

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

In the Matter of)	
)	
Improving Public Safety Communications in the 800 MHz Band)	
)	
)	WT Docket No. 02-55
Consolidating the 800 MHz Industrial/Land Transportation and Business Pool Channels)	
)	

To: The Commission

**COMMENTS OF
AMERICAN ELECTRIC POWER COMPANY, INC.
ON THE “CONSENSUS PLAN”**

As a participant in the above-captioned docket, American Electric Power Company, Inc (“AEP”) appreciates the opportunity to comment specifically on the “Consensus Plan” and respectfully submits the following reply comments on behalf of itself and its affiliates.

As stated in previous filings, it is the position of AEP that the burden of resolving the interference issues experienced by public safety wireless users lies chiefly with those causing the interference. In establishing their nationwide network, Nextel assured the Commission that interference from their system would not be a problem. Nextel should be held accountable (as any licensee should) to fix interference problems they cause by adjusting their operations as necessary. While splitting the 800 MHz land mobile band into cellularized and non-cellularized sub-bands could reduce the potential for

interference, such interference would not be eliminated and serious problems could continue to plague traditional, high-site 800 MHz radio users. The limited benefits of the Consensus Plan do not justify the costs and disruption that it will cause existing users of 800 MHz to bear. The Consensus Plan is not a complete solution to the problem and it will hinder current 800 MHz private wireless licensees' efforts to grow and develop their radio systems.

Comments on the Consensus Plan

Preemption of B/ILT Channels Vacated By Nextel

The aspect of the Consensus Plan that poses the most serious concern is the five-year preemption of Business and Industrial/Land Transportation (B/ILT) licensees' eligibility for B/ILT channels to be vacated by Nextel. The "Joint Commenters" who submitted the Consensus Plan reason that B/ILT users are already denied access to these channels since Nextel currently holds licenses for them. However, B/ILT licensees can currently make private spectrum arrangements with Nextel or close-space Nextel licenses through a rule-waiver process to gain access to these channels. If these channels are "locked down" for five years after the relocation process takes place, this line of recourse to B/ILT licensees will be gone. For wide-area 800 MHz users like AEP, this problem is compounded by the aspect of the Consensus Plan that will remove from wide-area use those B/ILT channels currently available between 814/859 MHz and 816/861 MHz. Wide-area users will have an even smaller pool of channels to draw from and if many of those channels are encumbered by their status as former Nextel channels, wide area B/ILT users' options for expanding their systems will be severely limited.

The negative impact of a five-year preemption of B/ILT licensees' access to Nextel-vacated B/ILT channels would be greatly mitigated by the adoption of a predefined rule-waiver process within the plan that would provide B/ILT licensees an avenue of relief and access to vacated channels in cases where the preemption may be contrary to the public interest. The pre-defined waiver process would allow B/ILT users immediate access to Nextel-vacated B/ILT channels if they can demonstrate a compelling critical public service or safety-related need meriting access to vacated channels. While not intending to diminish the importance of public safety radio systems, AEP asserts that utility-owned radio systems are also critical to the safety and welfare of the general public. Utility radio systems are used to dispatch personnel in the repair of facilities and restoration of electric service as well as to coordinate the day-to-day operation of electrical transmission and distribution systems. Activities, which when not properly coordinated or handles in a timely manner, can have a seriously detrimental affect on the communities we serve. Furthermore, these radio systems enhance the safety of utility personnel who are often called on to work in the harshest and most dangerous of working conditions. AEP urges the Commission to recognize the public safety role that utilities play by crafting an avenue of last resort to vacated B/ILT channels that will help facilitate fulfillment of this role.

Furthermore, only the original "high-site, high-power" licenses obtained by Nextel from B/ILT licensees or through inter-category sharing should be the basis for exclusive public safety eligibility for B/ILT channels. Subsequent licenses obtained by Nextel for "low-site" cellular sites under the umbrella of the original licenses should be discounted because in many cases, the "low-site" licenses contributed to "contour creep"

and effectively extended the contour of the original license. Public safety eligibility should be considered for only those Nextel B/ILT licenses that are 70 miles or more from co-channel licensees or licensed under the short-space table in 47CFR90.621. Licenses obtained by Nextel with closer spacing to co-channel licensees, obtained through waivers or other means, should be discounted as they would only be useful in a “low site” architecture. These channels would pose a high interference potential if they were to be used by a public safety entity in a “high site” environment. With that in mind, AEP urges the Commission to maintain the close spacing requirements laid out in 47CFR90.621 with any license issued for B/ILT channels, regardless of the channels’ former status with Nextel.

Strict Construction Periods

AEP contends that if public safety users are allowed a five-year period to license B/ILT channels vacated by Nextel, they should be held to strict one-year construction periods for these channels. Public safety entities must have a clear plan and intent to build these channels in a reasonable time period, just as the Commission would expect with a B/ILT licensee. They should not be allowed to extend the five-year preemption by tying the channels up with unconstructed licenses; such a policy would be spectrally inefficient and deny the B/ILT community access to critically needed spectrum.

Defintition of “Cellularized System”

Another aspect of the Consensus Plan that concerns AEP are the criteria that will be used to determine what constitutes a cellularized system. The criteria laid out in the Consensus Plan could be easily circumvented by another fundamentally cellular system utilizing channels intended for high-site, non-cellularized systems. For example, the 100-

foot antenna height called out in the Consensus Plan is somewhat arbitrary and a cellular operator could easily work around this requirement by placing heavily downtilted antennas at a height of 110-feet. Similar scenarios, such as limiting each site to 19 channels, could be developed to circumvent this provision of the Consensus Plan. In order to meet the goals of this proceeding, additional interference protection beyond simple segregation must be afforded to “high-site” radio system users. As previously included in its reply comments in this proceeding, AEP recommends that the Commission adopt additional technical regulations for systems operating in the non-cellular portion of the band. These regulations, which could include limiting on-street field strengths and/or applying Adjacent Channel Coupled Power (ACCP) requirements, would address specific interference mechanisms, as opposed to merely segregating systems based on broad construction characteristics.

Border Area Issues

AEP would also like to remind the Commission that 800 MHz operations in the Mexican and Canadian Border regions still need to be addressed by the Joint Commenters. Border region operations represent a significant amount of 800 MHz operations in the US and pose unique challenges that must be addressed. Furthermore, AEP believes that border region operations will dampen equipment manufacturers ability or desire to “design front end filters that cover a smaller range of spectrum” or “shift the center frequency of the filters towards the lower end of the 800 MHz band”¹ since private land mobile operations will continue across various parts of 800 MHz band, even above 816/861 MHz. Due to international treaty restrictions, public safety operations will likely

¹ Reply Comments of the Association of Public-Safety Communications Officers International, Inc. et al, WT Docket No 02-055, (the “Joint Commenters” “Consensus Plan”) p. 22

continue well above 816/861 MHz in some border regions. Unless radio manufacturers produce special radio models for the border regions (which is highly unlikely), public safety radios will still need to cover the entire 800 MHz land mobile band as it exists today.

Conclusion

In conclusion, AEP recognizes the difficult nature of the task the Commission is undertaking through this proceeding. While AEP doesn't view the Consensus Plan as the best plan to address the issue, AEP appreciates the opportunity to provide comments on the Plan. AEP's primary concern with the Consensus Plan is the five-year period in which public safety will get exclusive access to B/ILT channels vacated by Nextel. Existing B/ILT users should also be allowed access to that spectrum if predetermined criteria are met. AEP also believes that a more precise definition of "cellularized" system is necessary, one that addresses the true nature of the cellular/non-cellular interference problems. Finally, Canadian/Mexican border region operations must also be addressed by any plan adopted by the Commission, as these regions are equally affected by the CMRS/public safety interference problem.

Respectfully Submitted,

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