people each working day in the City of New York. It has long been recognized that the transportation network is crucial to the New York Metropolitan Region. Reliable, effective communications are essential in order to provide for the safety of the riding public, as well as for the safety and welfare of the City at large, when NYCT responds to developing events including those of an emergency nature. Section II, B.2 of the Consensus Plan sets forth its goal to minimize disruption to existing services. The Consensus Plan would require NYCT to relocate four control channels currently located in what is shown as the “new guard band block.” Since “down time” is not an acceptable alternative, the nature of those NYCT channels is such that the relocation proposed by the Consensus Plan increases the complexity and attendant cost of assuring operations during a transition period. To

¹ As noted on pages 4-5 of NYCT’s May 6, 2002 submission, NYCT currently holds its 800 MHz licenses consistent with its secondary eligibility as a transportation provider. As noted therein, there can be no basis for making artificial distinctions on eligibility for payment for relocation based on whether licenses are currently in the NPSPAC band or are governmental entities in the B/ILT band.

ensure no loss of communication services, NYCT (and we assume other governmental providers) would be required to operate a parallel radio system during the transition period for which they must be fully reimbursed.

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Brooklyn, NY

Respectfully submitted,

NEW YORK CITY TRANSIT AUTHORITY

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