

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

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| 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

**REPLY COMMENTS OF
THE STATE OF CALIFORNIA**

The State of California (“State”) as represented by its Department of General Services, Telecommunications Division hereby submits the following reply comments in the above-captioned proceeding. The State concurs with and supports the proposed Consensus Plan for the 800 MHz band¹ and offers the following additional comments.

The State operates several public safety radio communications systems in the 800 MHz band for various state agencies. These systems provide vital links in protecting the life and property of California’s citizens. Some of these systems provide wide area coverage over large portions of the state. Others provide campus-like coverage at many locations scattered throughout the state. In both cases, the requirement for communications spans the entire geographic area defined by the political jurisdiction known as “The State of California”, from the Mexican border to the Oregon border and from the Pacific Ocean to our borders with Nevada and Arizona. The State is a victim of the interference being caused by Nextel and other cellular

providers and is aware of the many instances of interference being experienced by public safety agencies across the country. This interference is a very real factor that is having a significant negative impact on the ability of public safety agencies to operate effectively and safely. The problem **MUST** be resolved and done so expeditiously.

The Consensus Plan offers the only alternative brought forth to-date that offers any hope for resolution of this problem in a timely manner. Other plans either offer no reasonable assurance of success or their implementation would be so far into the future as to be of little value. For this reason, the State recommends the Commission adopt this plan and mandate its implementation in the shortest time possible.

Nonetheless, the State remains concerned with the funding aspects of the Consensus Plan. Public Safety agencies must be fully reimbursed for their reasonable costs associated with relocating to alternative portions of the 800 MHz band, as proposed in the Plan. We particularly note that most public safety agencies operate on frequency assignments within either the Public Safety Pool² or in the NPSPAC Band³. The frequencies in the Public Safety Pool are interleaved with frequencies allocated for use by the Business Category, the Industrial/Land Transportation Category and the SMR Category of users. Experience has shown that a significant portion of the public safety agencies impacted by the interference problems are utilizing frequencies in the Public Safety Pool, while only a few users in the NPSPAC band are impacted. Under the Consensus Plan, however, most users in the Public Safety Pool will continue to operate on their current frequency assignment, while all NPSPAC users will be required to move to frequencies in the 806-809/851-854 MHz portion of the band such that spectrum can be cleared for use by Nextel, Inc. Thus, public safety agencies least impacted by the interference problem (the NPSPAC users) will bear the brunt of the effort to

¹ As described in the joint reply comments filed by the Association of Public Safety Communications Officials, Inc, et al

² 70 channels between 811.2125/856.2125 and 815.9875/860.9875 MHz. Refer to 47CFR90.617(a). Within the Mexican Border area, 85 channels are defined. Refer to 47CFR90.619(a)(1).

correct the problem (by relocating to alternative frequencies). This fact is the basis for our insistence that public safety agencies be fully reimbursed⁴ for their reasonable costs associated with relocating.

One might ask---what are “reasonable costs”. We believe those costs must include all costs associated with re-tuning the radios. This must include any and all channel-determining elements and software changes/upgrades⁵; replacement and/or retuning of antennas, antenna transmit and receive filter elements, receiver pre-amplifiers and such other equipment that may be necessary to ensure continued operation of the system at a level equivalent to the level of operation prior to the frequency change; engineering man-hours required to plan, design, and implement the changes as well as to update records and other documents to reflect changes made; and, technician man-hours required to implement the changes including travel time to reach existing radios in-situs. The reimbursement of these costs cannot be bounded by an artificial amount such as the \$500M offered by Nextel. The principal must stand---if a public safety agency is required to change to an alternative frequency as part of the implementation of the Consensus Plan, then those costs **MUST** be reimbursed as discussed above regardless of the overall total cost nationwide.

As noted above, the State operates radio systems throughout the geographic boundaries of the state. This factor carries with it a requirement that once a transition begins in one portion of the state, it **MUST** proceed in an orderly fashion throughout the state until all radios operating in a particular system are completed. This is true whether the system is a wide-area, statewide system or is a campus-like system operated at many locations throughout

³ 107 channels between 821.0125/866.0125 and 823.9875/868.9875 MHz. Refer to 47CFR90.619(a)(2).

⁴ While “reimbursement” after-the-fact is one alternative, this alternative places a burden on public safety agencies to find a source of funds for the period of time between “expenditure” and “reimbursement”. A better approach would provide for “funding prior to expenditure”.

⁵ The NPSPAC band is channelized for 25 kHz wide channels on a 12.5 kHz spacing. The current 806-809 MHz band also is channelized for 25 kHz channels, but on 25 kHz spacings. While channel assignments in the Mexican Border region may be offset by 12.5 kHz from those assignments, many radios were designed to operate either in the Mexican Border Region OR outside of it. Thus, they are not

the state. In the design of its radio systems, the State includes the capability for personnel from one portion of the state to travel to another portion of the state, either as part of their normal work routine or in response to an emergent requirement. This “need to travel” requirement applies not only to the wide-area system users, but also to users on the “campus-like” systems. For example, the State operates “campus-like” 800 MHz trunked radio systems at each of the 33 prison facilities scattered throughout the state. We have purposefully constructed those systems to operate on a common set of 800 MHz channels, even though each institution operates as-if it were an independent system. Due to the unique nature of law enforcement within a high-security prison environment, the State has trained individuals at each facility to handle disturbances and other “unusual” circumstances (known as SERT teams). It is possible, that in certain instances the SERT team from one institution may need to respond to a disturbance at another institution. When they arrive on-scene, the radios they brought from their “home institution” must be capable of operating on the radio system at the “disturbance institution” so they can coordinate their efforts with local personnel. Thus, once even one institution is transitioned to the “new” frequency assignments proposed under the Consensus Plan, then every subscriber unit statewide will need to be modified to operate on the new channels.

Furthermore, the State remains concerned about the impact this frequency-reallocation will have within the Mexican Border Region⁶. Use of the 800 Mhz frequency spectrum within this region is bound by treaties between the U.S. and Mexico. These treaties must be modified and modified in a manner that not only implements the intent of the Consensus Plan, but also satisfies interests on both sides of the border. We are unaware of the direction or content of any discussions being conducted with the Mexican government on this matter and certainly

capable of being operated on a 12.5 kHz channel spacing. These radios will have to be either replaced or upgraded to allow operation on 12.5 kHz channel spacings.

⁶ Defined in 47 CFR90.619(a), this area extends 100 km (68.4 miles) into the U.S. Thus, it encompasses the entire San Diego Metropolitan area and many other significant areas for State operations.

have not seen any specific plans. This fact causes us concern regarding the viability of the Consensus Plan within that region, therefore, we will withhold further comment until such time as a plan is proposed.

In summary, the State of California supports the Consensus Plan with certain reservations noted above. We firmly believe this plan will make substantial improvements in resolving the interference problems currently being experienced by public safety agencies across the country, therefore is worthy of Commission consideration. Any plan, however, must include adequate funding to ensure that public safety entities are held harmless in its implementation.

Respectfully submitted,

(date)

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