

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

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

**COMMENTS
OF THE OFFICE OF THE CHIEF TECHNOLOGY OFFICER,
GOVERNMENT OF THE DISTRICT OF COLUMBIA**

The Office of the Chief Technology Officer of the Government of the District of Columbia (“OCTO”) is pleased to present these comments to the “Consensus Plan”, FCC 02-55, submitted on August 7, 2002. OCTO operates an 800 MHz Public Safety Network in the District of Columbia and therefore has direct interest in the support and outcome of this proceeding.

Introduction.

The urgency expressed by impacted parties, particularly Public Safety entities, in resolving the detrimental interference conditions now existing in the 800 MHz band, and very likely to become exacerbated if left unabated, has stimulated an abundance of technical discussions and solutions tendered, opinions, experiences, recommendations and generally, thoughtful concern and ideas for realigning the band to achieve the primary objective of eliminating harmful interference to Public Safety wireless operations.

The joint reply commenters may have achieved the objectives set by the FCC, however, they fail to meet those requirements established by the Public Safety community. Specifically, there must be sufficient funds to complete the realignment. Partial realignment is unacceptable and puts public safety at a tremendous risk. OCTO continues to support “The Maryland Plan”¹ as the ideal solution for Public Safety. It requires no migration of public safety spectrum, retains NPSPAC channels, allows public safety officials to focus on their core duties rather than burdensome band realignment, and incurs limited cost to public safety network operators.

The funding proposed by Nextel, in the amount of \$500 million, is inadequate to realign the 800 MHz band. OCTO estimates the realignment cost for the District of Columbia alone could reach \$60 million. Clearly the thousands of Public Safety and B/ILT systems will cost far in excess of the \$500 million proposed by Nextel. The value of contiguous spectrum the Joint Commenters offer Nextel compared to the value of the spectrum it is vacating (including guard bands in the 700 MHz band) is incongruous. The market value of the Nextwave spectrum reacquired was over \$16 billion. The value of the spectrum Nextel proposes to acquire is more valuable as this spectrum is unencumbered by microwave users. Nextel itself bid \$338 million for 4 MHz guard band spectrum. The market value of 4 MHz in the 2.1 GHz band as implied in the Nextwave reacquisition is over \$6 billion. The delta between these two figures suggests an increase of Nextel’s proposed spectral market value of \$5.4 billion for this 4 MHz of spectrum – far less than the \$500 million proffered by Nextel. The market value of 800 and 900 MHz spectrum owned by Nextel would also suffer the same devaluation vis-à-vis the proposed

¹ Written Ex Parte Presentation: Comments of the State of Maryland, Department of Budget, Office of Information Technology, May 6, 2002.

spectrum allocation. Nextel should be responsible for the full amount of net market value change in the interest of ensuring sufficient funds exists to complete the realignment.

Despite our preference for the Maryland Plan, we find the “Consensus Plan” an acceptable proposal if the following conditions are met:

- The Joint Commenters show conclusive evidence that the spectrum the District of Columbia would be required to migrate to is available and free of interference. The current level of interference is intolerable and unacceptable. Any increase in interference for any amount of time, much less that of this lengthy process, is not acceptable. We are skeptical that the interim spectrum available to us in the 809-814 MHz band provides an improved interference position.
- The Joint Commenters provide sufficient funding for the realignment and show conclusive evidence that the allocated funds are sufficient to complete the realignment. The funding shall include all direct and indirect costs associated with every phase of the plan. It should be noted that significant management and technical oversight would be required to successfully administer contracts. These costs must be fully recovered via the funding source.
- The definition of “non-cellularized” systems must clearly exclude Public Safety systems:
 - Simulcast radio networks could be considered as providing hand-off capability. The District of Columbia anticipates 10 simulcast sites in its 800 MHz network. If simulcast constitutes hand-off, this criterion is unacceptable.

- The District of Columbia anticipates the use of a radio site under 100 feet on ground elevation of less than 500 feet. The criterion requiring sites taller than 100 feet above ground level on HAATs of less than 500 feet is unacceptable.
- The District of Columbia anticipates the use of at least 28 trunked channels at each site on its 800 MHz radio network. The criterion requiring less than 20-paired channels is unacceptable.
- The Consensus Plan must deliver at least 12 additional 800 MHz paired frequencies for use by The Government of the District of Columbia. The District of Columbia requires at least 28 total frequencies, 16 existing licenses plus 12 additional required, at 800 MHz for all of its public safety personnel.
- The Joint Commenters resolve the concerns of other Public Safety users currently occupying the NPSPEC band.

OCTO continues to stand behind earlier comments which, in the interest of brevity, are not duplicated herein.

Respectfully submitted,

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