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

In the Matter of)
)
Improving Public Safety Communications) WT Docket No. 02-55
in the 800 MHz Band) DA 02-2202
and) DA 02-2306
Consolidating the 900 MHz Industrial/Land)
Transportation and Business Pool Channels)

To: The Commission

**COMMENTS OF THE
AMERICAN MOBILE TELECOMMUNICATIONS ASSOCIATION, INC.**

Respectfully submitted,

AMERICAN MOBILE TELECOMMUNICATIONS
ASSOCIATION, INC.

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The American Mobile Telecommunications Association, Inc. (“AMTA” or “Association”), respectfully submits its Comments in response to the Public Notices released by the Federal Communications Commission (“FCC” or “Commission”) on September 6, 2002¹ and on September 17, 2002.² The Public Notices request further comment on the “Consensus Plan” and on other proposals recommended during the Reply Comment stage of the instant proceeding.³ The Association is pleased that the Commission has moved promptly to request input on these later-filed proposals for addressing the public safety/cellularized Commercial Mobile Radio Service (“CMRS”) interference problem in the 800 MHz band. The FCC’s actions confirm its commitment to a timely and thorough resolution of this complex, controversial matter.

¹*Public Notice*, Wireless Telecommunications Bureau Seeks Comment on “Consensus Plan” Filed in the 800 MHz Public Safety Interference Proceeding, DA 02-2202 (rel. September 6, 2002).

²*Public Notice*, Wireless Telecommunications Bureau Clarifies Scope of Comments Sought in 800 MHz Public Safety Proceeding, DA 02-2306 (rel. September 17, 2002).

³*Notice of Proposed Rule Making*, WT Docket No. 02-55, FCC 02-81 (rel. March 15, 2002) (“NPR”).

AMTA is a signatory to the Consensus Plan that has been identified specifically by the FCC as a proposal on which it seeks further comment. As noted in its earlier-filed Reply Comments, the Association recognizes that the 800 MHz rebanding approach outlined in the Consensus Plan does not accommodate the preferred solutions of all parties to this proceeding, not even all 800 MHz incumbents that will be affected most directly by the FCC's decision. Like the Commission, proponents of the Plan have endeavored to balance the not entirely complementary public policy objectives of eliminating interference, minimizing disruption to existing services and providing adequate spectrum for public safety services.⁴ The recommended solution, of necessity, is imperfect. Nonetheless, the Association remains convinced that the broad support for the Plan, in particular its endorsement by a number of significant public safety organizations, is persuasive evidence that it is a reasonable and responsible approach to this problem.

AMTA's Reply Comments also highlighted several issues of key concern to the Specialized Mobile Radio ("SMR") service industry, in particular those SMR licensees operating in the 800 MHz band. It described the unique impact of rebanding on commercial operators whose customers may abandon the system rather than tolerate the inconvenience of having their mobile units modified to different frequencies. Regrettably, this was not an uncommon experience when many of these same licensees were retuned from "Upper 200" channels to the very spectrum that will be disrupted under any 800 MHz rebanding plan.

⁴NPR at ¶ 26.

The Association also emphasized the necessity of recognizing the variety of system configurations and business plans extant in the band and of preserving these unique characteristics in the rebanding process. It noted that, although the Consensus Plan did not include specific proposals to address those concerns, it did acknowledge that certain individual, incumbent situations would require particular consideration in implementing an 800 MHz rebanding plan. Finally, AMTA specified that its support of the Plan was conditioned expressly on the understanding that all incumbent relocations, not just those involving public safety systems, would be funded through some private or governmental source.⁵ One of the Plan's significant advantages is that it would require a smaller number of systems to be retuned than any alternative rebanding proposal, in particular the original Nextel recommendation that non-public safety incumbents move to 700 MHz or 900 MHz at their own expense⁶ or the migration of all 800 MHz public safety systems to the 700 MHz band, a solution promoted by a number of primarily cellular and PCS operators.⁷ Less rebanding means lower overall cost which should help in addressing the critical funding component of any solution.

⁵Nextel Communications, Inc. ("Nextel") already has stated that it will fund its own relocation in conjunction with a resolution of the public safety/CMRS interference problem.

⁶Promoting Public Safety Communications – Realigning the 800 MHz Land Mobile Radio Band to Rectify Commercial Mobile Radio – Public Safety Interference and Allocate Additional Spectrum to Meet Critical Public Safety Needs, filed by Nextel Communications, Inc., Nov. 21, 2001.

⁷See, e.g., Comments and Reply Comments filed jointly by Cingular Wireless LLC and ALLTEL Communications, Inc., the joint filing of ALLTEL Communications, Inc., AT&T Wireless Services, Inc., Cingular Wireless LLC, Coupe Communications, Inc., First Cellular, Nokia Inc., Southern LINC, and United States Cellular Corporation, as well as those filed individually by Southern LINC, the Cellular Telecommunications & Internet Association, and Motient Communications, Inc.

AMTA continues to work with the Private Wireless Coalition, public safety organizations and Nextel to refine and finalize a Consensus Plan that will address these important matters. Funding, of course, is the fundamental issue for all Plan proponents. AMTA is encouraged by the progress that has been made both on quantifying the anticipated rebanding costs and identifying a funding source and mechanism. There also are ongoing discussions regarding how best to assure that rebanding remains “spectrum neutral,” defined in the Coalition’s earlier-filed Reply Comments as ensuring that retuned incumbents lose neither channels nor capacity in the process. Because the General Category spectrum that would be subject to retuning under the Plan includes a combination of site-specific licenses, typically with non-contiguous channel assignments, and geographic authorizations of contiguous spectrum purchased at auction, but overlaid on site-specific incumbents entitled to protection, the process of preserving spectrum neutrality is complex. The Association remains committed to working with other Coalition members to develop an approach that respects the legitimate interests of all affected parties.

Further, AMTA remains deeply concerned about the impact of any rebanding plan on 800 MHz commercial operators, particularly those whose customer units will have to be modified physically. In some cases, depending on the equipment type and system configuration, retuning will be transparent to the user who will be entirely unaware that the channels on which it operates have been changed. Unfortunately, in other instances changing frequencies will require convincing each customer to make its units available so a technician can perform the work. Those systems will be uniquely vulnerable to losing customers who are unwilling to be inconvenienced while the work is performed.⁸ The Association is continuing to investigate what, if any, measures might enable its

⁸This concern is exacerbated by the fact that some of these systems already have been

members to counteract that potentially devastating loss of business as they cooperate in resolving interference that is not of their making and from which they are not experiencing a problem.

Finally, as indicated in its Reply Comments, AMTA urges the Commission to proceed promptly to adopt an 800 MHz rebanding approach that is consistent with the proposal described in the Consensus Plan and with the additional comments provided herein. This proceeding affects not only the 800 MHz band, but 900 MHz and 700 MHz as well. Delay in reaching a decision will significantly complicate the efforts of those attempting to make prudent business decisions about their operations, or potential operations, in any of these bands. More important, it will delay addressing the ongoing public safety/CMRS interference problem other than in the current, unacceptable case-by-case fashion. The Consensus Plan offers a blueprint for resolving this issue across the band and should be adopted expeditiously.

retuned once from the "Upper 200" 800 MHz SMR channels to this spectrum in the lower portion of the band. Operators who relied on the FCC's commitment that their systems would not be retuned a second time, and so advised their customers, can expect a substantial, perhaps fatal, loss of credibility with those customers.