

Introduction

American Electric Power Company, Inc. (AEP) respectfully submits the following comments regarding the Private Wireless Coalition's supplemental comments regarding its so-called Consensus Plan. While the Consensus Plan attempts to address the interference concerns confronting land mobile radio (LMR) licensees in the 800 MHz band, AEP has grave concerns regarding how this plan will affect Critical Infrastructure providers ability to carry out their mission.

The PWC Does Not Represent A Consensus

In their supplemental comments, the PWC claims that the Consensus Plan enjoys the support of organizations representing over 90 percent of 800 MHz land mobile licensees affected by CMRS-public safety interference¹. By making this statement, it sounds as if the PWC represents 90 percent of all 800 MHz licensees. However, for a licensee to experience "public safety interference," it must be, by definition, a public safety entity. Thus, their "90 percent" demonstrates they represent 90 percent of the public safety community, not the entire group of 800 MHz license holders. Business and Industrial/Land Transportation ("B/ILT") licensees are not well represented by the PWC.

The entities supposedly representing non-public safety private wireless interests in this proceeding are either doing so without the input of their membership or their membership has very little interest in the 800 MHz band. For example, AEP is a member of the Industrial Telecommunications Association (ITA) but AEP has not been privy to ITA's participation in the PWC. To AEP's knowledge, ITA did not solicit input from their membership either before or

¹ *Supplemental Comments of the Consensus Parties*, Aeronautical Radio, Inc., et al, *Ex Parte* filing in WT Docket No. 02-55, 24 December 2002, p. 3

after the Consensus Plan was crafted. Contrast that mode of operation with that of the United Telecommunications Council (UTC) who did solicit comments from the membership. The UTC has held numerous conference calls and meetings where the entire membership, with interest in the 800 MHz band, was encouraged to participate. The UTC did not endorse the so-called Consensus Plan specifically because their membership informed them of the detrimental effect the Plan would have on B/ILT licensees in the 800 MHz band. Perhaps ITA believed they were doing the right thing for private wireless by trying to come to a compromise with Nextel and the public safety wireless organizations, but they negotiated this backroom deal with the other PWC members without the explicit support of many if not most of their affected members.

The remaining organizations supposedly representing private wireless interests in the PWC have very little interest in the outcome of this proceeding. Forest Industries Telecommunications (FIT) admits in a statement posted to their website that "Only a handful of FIT members have conventional, trunked or SMR systems in the affected bands..."² The statement goes on to say "...but the nature of the proposal impacts service shops, dealers and others, which FIT has both long-standing and new relationships." In other words, FIT's membership has little to lose in this proceeding but other parties with which FIT has well-established relationships would gain a great deal if a massive retuning and relocation effort was mandated by the FCC. A cursory inspection of licenses in the Commission's Universal Licensing System (ULS) shows that out of over 1000 active land mobile licenses held by the large forestry concerns Boise Cascade, Georgia Pacific, International Paper, and Weyerhaeuser only five licenses are for facilities in the affected 800 MHz band. A similar inspection of

² Statement of Forest Industries Telecommunications Regarding the Nextel proposal "Promoting Public Safety Communications," 3 December 2002, <http://www.landmobile.com/index2.html>

licenses held by the Association of American Railroads' (AAR) Full Members³ reveal only five licenses for facilities in the affected 800 MHz band. Organizations such as UTC and National Association of Manufacturers (NAM) are conspicuously absent from the list of signatories to the PWC's supplemental filing. The membership of these associations have a great deal at stake in this proceeding. One must wonder if the organizations purporting to represent B/ILT concerns in the PWC were added to the "Consensus" merely as window dressing to give the appearance of support from the B/ILT wireless community. Certainly the B/ILT entities affected the most by the Consensus plan are not represented by the PWC.

Looking at the membership of the PWC, it should be obvious that critical infrastructure providers are clearly underrepresented. The critical infrastructure industry has been tossed aside as an annoyance, with the issues that critical infrastructure providers have raised in this proceeding largely ignored. AEP views the Consensus Plan as a backroom deal that will greatly benefit the PWC membership under the guise of solving an interference problem. Public safety gets more spectrum, Nextel gets continuous spectrum at 800 MHz and 1.9 GHz, and coordinators get a guarantee of steady work for years to come. AEP fully supports the notion of insuring an interference-free environment for public safety licensees, however creating this environment should not be at the expense of B/ILT and High-site Specialized Mobile Radio (H-SMR) licensees, none of which are causing the interference problem.

It is interesting to note that the original PWC filing included a section entitled "Everyone Must be Made Whole" which only addressed Nextel's needs. In their supplemental comments,

³ A search for 800 MHz land mobile licenses was performed for the following companies (and their subsidiaries in parentheses): Amtrak/National Railroad Passenger Corporation, Burlington Northern Santa Fe, Canadian National (Grand Trunk Western, Illinois Central, Wisconsin Central), Canadian Pacific (Soo System Communications), CSX (New York Central Lines LLC), Kansas City Southern, Manufacturers Railway Company, Metra/Northeast Illinois Regional Commuter Railroad Corporation, Norfolk Southern (Pennsylvania Lines LLC), RailAmerica (subsidiaries too numerous to list here – see <http://www.railamerica.com/about.htm>), Texas Mexican Railway Company, Union Pacific, Vermont Railway Inc., and Wheeling & Lake Erie Railway.

the PWC furnishes a great more detail on how spectrum will be reallocated to Nextel and the public safety community, but it remains unclear how B/ILT will be "made whole."

LMR in the Critical Infrastructure Industry

AEP is frustrated that the role of land mobile radio in the critical infrastructure industry continues to be misunderstood. The Consensus Plan is based on the pretence that public safety private wireless users deserve better protection than other private wireless users. However, the PWC proposes to address the public safety community's spectrum issues by handing over spectrum needed by the critical infrastructure community.

There is no basis for this preferential treatment of public safety to the detriment of critical infrastructure industry licensees. AEP recognizes that public safety radio systems support first-responders in dangerous situations. The men and women who work in the police and fire services deserve the best communications systems possible. However, many critical infrastructure providers work hand-in-hand with public safety radio users.

Public safety first responders are not equipped to handle the dangerous situations that electric line mechanics or gas service personnel handle on a daily basis. Often the police or fire service personnel must wait for the critical infrastructure provider to neutralize a dangerous situation before carrying out their work. Because of this, critical infrastructure providers like AEP must operate reliable radio networks to carry out their mission. These networks must be built to the same high reliability standards that public safety radio users demand. Like public safety radio users, critical infrastructure providers cannot rely on commercial wireless providers to provide reliable, critical communication services. Commercial wireless systems are not built to the same availability standards or provide the same coverage as those built to serve public safety and critical infrastructure radio users.

The Consensus Plan's treatment of B/ILT wireless systems would lead one to believe that these systems consist of antiquated "hoot and holler" radios similar to Citizen Band or Family Radio System units. This couldn't be farther from the truth. Critical infrastructure providers like AEP have built advanced land mobile radio networks utilizing the very same type of equipment used by public safety agencies. One might even make a strong argument that the AEP 800 MHz radio network is more advanced than most public safety radio systems. AEP has invested over \$100 million in a 800 MHz network that covers parts of 11 states. This network provides integrated voice and mobile data dispatch capabilities over AEP's entire 197,000 square mile service territory which is primarily rural in nature. Much of this area is away from heavily populated areas or highways and has poor or no commercial wireless coverage. Furthermore, AEP is continuously adding improvements to better serve its wireless users. In the past two years, AEP has moved or added ten 800 MHz repeater sites and has plans to add at least twenty sites in the coming two years.

The Consensus Plan Is Detrimental To Critical Infrastructure

While the Consensus Plan takes on the difficult task of addressing the Nextel interference problem, it does so with the assumption that B/ILT licensees can simply move to another band, perhaps 900 MHz, if they can't live with proposed changes. It even offers a "2-for-1 special" for licensees who are willing to trade 800 MHz channels for those in 900 MHz. This is largely unrealistic for most critical infrastructure providers since a move to 900 MHz would be largely at their own expense or not even possible based on the availability of 900 MHz channels. As noted in its initial comments in the proceeding, AEP estimates that a move out of 800 MHz would cost in excess of \$60 Million; such a cost is unacceptable and definitely out of the bounds of what one would consider "minimal disruption."

In fact, most B/ILT licensees who would be able to move out of 800 MHz have already done so. Many B/ILT licensees have sold their licenses to Nextel for handsome fees and moved their operations from 800 MHz because alternative communication solutions *could* support their operations. The remaining B/ILT licensees (a large percentage of which are critical infrastructure providers) have steadfastly held onto their 800 MHz licenses for one reason: their radio systems are critical to their mission and are difficult or impossible to replace with other systems. In the case of critical infrastructure providers, commercial cellular systems cannot support the demands of running critical infrastructure. AEP views PWC's proposed Consensus Plan to reduce interference as yet another attempt by Nextel to obtain continuous spectrum at the expense of B/ILT entities. While not as draconian as the original White Paper, the Consensus Plan nonetheless sets up licensing conditions in the 800 MHz band that do not allow for radio coverage improvements or system modifications. These conditions as proposed are unacceptable to AEP.

The Consensus Plan would have critical infrastructure providers radio systems frozen in their present state, without the ability to improve coverage or the ability to modify the radio systems to respond to changing operational requirements, to provide more spectrum to the public safety community. Presumably, this is the only way Nextel could convince the public safety community to participate in such a disruptive rebanding effort. AEP strongly feels that even though the public safety community can use more spectrum, it should not come at the cost of the critical infrastructure industry. Doing so is clearly robbing Peter to pay Paul and is contrary to the public interest. In some cases, such action will even adversely affect public safety users. Many critical infrastructure providers share their networks with public safety users on a cost-sharing, non-profit basis. AEP shares its radio system with two entities that provide public safety services. One is Med-Flight of Ohio - a helicopter-based medical transportation

cooperative serving most of Ohio. The other is Mount Carmel Health System, which operates an ambulance service in central Ohio. These entities share AEP's radio system because building radio networks to cover their respective service areas is cost prohibitive. There are no longer any wide area SMRs or other commercial services in Ohio that meet the requirements of their operations. Furthermore, AEP is currently exploring the possibility of adding several hundred public safety users from a central Ohio County. By forming a non-profit sharing agreement with AEP, this county would gain access to an advanced, highly-reliable radio system with excellent coverage for a fraction of the cost of building their own system. If the Consensus Plan were adopted, this county may very well be forced to forgo the AEP network and settle for a less-advanced solution with fewer features.

While the Consensus Plan attempts to fix the Nextel interference problem and spectrum shortage (to the detriment of critical infrastructure providers), it is obvious that in the end Nextel would benefit at the expense of B/ILT counterparts. It appears that the PWC made great pains to ensure Nextel was "made whole" with little attention being paid to non-public safety private wireless interests. Not only would Nextel be made whole, it appears their spectrum position would be greatly enhanced. Nextel would gain the additional spectrum at 1.9 GHz and also have continuous spectrum at 800 MHz. Continuous spectrum at 800 MHz is important to Nextel to operate 3G-type equipment. Not only does interleaved spectrum at 800 MHz greatly increase the chances of interference to non-cellular radio users in the band, it also reduces Nextel's options for running advanced technology in the band. By making all of Nextel's spectrum 800 MHz continuous, the value of these holdings is greatly increased.

The only way AEP could ever support a plan like the Consensus Plan would be for critical infrastructure providers like water, gas, and electric utilities to have continued,

uninterrupted access to the B/ILT frequency pools in their entirety. The only Nextel-occupied B/ILT spectrum that should be used for public safety is that which is needed to relocate incumbents out of 800 MHz channels 1-120. Public safety should not be allowed to expand into the B/ILT channel pools (either on preferential or non-preferential basis) after relocation is completed. Likewise, in acknowledgement of the increase in value of their spectrum position, Nextel should be required to fund the full cost of relocation, with no cap on the amount to be paid to public safety and non-public safety licensees.

Specific Flaws In The Consensus Plan

While the PWC claims the Consensus Plan will allow the Nextel interference problem to be addressed with minimum disruption to incumbent licensees, AEP finds the plan very disruptive and even punitive to B/ILT licensees who are not the source of the problem. If the Consensus Plan was merely about rebanding and relocating incumbents in such a way to reduce or eliminate interference, AEP would be more agreeable to the PWC's ideas. However, the Plan goes beyond interference. It will force B/ILT licensees to accept second-class status and will take away any flexibility critical infrastructure providers have in making improvements to their systems now and in the future. The most contentious issues are the following:

1. Licensing Freeze

In their supplemental comments, the PWC suggests that the Commission institute a "temporary" licensing freeze for channels 121-400 upon adopting a Report and Order in this proceeding. While AEP understands the rationale of such a freeze, the freeze would eliminate AEP's ability to improve its LMR network. As noted above, AEP is continuously engineering changes in its 800 MHz radio system to offer improvements in coverage and availability. Since commercial wireless services do not cover large portions of AEP's service territory, nor offer the

required reliability, this continuous improvement is necessary and will be required for the foreseeable future. These improvements directly impact AEP's ability to serve its customers safely, effectively, and efficiently. AEP has made assurances to at least one state public utility commission that improvements would be made to its radio system to improve response time in routine and natural disaster situations. AEP would encourage the Commission to seek other remedies to deter "white space" speculation, perhaps limiting licensing of the channels to those organizations with a demonstrable need and/or designating licenses granted during this period as non-assignable.

2. Spectrum Vacated by Nextel

As part of the relocation plan, channels in the B/ILT pool held by Nextel will be used in the relocation of incumbents from channels 1-120 (the proposed future NPSPAC band). This makes perfect sense. However, the PWC then advocates that Public Safety should be given access to these channels on exclusive basis for 5 years after the relocation process is completed. Public Safety would then have access to the Nextel-vacated channels on a shared basis with B/ILT and H-SMR on an ongoing basis after the five-year preference had expired. AEP disagrees with turning this spectrum over to public safety licensees.

PWC's apparent reasoning behind this position is that since Nextel currently has these channels licensed, they will never be available to B/ILT licensees again, so they might as well be turned over to the public safety community. However, just as Nextel bought these licenses from their original B/ILT licensees, there is a remote chance a B/ILT licensee could negotiate with Nextel to buy one or more of these channels and put them back into private wireless service. Even barring the outright sale of one of these channels back to a B/ILT entity, B/ILT licensees can still "close-space" these channels under the Commission's existing Part 90 rules. AEP

assumes that close-spacing these channels will be disallowed while they are being "protected" for the public safety community. This will further reduce the amount of "white space" available to B/ILT licensees.

Any discussion of the "spectrum vacated by Nextel in the non-cellularized block" begs the question of how the geographic boundaries of this spectrum are precisely defined and applied. AEP sees a problem in how the frequency coordinators and the Commission will keep track of this spectrum on an ongoing basis. Since these channels are licensed on a site-by-site basis, some sort of database must be kept to define the availability of each B/ILT channel to public safety licensees. Even if there were to be some sort of database of B/ILT channels formally held by Nextel, what are the geographic boundaries to be used to define these channels? The 40/22 dBu service/interference contour model seems appropriate, but the PWC was silent on this important detail. However, assuming precise boundaries are defined, no two Nextel vacated B/ILT channels will have the same geographic footprint defining public safety availability. This is due to the piecemeal fashion these channels were originally licensed to B/ILT licensees and subsequently acquired by Nextel. The scheme in which these licenses are laid out is arbitrary and follows no discernable pattern or frequency reuse plan.

Not only do Nextel's holdings in the B/ILT pools form an almost undecipherable patchwork of allocations across the US, many of them were originally obtained through a waiver/notification process that allowed many licenses to extremely close-space co-channel licensees. These licenses are perfectly suitable for campus-type or "low-site" applications and have posed few co-channel interference problems. However, the relatively small interference contours defined by these licenses will not be usable for most traditional high-site public safety configurations. Public Safety entities endeavoring to use these "small contour" Nextel licenses

would find them difficult to incorporate into their systems without overlapping a nearby incumbent co-channel licensee. At the same time, releasing these small contour channels currently held by Nextel back into the B/ILT pool would allow incumbent licensees to improve coverage or otherwise enhance the operation of their systems⁴. The problem is that it is virtually impossible to easily identify which Nextel licenses would or would not be useful to public safety entities.

AEP urges the Commission to reject the proposed public safety preference scheme based on a set of Nextel site-by-site licenses frozen in time. While AEP recognizes the need for more spectrum for the public safety community, it urges the Commission to recognize the spectrum needs of the critical infrastructure industry. Making the Nextel vacated B/ILT spectrum available exclusively to the public safety licensees will hamper the ability of critical infrastructure providers to build robust communications networks. Critical infrastructure providers must be allowed continued access to B/ILT frequency pools and public safety agencies should be only allowed access to these channels by petitioning the Commission for a waiver to address their spectrum needs on a last resort basis. Otherwise, AEP has a great concern that much of Nextel vacated B/ILT spectrum will be locked up and underutilized.

3. Problems With The RCC

Beyond the issues regarding spectrum allocation issues, AEP is concerned with structural and procedural issues regarding the Relocation Coordination Committee. The committee is to be composed of four LMCC members and Nextel. Two of the LMCC members are to be public safety frequency coordinators and the other two LMCC members are to represent "private

⁴ Numerous B/ILT licensees commonly find themselves "boxed in" by Nextel licenses surrounding their existing license footprints, making it impossible to make the simplest modification to their license. Many times critical

wireless" (presumably B/ILT) interests. However, given how Nextel and public safety interests have influenced the outcome of the so-called Consensus Plan, there is little hope that the RCC would ever resolve a dispute in favor of B/ILT interests. It is reasonable to assume the RCC will be made up of the parties that crafted the Consensus Plan and thus the deck will be stacked against B/ILT interests from the outset.

AEP further objects to the notion that the RCC will file applications on behalf of licensees. B/ILT licensees will be afforded no protection against erroneous applications. Some licensees may even be put into the ridiculous position of having to formally file objections to license applications filed on their own behalf! B/ILT licensees have no assurances that the RCC will act in the B/ILT licensees' best interest. Additionally, it appears that much of the relocation will be performed without input from the licensees and may be done in a fashion contrary to the licensees' standard engineering practices. For example, Appendix C of the PWC's supplemental comments calls for the RCC to relocate "Large Regional Licensees" to "contiguous channels, to the extent possible." While this type of allocation may reflect Nextel's desire for contiguous spectrum, it is contrary to the way most traditional land mobile radio operators design and build their systems. Most traditional operators try to maximize channel spacing in order to utilize cavity-type combiners. (Cavity type combiners operate most efficiently with wide channel spacing; many have minimum channel spacing of at least 150 kHz between channels.) Many LMR operators will be unable to utilize contiguous channels with their current equipment. As the Consensus Plan is written now, it appears that B/ILT licensees will be offered channels on a "take it or leave it" basis with no recourse to the RCC's decisions. The PWC also seems to be overlooking the complexity of relocating licensees from the perspective of frequency reuse

infrastructure providers must forego needed radio improvements due to Nextel's aggressive spectrum acquisition practices.

across large integrated systems. AEP has significant experience in developing reuse plans of large systems and has found the process to be very iterative and complex. For this and other reasons mentioned AEP feels the suggestion of the RCC filing applications on the behalf of licensees as unpractical and not workable in practical terms and should be rejected by the FCC.

4. Licensees Are Required To Disclose Sensitive Information

As part of the relocation process, the Consensus Plan will require 800 MHz licensees to provide extensive “System Information” to the FCC and RCC⁵. Not only will collecting and reporting this information be burdensome for large licensees like AEP, much of the information required by the Consensus Plan would be considered sensitive in nature for two reasons. First, much of the information would be useful to other operators of land mobile radio systems for competitive reasons. For example, Nextel could use a great deal of the information collected from H-SMR licensees to form marketing plans in the H-SMRs’ respective service areas. Secondly, the new emphasis on Homeland Security makes public safety agencies’ and critical infrastructure providers reluctant to provide any operational information to outside parties. Information on utilities’ communication systems and patterns of use are now extremely sensitive areas. While the PWC claims the information would only be made to relocation participants on a “need-to-know” basis, there are no assurances proper controls will be placed on the information, nor is there any definition as to what would constitute the proper use of the System Information.

5. Lack Of Protection In The Guard Band

Many B/ILT licensees operating in the 800 MHz band have systems utilizing channels in the PWC-designated guard band, channels 321-400. Furthermore, B/ILT licensees may be

⁵ See Appendix C, Section II of *Supplemental Comments of the Consensus Parties*, Aeronautical Radio, Inc., et al, *Ex Parte* filing in WT Docket No. 02-55, 24 December 2002

relocated from channels 1-120 to this guard band. These channels will receive little or no interference protection from cellular-operations in the “low-site, low-power” (cellular) SMR band. While the PWC claims the RCC will entertain requests to relocate out of the guard band, non-public safety entities will be forced to pay their own relocation costs. Furthermore, such requests will only be fulfilled if no non-Nextel-vacated spectrum is available. AEP also questions the lack of solid, predefined criteria for determining whether or not requests to move out of the guard band will be granted, nor are there any appeal procedures. Given the propensity for the RCC to be stacked against non-public safety licensees from the outset, there is little likelihood such requests will be granted for this class of licensee.

AEP believes that creating a guard band will deliberately put critical infrastructure radio systems at risk. While the PWC say the intent is to put campus-type radio systems in the guard band, it is very clear that this will not be the case if the Consensus Plan is adopted. Such a guard band will impose a continued environment of interference on critical infrastructure providers while their public safety counterparts will enjoy some (albeit limited) additional protection from Nextel’s system.

6. Border Region Problems

In first describing the Consensus Plan, the PWC claims that existing proportions of allocations of 800 MHz channels in the Canadian and Mexican border regions would be maintained in realigning the bands for the Consensus Plan. However, now that the PWC has submitted their supplemental comments, it has become apparent that is not the case. In looking at the current and proposed channel allocations for the Mexican Border region for example, it appears that Nextel would benefit in an increased spectrum position at the expense of public safety and B/ILT licensees. In the current allocation scheme, SMR is allocated 95 channels,

B/ILT is allocated 120 channels, and public safety is allocated 147 channels. However under the scheme the PWC proposes, the allocations for low site, low power SMR (Nextel) would jump to 163 channels while public safety's allocation is cut by 30 channels to 117 channels and the allocation for B/ILT is cut to 82 channels. This reduction of B/ILT channels is compounded by the fact they would now be required to share those channels with H-SMR licensees. Likewise in Canadian Region 3, the low site, low power SMR allocation jumps from 135 channels to 177 channels. In the case of Region 3, B/ILT takes the reduction in channels while public safety retains 216 channels. AEP rejects the basis for enriching Nextel's spectrum position in this manner.

Nextel Should Bear Responsibility To Fix The Problem

Since the PWC membership has crafted this plan without public input and offered it to the Commission on a "take it as a whole or leave it" basis⁶, the Commission has no choice but to reject the plan. Addressing the concerns raised by AEP and others would require the Consensus Plan to be substantially modified.

Nextel created the interference problem by introducing the high-density reuse, low-site architecture into the 800 MHz land mobile radio band. They took the risk of introducing this technology into the high-site environment and apparently they failed. Nextel is quick to point out that they drastically increased the loading of the channels previously held by H-SMR licensees. However, this "efficient" use of the 800 MHz band has resulted in some very serious problems for other users of the band. After all, it may be more "efficient" to allow drivers to travel on Interstate highways at 120 miles per hour, but the resulting fatalities quickly discount

⁶ On pages iv and v of the summary of their supplemental comments, the PWC states "...the Consensus Plan must be adopted as a whole; any material changes will jeopardize the voluntary commitments of the affected licensees and their representative organizations essential to successful implementation."

the practicality of such a concept. Furthermore, if “spectral efficiency” was the sole measure by which spectrum were to be allocated, there would be little or no justification for allocating spectrum to public safety entities.

The fact is Nextel took on significant business risk by building a cellular architecture among traditional land mobile radio users. Nextel should face the consequences of this risk, as they said they would when the original Fleet Call Waiver request was made⁷. Public safety, B/ILT, and H-SMR licensees should not be penalized for Nextel’s poor technology decision - but that is exactly what Nextel and the PWC are asking the Commission to do. Even if Nextel pays every penny of relocation costs for other 800 MHz licensees, the frequency pool changes proposed by the PWC would cripple much of the Critical Infrastructure industry’s ability to reliably and safely serve the American public. This is not hyperbole; two-way radio is every bit as important to the critical infrastructure industry as it is to the public safety community.

For these reasons, AEP believe the Nextel interference problem should be addressed by technical solutions, even flexible spectrum arrangements where possible and necessary. The fact that the PWC is willing to grandfather Southern Linc’s operations point to the fact that, with proper engineering, the iDEN technology can be made to peacefully co-exist with high-site technology. If it turns out that that the proper engineering methods are not as cost effective as Nextel needs them to be in order to become a profitable business, they may need to rethink their business plan. Businesses commonly fail because of bad decisions, technical or otherwise; the non-Nextel 800 MHz licensees should not be asked to help address the weaknesses in Nextel’s technology or business plans.

⁷ See AEP’s initial filing in this (WT Docket No. 02-55) proceeding, 6 May 2002, p. 17 and Appendix B

AEP is not adverse to a long-term goal of rebanding the 800 MHz land mobile band in such a way that would minimize the possibility of interference to public safety and critical infrastructure licensees. Ideally a rebanding plan would move Nextel out of the 800 MHz as its network evolves to the next generation of technology. Nextel may find such a plan preposterous, but AEP finds the Consensus Plan equally preposterous. Furthermore, the Commission should avoid a plan as disruptive as the Consensus Plan at least until the results of their Spectrum Policy Task Force have been transformed into concrete spectrum management policy. However, no matter what form it takes, rebanding must be done in such a way that critical infrastructure providers maintain continued, uninterrupted access to channels in the 800 MHz band. The Consensus Plan does not meet this criterion and puts the nation's critical infrastructure in jeopardy. The Consensus Plan would impose rebanding under a tight (some might say unrealistic) schedule and it gives a non-Government entity too much unchecked control in deciding the fate of facilities critical to the nation's wellbeing.

Respectfully Submitted,

David B. Trego
Vice President, Telecommunications
American Electric Power Service Corporation