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November 26, 2002

Marlene H. Dortch, Secretary
Federal Communications Commission
Washington, DC 20554

**Re: Report of Oral Ex Parte Communication
WT Docket No. 02-55**

Dear Ms. Dortch:

Pursuant to Section 1.1206(a)(2) of the Commission's Rules, this is to report that an oral *ex parte* presentation was made on November 25, 2002, concerning the above-referenced proceeding, titled *Improving Public Safety Communications in the 800 MHz Band*. The meeting was held with the **Wireless Telecommunications Bureau** at the request of the **City of Baltimore, Maryland** ("Baltimore City"), and was attended by the following persons:

For the City of Baltimore, Maryland

John Pignataro, Chief, Baltimore City Police Department
Craig Meier, Lieutenant, Baltimore City Police Department
Peter Tannenwald, Irwin, Campbell & Tannenwald, P.C.,
Counsel to the City of Baltimore, Maryland

For the Wireless Telecommunications Bureau

Michael J. Wilhelm, Senior Attorney
Karen D. Franklin, Attorney-Advisor
John Evanoff, Attorney-Advisor
Brian Marengo, Electrical Engineer

Representatives of Baltimore City reviewed and elaborated on the major points made in their written comments in this proceeding: (1) the problem of interference to public safety operations has been overstated, at least with respect to the situation in Baltimore; (2) new digital radio systems are currently in service or are being installed in most areas reaching from Philadelphia to northern Virginia, at considerable expense, and the cost and disruptive effect of retuning those system would be severe; (3) public safety officials cannot afford to have any

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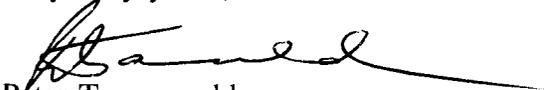
down time or to miss any calls, so the only way to retune is to build a redundant parallel system and to cut over only after the new system has been proven effective, a method that those who have to pay the cost of retuning may resist; and (4) there are no city funds available to retune the Baltimore system, and there has been no suggestion that adequate funds would in fact be available from private sources to fund a proper transition. The equipment vendor has advised Baltimore City that the current system cannot be retuned. Thus if the frequencies must be changed, it would be necessary to replace all of the system's infrastructure and all of the handheld field radios, at significant cost.

The meeting participants discussed why Baltimore City may be experiencing less interference than some other jurisdictions and the extent to which various technologies may enable a system to function effectively in an environment where interference exists. These technologies include digital transmission, trunking, sophisticated controllers, and repeater locations. The FCC representatives expressed interest in the field strength at which the Baltimore City system is designed to operate and the effectiveness of the system at locations near high powered SMR cells that direct a large amount of radiofrequency energy downward from antennas at a low height, creating pockets of high-strength interfering RF fields.

Baltimore City reported that its system is designed to operate at 95% of the locations 95% of the time. The system is designed for higher field strengths at downtown locations to ensure adequate penetration of buildings. There are nine sites with 28 repeaters each plus a zone controller. Handsets are Motorola Model XTS3000, mostly Model 1 and some Model 3.

Baltimore City emphasized that equipment vendors continue to sell new systems. Proponents of a reorganization of the band do not appear to realize the full cost involved in reconstructing all of these new facilities; nor do they recognize that interference problems may be reduced by equipment upgrades and system re-design, making radical retuning efforts unnecessary. The private benefit that retuning would bring to some parties should not influence the Commission's analysis of what is essentially a vital public safety issue.

Very truly yours,



Peter Tannenwald

cc: All meeting participants (by e-mail)