



February 11, 2003

Federal Communications Commission  
445 – 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Re: Improving Public Safety Communications in the 800 MHz Band, WT Docket No. 02-55

**Comments of Gainesville Regional Utilities to the “Supplemental Comments of the Consensus Parties”**

Pursuant to the Public Notice entitled *Wireless Telecommunications Bureau Seeks Comment On “Supplemental Comments Of The Consensus Parties” Filed In The 800 MHz Public Safety Interference Proceeding – WT Docket No. 02-55*, Gainesville Regional Utilities hereby submits its comments in response to that document.

Gainesville Regional Utilities (GRU), a municipal utility, owns and operates a shared Public Safety/Public Service radio system that serves the majority of Public Safety and Public Service user agencies within Alachua County. Our Trunked Radio System operates in the NPSPAC 821 MHz spectrum on 22 trunked voice channels with 2 NPSPAC mutual aid channels at 5 sites and also utilizes 5 channels in the 806 MHz spectrum for mobile data use at 3 sites. The Gainesville Regional Utilities 800 MHz system supports over 2400 radio users. The realignment proposals put forth in the *“Supplemental Comments Of The Consensus Parties”* indicate that all of our user radios as well our radio system infrastructure would require significant modifications in order to operate in the new band plans created if this proposal were to be adopted by the Commission.

While agreeing that the *“Supplemental Comments Of The Consensus Parties”* represents a significant effort to resolve both current and future interference issues that exist in the 800 MHz spectrum we continue to have grave concerns regarding the processes and timelines put forth in this document to reach that goal. We believe that a failure to address these concerns prior to an issuance of a Report and Order in this matter would be detrimental to all incumbent users of 800 MHz spectrum. The “Consensus Plan” proposes a sweeping change to the current allocation of 800 MHz frequencies that will have serious and substantial implications for all current and future licensees in this band.

As part of the realignment process, the “consensus parties” call for the creation of a “*Relocation Coordination Committee (RCC) to carry out certain frequency designation and coordination, dispute resolution and licensing application responsibilities.....*”. It is proposed that this RCC be comprised of two representatives for public safety licensees and two for private wireless licensees as well as Nextel. Each agency required to relocate would be required to provide detailed and comprehensive system information to the RCC and the Commission within 120 days from a Report and Order. This requirement is extreme. It is not necessary that the Commission or the RCC have this information in order to establish new band plans, regional migration plans or coordination of new licenses. This information has never been required for past license applications and there is no compelling reason for it to be supplied today. As a member of the RCC, Nextel would also be privy to information that it otherwise would not have access to during the proposed “mandatory” negotiations between Nextel and the incumbent licensees. Further, it would be our contention that disclosure of the types of information supplied under this plan would also be of significant interest to persons interested in disruption of services provided by critical infrastructure and would seriously degrade our ability to secure our radio system facilities. It also seems contradictory that Nextel is both a party to a negotiation and also a member of the committee assigned to resolve disputes that may arise from these same negotiations.

The plan also states that this detailed system information would be used by third parties performing the relocation of an incumbent licensee’s facilities. This stipulation seems to indicate that Nextel plans to have some outside contractor perform the relocations and retuning of an incumbent’s equipment. Should this “consensus plan” be adopted, it should be modified to state that the incumbent licensee has the option to have the original system manufacturer perform any relocation, retuning or reengineering of it’s system that may be necessary under this plan. This is imperative for system security and to ensure that the newly modified system will continue to be supported by the original equipment manufacturer.

The “Consensus Plan” also stipulates that each incumbent NPSPAC licensee in regions prioritized 1-14 would have to execute a relocation agreement within 19 months and vacate it’s original frequencies within 33 months of a Report and Order. Failure to do so would result in either involuntary license cancellation or modification of an incumbent’s license to secondary status. Again, this requirement is extreme and unrealistic. It often takes years to plan engineer and deploy the types of systems that will have to relocate under this plan. As an example, our system took two and a half years to deploy and almost as long to license. As of this date, our system manufacturer has been unable to provide any details on a system relocation plan to accommodate the changes that will be required to our system to accomplish the goals outlined in the plan. Many systems affected by this plan will need changes in the software and firmware of both the individual radios and the system control equipment. Again, the manufacturer of our system has not identified the software and hardware solutions that will be required due to changes in the 800 MHz band plan nor the manner in which these solutions will have to be implemented. To date, we have yet to determine how the “retuning” proposed in the plan can be accomplished without degradation of our current radio system capacity, coverage and reliability.

The revised “consensus” plan also does not appear to have the widespread support that is claimed in the document. While supported by many trade groups and associations, it lacks support from any utility or utility association. Though it purports to be supported by public safety associations, our conversations with the managers of public safety 800 MHz radio systems in our area indicate that the “consensus” plan lacks the overwhelming support claimed by the PWC **among agencies who actually own and operate 800 MHz systems.**

It is also stated in the “*Supplemental Comments Of The Consensus Parties*” that the plan must be accepted by the Commission as a whole, without material change. We believe that there are significant technical and legal flaws in the plan that would preclude it’s being adopted by the Commission “as is”. We urge the Commission to continue to pursue the long-term goals of permanently resolving interference in the 800 MHz band by utilizing many of the concepts proposed in the “Consensus Plan” but anticipate that the realignment of the 800 MHz band is best pursued in a more measured and deliberate manner than that proposed in the “*Supplemental Comments Of The Consensus Parties*”. Further, we also request that the Commission act expeditiously to direct Nextel and other cellularized operators to take the required steps to avoid and correct interference caused by the operations of their systems today. This immediate action would resolve the urgent needs of public safety, public service, critical infrastructure and the business/industrial users of 800 MHz spectrum while allowing sufficient time and research to determine the most efficient and cost effective long term solution for realignment of the 800 MHz band in the future.

Regards,

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