Before the
Federal Communications Commission
Washington, D.C. 20554

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

COMMENTS OF CENTRAL MAINE POWER COMPANY REGARDING THE DECEMBER 24, 2002 "SUPPLEMENTAL COMMENTS OF THE CONSENSUS PARTIES"

Central Maine Power Company ("CMP") files its comments regarding the "Supplemental Comments of the Consensus Parties" ("Consensus Plan Supplement" or "Supplement") submitted by the The Industrial Telecommunications Association, Inc. ("ITA") and other parties ("Consensus Plan Proponents") on December 24, 2002 in the captioned proceeding. CMP is filing these comments to address the frequency relocation problems that would be faced by electric utilities and others operating 800 MHz systems in the State of Maine, including Canadian border Region 1.[1]

[1] The area within 100 km of the Canadian border within the State of Maine is part of Region 1. The area between 100 and 140 km from the Canadian border within the State of Maine is part of Region 7. However, because all of the 800 MHz channels are available for use in Region 7, the "Consensus Plan Supplement" proposes to reorganize the band plan for Region 7 identically to the "Consensus Plan" proposal for non-border areas.

I. Background

CMP is an electric utility that serves more than 545 thousand electric customers in 13 counties covering approximately 11,000 square miles in the state of Maine. Much of CMP's service area is rural and sparsely populated, and approximately half of its service area is above Line A. CMP utilizes an 800 MHz system in the Industrial/Land Transportation Pool that covers its entire electrical service area. CMP operates on 141 frequencies ranging from 806-820 MHz/ 851-865 MHz at 31 locations. Further information on the critical importance of CMP's 800 MHz system to the reliable delivery of electricity and the life and safety of its personnel was included with CMP's reply comments filed on August 7, 2002.

II. Discussion

The "Consensus Plan Supplement" is an improvement over the original "Consensus Plan" submitted on August 7, 2002. In particular, CMP is pleased to see that Nextel has allotted additional funds to cover the cost of relocating Business/Industrial/Land Transportation ("B/ILT") users who must relocate from frequencies reserved for either NPSPAC or for cellularized SMR systems to other frequencies. CMP is also pleased to see that B/ILT users that have "safety of life" or "mission critical" needs may relocate to frequencies in the 809-814 MHz/ 854-859 MHz range in Canadian border Region 7 and in non-border areas.

Nevertheless, the "Consensus Plan Supplement" leaves several questions unanswered and does not address all of CMP's concerns. For example, even though the "Supplement" proposes that B/ILT users with "safety of life" or "mission critical" needs may relocate to frequencies in the 809-814 MHz/ 854-859 MHz range in Region 7 and in

non-border areas, the "Supplement" does not define "safety of life" or "mission critical," leaving both to be defined by the Commission.

CMP considers it essential that communications systems operated by electric utilities fit within the definition of "safety of life" or "mission critical." As discussed in CMP's reply comments submitted on August 7, 2002, CMP's 800 MHz system is critical for safe and efficient electrical maintenance and restoration. CMP's customers depend upon timely restoration of electricity after power outages caused by storms and other reasons, and CMP's maintenance and restoration personnel rely upon the 800 MHz communications system for their safety as well as to facilitate locating and restoring power to the areas of outage. The public interest, as mandated by the State of Maine, requires rapid restoration of power as well as the safety of electrical workers.

Along those same lines, although the "Consensus Plan Supplement" proposes that B/ILT users with "safety of life" or "mission critical" needs may relocate to frequencies in the 809-814 MHz/ 854-859 MHz range in Region 7 and in non-border areas, it does not address the permissible relocation frequencies for B/ILT users with "safety of life" or "mission critical" needs in Canadian border Regions 1, 4, 5 and 6. Specifically, Appendix G-4 of the "Consensus Plan Supplement" proposes that for Regions 1, 4, 5 and 6, the frequencies 806-809.75 MHz/ 851-854.75 MHz be used for 60 NPSPAC channels, 85 public safety channels and 5 new public safety channels. It appears as though only the 66 channels in the frequency range 817.25-818.9 MHz/ 862.25-863.9 MHz, which is proposed to be a Guard Band separating the Canadian pool channels from the low site, low power, cellularized SMR block, will be available for B/ILT use.

Because CMP's 800 MHz system is critical to the restoration of electrical power and the safety of electrical maintenance and restoration workers, it is essential that CMP be permitted to relocate its frequencies to the 806-809.75 MHz/ 851-854.75 MHz range in Region 1. Moreover, public safety users do not utilize 800 MHz frequencies in the State of Maine. Therefore, CMP would not be competing with public safety for frequencies. Just as the "Consensus Plan Supplement" now proposes that B/ILT users with "safety of life" or "mission critical" needs be permitted to relocate to the 809-814 MHz/ 854-859 MHz frequency band in Region 7 and in non-border areas, B/ILT users with "safety of life" or "mission critical" needs must also be permitted to relocate to the 806-809.75 MHz/ 851-854.75 MHz frequency band (other than the 60 NPSPAC channels) in Regions 1, 4, 5 and 6.

CMP currently operates frequencies in the 814-816/ 859-861 MHz range in Region 7 and in non-border areas and frequencies in the 817.25-818.9 MHz/ 862.25-863.9 MHz range in Region 1. As mentioned earlier, the "Consensus Plan Supplement" proposes that these frequency ranges be established as Guard Bands adjacent to frequencies proposed to be used for low site, low power, cellularized SMR use. Once low site, low power cellularized SMR operations are consolidated in the 816-824 MHz/ 861-869 MHz frequency range in Canadian border Region 7 and in non-border areas and in the 818.9-821 MHz/ 863.9-866 MHz frequency range in Regions 1, 4, 5 and 6, the concentration of low site, low power cellularized systems are likely to cause considerable harmful interference to high site analog systems operating in the Guard Bands.

Again, because CMP's 800 MHz system is critical to the restoration of electrical power and the safety of electrical maintenance and restoration workers, it is essential that

CMP be permitted to relocate its frequencies from the Guard Bands to lower 800 MHz frequencies. Yet, the "Consensus Plan Supplement" specifically states in Appendix C at page C-20 that B/ILT users who relocate from the Guard Band to other 800 MHz frequencies will not be reimbursed for the cost of relocation. This simply is not fair. Since it is Nextel's iDEN system that will cause unacceptable harmful interference to those operating in the Guard Band channels, Nextel should pay the cost for B/ILT users with "safety of life" or "mission critical" needs to relocate from the proposed Guard Band to lower frequencies, and Nextel should increase its relocation funding commitment accordingly.

Lastly, the "Consensus Plan Supplement" is based on the premise that there will be a sufficient number of 800 MHz frequencies available for B/ILT relocation. It is CMP's experience that 800 MHz frequencies are scarce in the State of Maine. Several years back, when CMP was expanding its 800 MHz system, the only available frequencies were short-spaced to other locations already operated by CMP. Thus CMP was forced to short-space itself. The result has been intra-system harmful interference that has caused CMP operational difficulties. If CMP is having trouble managing its own intra-system interference, then it would be many times more difficult to manage harmful interference with other, unrelated users.

CMP is hopeful that it will be able to find 800 MHz channels vacated by Nextel or other channels without incumbents that will be available for relocation without resulting harmful interference problems. However, as mentioned earlier, CMP's 800 MHz system is critical to the restoration of electrical power and the safety of electrical maintenance and restoration workers. Therefore, it is essential that CMP know that it

will be able to relocate its 800 MHz frequencies to other 800 MHz frequencies[2] prior to the start of any 800 MHz band restructuring.

Since it is Nextel's iDEN system that is causing harmful interference to other users, since it is Nextel that is the primary proponent of the 800 MHz band restructuring, and since it is Nextel who will receive the benefit of 10 MHz of contiguous spectrum in the 1900 MHz area, it is Nextel who should conduct and pay for the necessary studies to determine whether the proposed frequency relocation efforts are technically feasible in the State of Maine. Any proposal that would result in CMP ending up with less than comparable facilities as a result of new harmful interference or other limiting factors would jeopardize CMP's mission as an electrical utility, would be contrary to the public interest and would be unacceptable.

III. Conclusion

For the reasons stated herein, Central Maine Power Company respectfully requests that the "Consensus Plan Supplement" be amended as follows:

- That the Commission includes electrical utilities among those B/ILT users with "safety of life" or "mission critical" needs that can relocate their frequencies to the 809-814 MHz/ 854-859 MHz range in Canadian border Region 7 and in non-border areas.
- That the Commission permit B/ILT users with "safety of life" or "mission critical" needs, including electrical utilities, to relocate their frequencies to the 806-809.75 MHz/ 851-854.75 MHz range (other than to the 60 NPSPAC frequencies) in Canadian border Regions 1, 4, 5 and 6.
- That Nextel reimburse B/ILT users with "safety of life" or "mission critical" needs, including electrical utilities, for costs associated with relocating their frequencies from the Guard Bands to lower 800 MHz frequencies, and that Nextel increase its relocation funding commitment accordingly.

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[2] In its September 23, 2003 comments on the "Consensus Plan," CMP explains why relocation to 900 MHz is not a viable option for CMP.

- That Nextel conduct and pay for studies to determine whether there are a sufficient number of comparable 800 MHz frequencies available for relocation prior to the commencement of the band restructuring plan.

Respectfully submitted,

CENTRAL MAINE POWER COMPANY

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