EXECUTIVE CHAMBERS

HONOLULU

BENJAMIN J. CAYETANO
GOVERNOR

September 20, 2002

Mr. William F. Caton
Office of the Secretary
Federal Communications Commission
9300 East Hampton Drive
Capitol Heights, MD 20743

Dear Mr. Caton:

Subject: Reply Comments to the Federal Communications Commission, Wireless Telecommunications Bureau, Docket No. 02-55, on the "Consensus Plan" Filed in the 800 MHz Public Safety Interference Proceeding as Described in Public Notices DA 02-2202 and DA 02-2306

The State of Hawaii strongly believes that the "Consensus Plan" and all similar proposals before the Commission to rechannel existing public safety radio systems cannot be implemented without putting the public at significant risk.

The relocation of complex communications systems to new frequencies will inevitably result in interruptions to operations and unpredictable limits to coverage and use. It is against the public interest to adopt the "Consensus Plan." Considering the cost, complexity, and the manpower intensive nature of the task of relocating a public safety communications system, clearly the most prudent option is for existing public safety systems not to move.

If the Commission forces existing public safety communications systems to change frequencies, the federal government must ensure that the public safety system operator is held harmless and made whole in all resulting litigation and challenges for any direct or collateral damage.

"Third party" fund payments recommended in the "Consensus Plan" must not be directly or indirectly assessed on state and local governments or the taxpaying public. All relocation costs should be prepaid or borne, up front, by the commercial entities that benefit from the change without individual or aggregate cost ceilings.

The group of seventeen parties that filed the "Consensus Plan" does not represent the interests of the State of Hawaii.

Enclosed please find one original and nine copies of this reply comment to the Federal Communications Commission, Wireless Telecommunications Bureau, Docket No. 02-55.

Please refer any questions to Mr. Robert J. Hlivak of the Department of Accounting and General Services, Information and Communication Services Division. Mr. Hlivak can be reached at (808) 586-1930, extension 013.

With warmest personal regards,

Aloha,

BENJAMIN J. CAYETANO

Enclosures

c: Senator Daniel K. Akaka
Senator Daniel K. Inouye
Representative Neil Abercrombie
Representative Patsy T. Mink
The Honorable Jeremy Harris, City and County of Honolulu
The Honorable Harry Kim, County of Hawaii
The Honorable James "Kimo" Apana, County of Maui
The Honorable Maryanne W. Kusaka, County of Kauai