

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

<i>In the matter of</i>)	
)	
Improving Public Safety)	
Communications in the 800 MHz Band)	WT Docket No. 02-55
and Consolidating the 900 MHz)	
Industrial/Land Transportation)	
and Business Pool Channels)	
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**COMMENTS OF THE
NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION
RESPONDING TO PUBLIC NOTICE OF JANUARY 3, 2003 (DA 03-19)**

INTRODUCTION & SUMMARY

The National Rural Electric Cooperative Association (“NRECA”) is pleased to submit these comments in the above captioned proceeding.¹ NRECA is the not-for-profit, national service organization representing 930 rural electric systems, which serve 35 million customers in 47 states. NRECA’s members depend upon communications systems to safely operate, monitor, control and repair their electric systems. A least 90 NRECA members currently operate within the 800 MHz spectrum band, and at least two of our members operate within the 900 MHz band and also will be affected in this rulemaking. NRECA’s members are a part of the nation’s critical infrastructure and

¹ See *Improving Public Safety Communications in the 800 MHz Band and Consolidating the 900 MHz Industrial/Land Transportation and Business Pool Channels, Proposed Rule*, WT Docket No. 02-55, 67 Fed. Reg. 16,351 (Apr. 5, 2002) (NPRM).

nearly all of NRECA's members fall within the classification of a "small utility" firm as defined by the Small Business Administration.²

In these comments responding to the comments providing additional detail on the Private Wireless Coalition's compromise proposal ("Consensus Plan")³, NRECA again urges the Commission to explore alternatives other than rebanding the 800 MHz spectrum. Having carefully reviewed the Supplemental Comments, NRECA is more firmly convinced than ever that the Consensus Plan is an imperfect and needlessly complex solution. The acknowledgement by the Consensus Plan filers that technical solutions and individual negotiations among licensees are necessary parts of the solution begs the question why these alternatives should not be explored as the first, and perhaps only, needed step to resolve harmful interference within the 800 MHz band. Should the Commission ultimately decide on mandatory rebanding, then NRECA continues to prefer the Consensus Plan above all others suggested in this rulemaking, because it provides for the fewest incumbent relocations and now includes a funding proposal that does not force non-interfering parties to shoulder the costs to solve the band's interference problems. However, additional details provided in the Supplemental Comments have raised new concerns that make certain aspects of the plan unacceptable to NRECA and its members. Therefore, in these comments NRECA also suggests corrections to and points needing clarification in the Consensus Plan as described in the Supplemental Comments.

² The Small Business Administration's size standards define an electric "utility" firm as "small" if, including its affiliates, it is primarily engaged in the generation, transmission, and/or distribution of electric energy for sale and its total electric output for the preceding fiscal year did not exceed 4 million megawatt hours. 13 C.F.R. § 121.201.

³ Supplemental Comments of the Consensus Parties, filed December 24, 2002 in WT Docket 02-55 ("Supplemental Comments").

DISCUSSION

I. NRECA AGAIN URGES THE COMMISSION TO EXPLORE SOLUTIONS OTHER THAN MANDATORY REBANDING, WHICH IS A COMPLEX AND IMPERFECT SOLUTION.

A. The Consensus Plan rebanding proposal is very complicated.

As we stated in earlier comments, “One of the challenges associated with the Consensus Plan is implementation.... [It] requires a series of carefully orchestrated moves within the 800 MHz band, with each successive move dependent upon the timing and execution of the preceding move.”⁴ The Consensus Parties themselves make a similar observation, “All provisions of the Consensus Plan are interrelated, and each of these parts is an essential component of this solution.”⁵ As NRECA understands it, the Consensus Plan’s two-phase relocation process involves, among other things:

- Relocations coordinated on a prioritized region-by-region basis of 55 NPSPAC regions through the Relocation Coordination Committee and its designated Planning Committees;
- Prioritization such that the most populated and thus most interference prone regions are addressed first;
- Individual licensees are required to submit voluminous amounts of information to the RCC within just 45 days from the Commission’s Order for Phase I relocatees and within 120 days of the Order for Phase II relocatees;
- Hundreds of individual negotiations between each incumbent licensee and Nextel with the prospect of “baseball-style” arbitration should negotiations break down;
- Certification of 110 regional plans (55 in each of the two phases) following necessary coordination with NPSPAC Regional Planning

⁴ NRECA Comments filed Sept. 23, 2002 pursuant to Public Notice DA-02-2202 (“NRECA September 2002 Comments”) at p 5.

⁵ Supplemental Comments at p. 3.

Committees;

- Optional relocations for incumbent B/ILT or SMR licensees to the 900 MHz band “at any time” during Phase I⁶;
- Contemporaneous special procedures (*e.g.* slotting) to accommodate special needs or problems for certain incumbents, including EA and wide-area incumbents in the 1-120 channel block⁷ and the grandfathering of Southern LINC’s trunked radio system⁸; and
- Separate plans for the Canadian and Mexican border areas.

Simply put, there are numerous points at which this implementation process can break down. As it is, the Consensus Plan contemplates a nearly three-year transition period, and that assumes every step of the plan proceeds without delay. The Consensus Plan is heavily dependent upon the ability of the Relocation Coordination Committee and its Planning Committees to be able to work extremely efficiently and expeditiously. The success of the plan also depends on the Commission being able to expedite processing of hundreds –if not thousands– of applications within no more than 60 days of submission. NRECA suggests that while it is theoretically possible that all the necessary steps could be completed as contemplated in the Consensus Plan, more than likely some snag will be encountered along the way. Should the realignment process not proceed precisely as planned, the Supplemental Comments provide little if anything in the way of contingency plans.

NRECA also has noted in previous comments that the implementation of Consensus Plan rebanding is even more complex when appropriate consideration is given to the actual effects of different types of licensees’ operations, particularly critical

⁶ Supplemental Comments at p. 25.

⁷ *Id.* at pp. 19-20.

⁸ *Id.* at pp. 44-46.

infrastructure.⁹ We remain concerned that the particular needs of critical infrastructure providers are not being given their due consideration in the Consensus Plan. We again remind the Commission that for NRECA's members and other critical infrastructure providers, "there can be no disruption in their operations"¹⁰ because the public safety and health depend upon the provision of essential services like electricity. Absolute continuity of communications is a must for critical infrastructure systems during any transition period. NRECA also believes that the nature of electric utility and other critical infrastructure operations make them a bad fit for the proposed 800 MHz "guard band" as discussed below.

The acknowledgment that different incumbent licensees' operations require different considerations, and thus further complicate a mandatory rebanding scheme, is evidenced by the Supplemental Comments making special provisions for certain incumbents, as noted above.¹¹ NRECA believes the Commission must give due consideration to the effects on *all* affected incumbents, not just those that the Consensus Parties acknowledged in their Supplemental Comments. We continue to urge the Commission to carefully examine whether the Consensus Plan (or any other proposed reshuffling of the 800 MHz band) provides adequate spectrum throughout the band to accommodate all relocations. We also suggest that the Consensus Plan, in all its complexity, may well create new and additional problems of congestion and channel depletion for 800 MHz frequencies as well as new interference problems in the 900 MHz band. Non-interfering incumbent licensees that have made millions of dollars of

⁹ NRECA September 2002 Comments at p. 5.

¹⁰ *Id.*

¹¹ *Supra* p. 4 and n. 6 and 7.

investment in equipment and facilities should be assured of having the spectrum necessary to expand and accommodate future growth on their systems.

B. The Consensus Plan, as the Consensus Parties acknowledge, will not resolve all interference.

The Consensus Parties themselves indicate that their plan “will reduce the probability of current CMRS – public safety intermodulation interference by more than 90 percent for many current NPSPAC licensees, and by as much as 65 percent for public safety licensees in the non-cellular block remaining closest to the new cellular block.”¹² They further propose, “that the Commission adopt the following policies and procedures to address the remaining incidents of CMRS – public safety interference upon completion of the Consensus Plan realignment in a NPSPAC Region.”¹³ Setting aside for now that the Consensus Parties do not acknowledge the existence or possibility of interference to other non-public safety licensees, the fact that such extensive technical solutions are being proposed in the Supplemental Comments suggests to NRECA that it would be advisable for the Commission to consider adopting such solutions regardless of any rebanding. Such technical solutions place the burden of resolving harmful interference where it should be – on the interfering parties.

C. Other alternatives, namely enhanced technical rules and private negotiations, appear to be obvious solutions, given that Consensus Parties’ proposed plan depends upon them.

NRECA continues to support the United Telecom Council’s (“UTC”) suggestions for enhanced technical rules and standards, coupled with a case-by-case resolution

¹² Supplemental comments at Appendix F-1.

¹³ Id.

process as a preferable course of action to mandatory rebanding.¹⁴ We again indicate our agreement here with UTC that “a process of voluntary retuning through contractual agreement is preferable to wholesale mandatory retuning because it minimizes the disruption to incumbents, and encourages market-based solutions for reimbursement that are more likely to ensure that incumbents are made whole.”¹⁵ The Consensus Plan incorporates two separate rounds of individual negotiations into its realignment plan. While the Consensus Parties appear to downplay the importance of these negotiations, noting that “the *only* issues to be resolved during the negotiation periods will be the timing of the individual Phase I licensee relocations ..., the specific costs that will be incurred for relocation and either reimbursed or paid for directly ..., and a specific relocation plan for each relocating licensee designed to prevent significant disruption of its operations, especially communications relating to the protection of life, health and property”¹⁶ these are the critical issues to be decided. They are also the very same issues that could be addressed via a voluntary retuning process where individual parties experiencing or anticipating an interference problem can work out a mutually agreeable resolution.

As noted above and in numerous parties’ earlier comments in this rulemaking, and as the Consensus Parties themselves acknowledge, rebanding cannot solve all interference problems and at least some remedial measures continue to be necessary. Therefore, it would seem prudent to explore whether technical solutions without rebanding can sufficiently mitigate harmful interference, rather than to subject all licensees, whether they are causing or experiencing interference or not, to a burdensome

¹⁴ NRECA comments at pp. 11-12, and NRECA reply comments at pp. 7-9.

¹⁵ UTC reply comments at p. 13.

rebanding. Appendix F of the Supplemental Comments contains a detailed description of proposed technical solutions to interference on public safety systems. NRECA believes that many of these suggested measures –a number of which track UTC’s proposals– would be very helpful in solving interference problems for *all* 800 MHz licensees.

In particular, NRECA endorses the following elements of the interference mitigation measures outlined in Appendix F:

- Creation of a working group representative of all affected licensees, system designers and coordinators to revise the Best Practices Guide;
- Setting of out-of-band emissions (“OOBE”) attenuation requirements for 800 MHz communications systems;
- Setting of end-user receiver equipment standards; and
- Establishing a standardized definition of harmful interference.

NRECA does not, however, endorse certain elements of the proposed policies and procedures in Appendix F. First, the technical rules are premised on addressing interference on *public safety* systems when other licensees are experiencing, or may begin experiencing during a realignment transition period, harmful interference. We also find problematic the proposed resolution process that would permit up to nine calendar days to pass before any mitigation measures are begun to address a specific instance of interference.¹⁷ For electric cooperatives and other critical infrastructure providers, that length of time is totally unacceptable. NRECA does not believe that Commission should adopt a mitigation strategy that would provide licensees with *less* protection and redress for harmful interference than is available under current Commission procedures.

¹⁶ Supplemental Comments at p. 21 (emphasis added).

¹⁷ Supplemental Comments at Appendix F-5 and F-6, Section 3. Two business days to respond to a complaint followed by a period of five business days for conducting on-site analysis equals nine calendar days.

II. NEXTEL'S TEMPORARY RELOCATION TO 900 MHZ FREQUENCIES INTRODUCES THE POTENTIAL FOR SIGNIFICANT NEW INTERFERENCE PROBLEMS FOR INCUMBENTS IN THAT BAND.

NRECA is disturbed to see that in just a few sentences of the 150-pages of Supplemental Comments a new and potentially very significant interference issue has been introduced. The Consensus Parties state:

Maintaining sufficient capacity in the 900 MHz band is essentially to Nextel's ability to provide service to existing and new customers while clearing the 'green space' needed to make realignment possible.... Nextel will have to fully utilize its licensed facilities at 900 MHz and temporarily rely on dual-band operations for the capacity needed to avoid disruption of its service during Phase I and II realignment.¹⁸

These statements in the Supplemental Comments require clarification and further explanation. If Nextel really proposes to replicate its cellular-system configuration and operate on 900 MHz during the nearly three-year proposed implementation period, NRECA believes the likelihood of the signal interference experienced on the 800 MHz frequencies being replicated on 900 MHz is very high. Cobb EMC of Marietta, Georgia, and Jackson EMC of Jefferson, Georgia –two of NRECA's largest electric distribution system members– are incumbent 900 MHz licensees that could be impacted by harmful interference from a relocated Nextel operating on adjacent channels. NRECA does not see where this potential problem is acknowledged or any remedial measures proposed in the Supplemental Comments. The Commission cannot adopt a purported solution that, in fact, just transfers one set of interference problems to another frequency band. NRECA

¹⁸ Supplemental Comments at pp. 33-34.

therefore urges the Commission to consider the comments of the 900 MHz Industrial Users Group, which address these concerns more specifically.¹⁹

III. THE CONSENSUS PLAN STILL PLACES A HIGH BURDEN ON NON-INTERFERING LICENSEES WHILE PROVIDING A WINDFALL TO NEXTEL, THE MAJOR SOURCE OF INTERFERENCE IN THE BAND.

NRECA was mindful of the Commission’s stated goal of “reducing or eliminating interference without burdening existing licensees”²⁰ as we reviewed the Supplemental Comments. We reiterate our belief that the Consensus Plan’s proposed realignment is overly complicated and that for our members, it is “a solution in search of a problem.”²¹ Therefore, NRECA does not believe the Consensus Plan achieves the Commission’s goal. We further note that the entire Consensus Plan hinges on Nextel getting the spectrum it requests at 1.9 GHz. This is made abundantly clear in the Supplemental Comments: “Any material modification of the Consensus Plan would eliminate the voluntary commitments of and cooperation among the affected licensees indispensable to its successful and expeditious implementation. . . . Nextel’s funding offer was and is *expressly conditioned* on the Commission adopting the comprehensive Consensus Plan . . . , including granting Nextel 10 MHz nationwide CMRS license at 1910-1915/19190-1995 GHz. . . .”²² The Consensus Parties also note: “Nextel’s increased commitment [\$850 million] includes funding the relocation costs of all 800 MHz incumbents required to relocate pursuant to the Consensus Plan, not just public safety communications licensees *provided that* the Commission grants Nextel a replacement 10 MHz nationwide

¹⁹ NRECA is a signatory to the 900 MHz Industrial Users Group comments.

²⁰ NPRM at ¶ 20.

²¹ NRECA comments at p. 7 and NRECA reply comments at p. 10.

²² Supplemental Comments at p. 4 and n. 6 (emphasis added).

CMRS license at 1910-1915/1990-1995 GHz in the Report and Order....”²³

At the same time, the Consensus Plan provides that Nextel’s desired replacement spectrum at 1.9 GHz “must be effective with the adoption of the Report and Order”²⁴ but that Nextel will not vacate its 900 MHz licenses until sometime “within 6 months of completion of Phase II retuning.”²⁵ NRECA finds it hard to see how the Commission could justify why Nextel –the major source of interference in the 800 MHz band– should be granted a windfall of desirable spectrum at 1.9 GHz while allowing Nextel to retain for three plus years the spectrum licenses that Nextel is supposed to relinquish. While NRECA cannot deny that \$850 million is a substantial amount of money, we leave it to other parties to debate the true value of the spectrum Nextel would be receiving versus what it will surrender under the Consensus Plan. NRECA further notes that, in our opinion, it would be dangerous precedent indeed for the Commission to authorize a cap, even a \$850 million one, on the amount to be paid to incumbents relocated as part of a mandatory retuning.

IV. THE PLAN DETAILS PROVIDED IN THE SUPPLEMENTAL COMMENTS RAISE NEW CONCERNS ABOUT THE EQUITY OF TREATMENT AMONG LICENSEES.

NRECA is concerned that while the Consensus Plan purports to have addressed the “remaining concerns with the Consensus Plan”²⁶ and claims to be “widely supported,”²⁷ sufficient consideration has not been given to the needs of critical infrastructure providers. NRECA does not mean to suggest that public safety system

²³ Id. at pp. 5-6 (emphasis added).

²⁴ Id. at p. 34.

²⁵ Id. at pp. 33-34.

²⁶ Supplemental Comments at p. 3.

²⁷ Id.

interference is not a serious problem, but we merely point out that it should not be the sole or primary consideration such that non-public safety 800 MHz incumbents – particularly those that are not causing public safety any interference– are not treated fairly. We note several instances in the Consensus Plan in which non-public safety incumbents are not afforded the same or comparable consideration as public safety licensees:

Inequitable Representation on the RCC – The Consensus Plan recommends the establishment of a Relocation Coordination Committee (“RCC”) to coordinate and oversee the entire realignment process. While the Consensus Parties first note that the RCC “should be representative of all 800 MHz incumbents subject to relocation ... including utilities...”²⁸ they go on to explain that the Land Mobile Communications Council (“LMCC”) should be the entity charged with designating the four non-Nextel representatives of the five-member RCC. NRECA would first note that the LMCC is not distinct from the Consensus Parties. The membership of the LMCC is largely in overlap with the entities making up the list of the Consensus Parties. The Supplemental Comments propose that the LMCC designate two of its public safety members and two of its non-public safety members to the RCC.²⁹ Thus, this composition provides for a three-two majority of Nextel/public safety members that can effectively override any votes of the two non-public safety members.

The RCC would fulfill a number of important functions. The RCC is to appoint the Phase I and Phase II Planning Committees, which again are composed such that there will be a two-one majority of Nextel/public safety representatives that can effectively

²⁸ Id. at p. 15.

²⁹ Id. at p. 16.

override the vote of the one non-public safety representative.³⁰ The RCC would prepare and file with the Commission the necessary license applications directly for non-public safety incumbents, whereas the public safety applications are submitted first to a certified public safety coordinator.³¹ The RCC is to establish the arbitration panel that will hear “baseball style” arbitrations between Nextel and Phase I relocatees.³² Since non-public safety incumbents are a minority of the RCC, NRECA is concerned that the RCC may select arbitrators more amenable to the proposals put forward by Nextel than by non-public safety incumbents. The RCC is also to be responsible for the appointment and compensation of the Relocation Fund administrator and shall be responsible for reviewing and approving all of the relocation cost reimbursement claims.³³

Unreimbursed Relocations out of the New 800 MHz Guard Band – While the Consensus Plan provides an option for public safety licensees to relocate from the new Guard Band at 814-816/859-861 MHz to the interleaved spectrum at 809-814/854-859 MHz, non-public safety licensees must submit a request to do so to the RCC demonstrating that “the nature of its operations would significantly benefit from relocating out of the Guard Band.”³⁴ Such a relocation, if the RCC in fact approves it, is to be done at the incumbent’s own expense, and with no eligibility to be reimbursed out of the Relocation Fund.³⁵ NRECA does not believe that critical infrastructure providers should be forced to locate within a guard band that will act as a buffer between cellularized CMRS and public safety systems or lose an entitlement to reimbursement of

³⁰ Id. at pp. 18 and 28.

³¹ Id. at pp. 22–23. The Consensus Parties further notes that it should “if necessary, be designated as a special frequency coordinator” for the purpose of submitting the non-public safety applications.

³² Id. at p. 22.

³³ Id. at Appendix C-5, Section I.E.

³⁴ Id. at p. 10, n. 14.

³⁵ Id.

their costs. Limitations on system configuration and operation within the guard band and adjacency to CMRS operators increases the likelihood that critical infrastructure providers on these frequencies will be subjected to increased harmful interference. For reasons we have already stated, critical infrastructure entities, including electric cooperatives, provide vital services that can impact public health and safety. They should not be forced into a lose-lose decision: stay in the guard band and risk greater interference or move out of the guard band (presuming the RCC grants the request) and forfeit rights to Relocation Fund moneys.

Freeze on B/ILT Licenses for Channels 121-400 – The Supplemental Comments also suggest that the Commission should adopt a “temporary” freeze on all new applications for B/ILT and SMR licenses on channels 121-400, except those filed as part of the realignment process.³⁶ While the Consensus Parties explain that the intent of the “temporary” freeze (which we interpret to mean 42 months or until completion of the entire realignment) is to “prevent speculators from ‘grabbing up’ the remaining ‘white space’ on B/ILT pool channels”³⁷, we are concerned that this will unnecessarily prevent incumbent 800 MHz licensees on those channels from applying for new licenses as well.

Five-Year Preference for Public Safety Systems – The Consensus Plan proposes to provide an exclusive right for public safety to use any remaining 800 MHz spectrum vacated by Nextel in the cellularized block and any remaining white space in the Public Safety Pool Channels for five years.³⁸ NRECA is concerned that this component of the plan again shows a preference for public safety that appears to devalue the other important uses made of this spectrum by other incumbent licensees, including critical

³⁶ Id. at p. 26 and n. 43.

³⁷ Id.

infrastructure. The necessity of a preference also suggests that the Consensus Parties acknowledge the possibility that there is not adequate spectrum within the 800 MHz band following realignment to accommodate all users equally.

V. THE FUNDING MECHANISM DESCRIBED IN THE SUPPLEMENTAL COMMENTS DOES NOT ASSURE ADEQUATE AND TIMELY AVAILABILITY OF FUNDS FOR EVERY LICENSEE FORCED TO RELOCATE.

While NRECA is gratified to see that Nextel has pledged an additional \$350 million, of which \$150 million is earmarked for non-public safety licensees,³⁹ we have concerns about certain aspects of the funding mechanism as explained in the Supplemental Comments. First, NRECA notes that Nextel appears to have the most say in the selection of the Fund Administrator.⁴⁰ No mention is made of the Commission having any oversight in that selection process. Additionally, the creation of a separate corporate entity or entities to hold the assets to secure Nextel's funding obligation⁴¹ appears designed to insulate Nextel from its commitment not to solidify it. Will the Commission have the necessary jurisdiction over this entity or entities to force compliance? Further information needs to be provided on these aspects of the funding mechanism.

NRECA is also concerned about the adequacy of funding. In particular, the Supplemental Comments include Nextel's pledge to make an initial contribution to the relocation fund of only \$25 million, and then "periodic" contributions thereafter.⁴² NRECA believes that to truly assure that adequate funds are available when needed, there

³⁸ Id at p. 12.

³⁹ Id. at p. 5.

⁴⁰ Id. at p. 7.

⁴¹ Id. at p. 8.

⁴² Id.

should be a more definitive schedule of payments and perhaps even an ability to penalize Nextel for late payments. Further, the only assets Nextel is pledging are the 10 MHz of 1.9 GHz spectrum that Nextel seeks to have the Commission grant it in this rulemaking. We also reiterate concerns raised in our earlier comments about Nextel's ability to make the pledged funds available.⁴³

Last but not least, we note that there are several realignment process and other costs that are to be covered by the proposed Relocation Fund, thus reducing the total funding available for relocation reimbursements. The RCC's "reasonable expenses" and those of its members related to frequency designation and coordination, dispute resolution and licensing application functions are to be reimbursable.⁴⁴ The arbitration panel's costs are to be paid by the RCC "and/or reimbursed from the Relocation Fund."⁴⁵ The Supplemental Comments also propose to reimburse the costs of the NPSPAC Regional Planning Committees for their participation in the realignment framework.⁴⁶ The expenses of the Phase II Planning Committee and its public safety members are to be paid also.⁴⁷ Mediation costs are also to be covered out of the Relocation Fund.⁴⁸ Even Nextel is proposed to have access to the Relocation Fund "for any otherwise reimbursable relocation costs incurred pursuant to a relocation agreement executed by Nextel and an Incumbent licensee between December 24, 2002 and the date of this Order."⁴⁹ It appears that Nextel may also seek reimbursement of expenses to pay UTAM for microwave relocation expenses in the 1.9 GHz band and possible BAS relocation

⁴³ NRECA reply comments at p. 9.

⁴⁴ Id. at p. 15 and n. 22.

⁴⁵ Id. at p. 22 and n. 35.

⁴⁶ Id. at p. 28 and n. 45.

⁴⁷ Id. at p. 28 and n. 46.

⁴⁸ Id. at p. 29 and n. 48.

⁴⁹ Id. at Appendix C-23, Section II. H.

expenses at 1990-1995 GHz.⁵⁰ It is not clear that the up to \$850 million pledged by Nextel will be sufficient to both reimburse all relocating incumbents *and* cover the realignment process costs. Nor do the Supplemental Comments explain from which pool of funds the realignment process and other expenses are to be paid, given that certain funds are earmarked for public safety and certain funds for non-public safety. While the Consensus Parties have provided their relocation cost estimates in great detail, they have not similarly quantified the administrative costs associated with their realignment plan. Further clarification on these points would be helpful.

VI. CONCLUSION

Again, NRECA respectfully requests that the Commission consider alternatives to mandatory rebanding, particularly case-by-case resolutions and enhanced technical rules as suggested by UTC, for solving interference in the 800 MHz spectrum. We note that while we have identified a number of problems and points needing clarification in the Consensus Plan as described in the Supplemental Comments, it is still the most preferable of the rebanding plans offered so far as it attempts to minimize relocations out of the band and proposes a plan for funding that does not force non-interfering parties to pay to solve a problem they did not create. We urge that the Commission give careful consideration to the needs of and impacts on all licensees, not just public safety licensees, in this rulemaking. In particular, we ask that the Commission bear in mind the concerns of critical infrastructure providers, including electric cooperatives, as it contemplates whether the complexity and burden of rebanding is justified when it cannot resolve all harmful interference.

⁵⁰ Id. at pp. 34-35.

Respectfully submitted,

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