

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
Improving Public Safety Communications in the)
800 MHz Band)
) WT Docket No. 02-55
Consolidating the 900 MHz Industrial/Land)
Transportation and Business Pool Channels)
)
To: The Commission

**COMMENTS REGARDING
“THE CONSENSUS PLAN” PROPOSAL
FILED AUGUST 7, 2002 - by APCO, PWC, and Others
FROM
New York State Office for Technology
September 23, 2002**

These comments from the Statewide Wireless Network, under the New York State Office for Technology, continue to present the position of the State with regards to FCC WT Docket No. 02-55. In particular, these will address the “Consensus Plan” filed August 7, 2002, by the Private Wireless Coalition (PWC), the Association of Public Safety Communications Officials (APCO), and others.

The New York State Office for Technology, on behalf of the State of New York, is in the process of procuring a new Statewide Wireless Network (SWN) for State, Federal and Local

governmental entities that operate within or in the proximity of New York State's geographic borders. SWN will provide an integrated, land mobile radio communications network that will be utilized by public safety and public service agencies in New York State. It will be used in day-to-day operations, as well as for disaster and emergency situations to more effectively and efficiently coordinate the deployment of all levels of government resources to such incidents. It will also enhance international coordination along the US/Canadian border, and will play a critical role in supporting homeland defense efforts within and immediately surrounding the State of New York. Because it is a wireless network, the effectiveness of SWN, in terms of providing advanced functionality and promoting interoperability, lies entirely with the amount of spectrum resources available with which to build the network. These resources are primarily located within the 800 MHz bands.

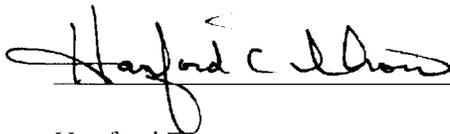
With regards to the "Consensus Plan" the State notes that the detail of how such a plan would be implemented has not yet been provided for the Mexican and Canadian border areas. Any final plan must effectively deal with these areas, without leading to any loss of public safety spectrum resources. Until the details for border area plans are provided for comment, the State stands by its Reply Comments under this proceeding. Specifically, the previously stated recommendations for the best available options are as follows:

- Moving Nextel (and those employing a similar architecture) completely out of the 800 MHz interlaced spectrum, and into equitably established spectrum, either within the upper 700 MHz commercial allocations, or in the vicinity of 2 GHz. This appears to be the optimal solution for meeting all of the objectives of this NPRM
- The original Nextel proposal that, except for relocation costs and some border issues, also meets most of this NPRM's objectives.

The State also recommends that the definition of “Cellular Operations” be reviewed in more detail. The implications from Public Safety’s use of a “cellular” design needs to be examined, and the allowance for public safety to utilize this types of design practice requires further clarification¹. This is an extremely important aspect of any solution, as many public safety systems are moving toward this type of design in order to provide enhanced coverage, greater interference protection, and increased spectrum reuse.

The State again stresses that under no circumstances should the FCC take action that would delay the implementation of the SWN, as it will act as a critical component for this Nation's homeland defense. Furthermore, the costs of any future mandated public safety spectrum transitions that affect the SWN should not be a financial obligation to the State of New York.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Hanford C. Thomas", is written over a horizontal line.

Hanford Thomas
Director - Statewide Wireless Network Office

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¹ See p. 10 of the Consensus Plan