

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

<i>In the matter of</i>)	
)	
Improving Public Safety)	
Communications in the 800 MHz Band)	WT Docket No. 02-55
and Consolidating the 900 MHz)	
Industrial/Land Transportation)	
and Business Pool Channels)	
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**COMMENTS OF THE
NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION
RESPONDING TO PUBLIC NOTICE OF SEPTEMBER 6, 2002 (DA 02-2202)**

INTRODUCTION

The National Rural Electric Cooperative Association (“NRECA”) is pleased to submit these comments in the above captioned proceeding¹. NRECA is the not-for-profit, national service organization representing 930 rural electric systems, which serve 35 million customers, or approximately 12 percent of the U.S. population, located in areas that include some of the nation’s most rural and remote regions. NRECA’s members rely on communications systems to safely operate, monitor, control and repair their electric systems, including at least 90 NRECA members that currently operate within the 800 MHz spectrum band. NRECA’s members are a part of the nation’s critical infrastructure and nearly all of NRECA’s members fall within the classification of a

¹ See *Improving Public Safety Communications in the 800 MHz Band and Consolidating the 900 MHz Industrial/Land Transportation and Business Pool Channels, Proposed Rule*, WT Docket No. 02-55, 67 Fed. Reg. 16,351 (Apr. 5, 2002) (NPRM).

“small utility” firm as defined by the Small Business Administration.²

In these comments, NRECA again urges the Commission to give careful consideration to alternatives other than rebanding the 800 MHz spectrum. NRECA again indicates its support of enhanced technical solutions, particularly those suggested by the United Telecom Council (“UTC”), which are necessary tools for resolving interference with or without rebanding. Should the Commission determine that rebanding is absolutely necessary, then of all the rebanding proposals put forward to date in this proceeding, NRECA finds the compromise proposal being offered by the Private Wireless Coalition (the “Consensus Plan”) to be the most workable. Still, NRECA believes that the Consensus Plan as submitted in the reply comments, lacks several important details that must be worked out. For example, a specific plan for funding any required relocations of displaced 800 MHz licensees and detailed coordination plans must be developed with input from all affected constituencies of 800 MHz spectrum users.

DISCUSSION

I. NRECA CONTINUES TO SUPPORT ONGOING EFFORTS TO CRAFT A COMPROMISE PROPOSAL, THOUGH NRECA STILL BELIEVES THAT FURTHER STUDY OF THE INTERFERENCE PROBLEM AND EXPLORATION OF ALTERNATIVE SOLUTIONS IS PREFERABLE.

As we stated in our reply comments, “NRECA continues to believe that further investigation into the causes and possible site-specific resolutions to interference is needed” and that “apparent consensus [] is building that a workable rebanding plan can

² The Small Business Administration’s size standards define an electric “utility” firm as “small” if, including its affiliates, it is primarily engaged in the generation, transmission, and/or distribution of electric energy for sale and its total electric output for the preceding fiscal year did not exceed 4 million megawatt hours. 13 C.F.R. § 121.201.

be crafted.”³ NRECA still views the Consensus Plan, which seeks to minimize the disruption to incumbent 800 MHz licensees and is conditioned on displaced incumbents not bearing the burden of their relocation costs, as the most promising proposal for rebanding, should the Commission ultimately determine that mandatory rebanding is required. We note again here that “the immense undertaking of rebanding the 800 MHz spectrum band and its attendant implementation and coordination issues can not be overstated.”⁴ As we said in our reply comments, numerous other commenters also have asked that the Commission give further consideration to “the causes of interference and possible technical solutions rather than adopt a wholesale rebanding at the outset.”⁵ We therefore continue to support further study of interference problems and exploration of localized solutions.

NRECA also continues to support UTC’s suggestions for enhanced technical rules and standards, coupled with a case-by-case resolution process as a preferable course of action to mandatory rebanding. NRECA shares the belief of numerous commenters that rebanding alone –no matter what configuration– will not resolve all instances of interference.⁶ As UTC notes in its reply comments, the Consensus Plan “would not eliminate all interference, especially intermodulation.”⁷ The Public Safety Wireless Network also recommends that “the Commission undertake an additional analysis of the problem and potential solutions to this interference to better understand the causes and remedies while leveraging the experience of communications stakeholders in the affected

³ NRECA Reply comments at p. 2.

⁴ NRECA reply comments at p. 3.

⁵ NRECA reply comments at p. 4.

⁶ *See e.g.* joint comments of ALLTEL Communications, AT&T Wireless, Cingular Wireless, Coupe Communications, First Cellular, Nokia, SouthernLINC and U.S. Cellular Corporation at p. 12.

⁷ UTC reply comments at p. 15.

800 MHz channels.”⁸ We agree with UTC that “a process of voluntary retuning through contractual agreement is preferable to wholesale mandatory retuning because it minimizes the disruption to incumbents, and encourages market-based solutions for reimbursement that are more likely to ensure that incumbents are made whole.”⁹ This alternative approach is more consistent with the Commission’s stated goal of “reducing or eliminating interference without burdening existing licensees”¹⁰ than mandatory rebanding.

II. ONE OF THE MISSING ELEMENTS IN THE CONSENSUS PLAN IS A PROPOSAL FOR ADEQUATE FUNDING TO REIMBURSE DISPLACED LICENSEES FOR THEIR RELOCATION OR RETUNING COSTS.

As we stated in our reply comments, “One of the reasons NRECA decided it could not, at this point, fully endorse the Consensus Plan, is that it lacks a definite proposal regarding funding for displaced private wireless licensees.”¹¹ The key issue regarding funding is, of course, who pays? We agree with the American Mobile Telecommunications Association (AMTA) which, in its reply comments noted its “absolute” concurrence with the Consensus Plan drafters that, “non-public safety incumbents should not be obligated to finance their own relocations to alleviate an interference problem not of their making.”¹² As NRECA noted in its initial and reply comments, “in the rural areas in which NRECA’s members provide service, reconfiguring the 800 MHz band to address public safety interference is a ‘solution in search of a problem’ and therefore not a solution that should be paid for by the rural

⁸ Public Safety Wireless Network reply comments at p. 5 citing the IAFC/IMSA comments.

⁹ UTC reply comments at p. 13.

¹⁰ NPRM at ¶ 20.

¹¹ NRECA reply comments at p. 9.

¹² AMTA reply comments at p. 10.

consumers served by NRECA's members."¹³ We continue to believe that those responsible for the interference and/or those who stand to benefit from relocations should be responsible for bearing the costs.

While NRECA is supportive of ongoing discussions as part of the Consensus Plan to determine the willingness and ability of Nextel to fund non-public safety licensees' moves, we reiterate our concern that Nextel will not be able to provide adequate funding to reimburse non-public safety incumbents for their relocation costs.¹⁴ Others also stressed in their reply comments that "all incumbent licensees must be made whole in a re-banding."¹⁵ So far, NRECA has noted that most commenters believe that a funding plan is needed, but few have offered any funding proposals. We therefore urge the Commission to take the lead by identifying prospective sources of funding and not commit to any rebanding plan until this issue has been resolved.

III. ANOTHER AREA THAT NEEDS FURTHER VETTING IN THE CONSENSUS PLAN IS COORDINATION OF RELOCATIONS.

One of the challenges associated with the Consensus Plan is implementation. The Consensus Plan requires a series of carefully orchestrated moves within the 800 MHz band, with each successive move dependent upon the timing and execution of the preceding move. To add to the complexity, different types of users within the 800 MHz spectrum will face different challenges in relocating within the band. Retuning equipment is not as easy as it may sound. For NRECA's members and other critical infrastructure providers, there can be no disruption in their operations. Extensive testing and redundant systems will likely be necessary to ensure continued continuity of

¹³ NRECA reply comments at p. 10.

¹⁴ NRECA reply comments at p. 9.

communications during any transition period. As Carolina Power & Light Company and TXU Business Services point out in their joint comments, “the proponents of the ‘compromise plan’ have not even begun to scratch the surface as what would truly be involved by the proposed required change in frequencies.”¹⁶ Further discussions that include all types of licensees –and all current 800 and 900 MHz frequency coordinators– is necessary to flesh out these coordination issues to ensure that the needs and special circumstances of all affected licensees are addressed in any rebanding plan.

III. CONCLUSION

NRECA again respectfully requests that the Commission consider alternatives to rebanding, particularly case-by-case resolutions and enhanced technical rules. We restate our support here for the Consensus Plan, should the Commission determine that a reconfiguration of the 800 MHz band is absolutely necessary to alleviate public safety system interference. We urge that the Commission bear in mind that before any new bandplan can be adopted for the 800 MHz spectrum: (1) an adequate funding plan for reimbursing incumbent licensees for their relocation or retuning costs must be developed, and (2) coordination issues must be fully explored, particularly addressing the different needs of critical infrastructure providers and other incumbent licensees.

Respectfully submitted,

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¹⁵ See e.g. joint commenters represented by Schulman, Rogers, Gandal, Pordy & Ecker at p. 5.

¹⁶ Joint reply comments of Carolina Power & Light Co. and TXU Business Services at p. 8.

202-719-3182

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