

NPSPAC Region 43 Regional Review Committee

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Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: WT Docket No. 02-55 under DA 03-19

The Region 43 NPSPAC Regional Review Committee (Region 43) is pleased to have this opportunity to provide comment on the "Supplemental Comments of the Consensus Parties" (Supplemental Filing) filed under WT Docket No. 02-55, which is now out for comment under DA 03-19. Public safety systems in our region, using both NPSPAC and non-NPSPAC 800 MHz spectrum, have been experiencing significant interference challenges in recent years and we are pleased to see consideration of resolution strategies reaching this stage of development.

Region 43 is comprised of Washington State, and our regional plan for the NPSPAC band balances the intense spectrum needs of our public safety users within a challenging mix of spectrum availability, population density and our proximity to Canada. Approximately 60% of the State's population lives in Border Sharing Region 5, thus the portion of Region 43 that requires the most amount of spectrum to meet public safety demands is the same area that has significant restrictions on spectrum availability and use.

Region 43 strongly supports the continued use of Regional Planning Committees (RPCs) as outlined in the Supplemental Filing. Our experiences to date in trying to maximize the efficiency of spectrum distribution, particularly in the border areas, has given us invaluable experience that will be useful in planning the transition of the 800 MHz band as envisioned by the Consensus Parties. We also possess a strong and contemporary awareness of the current deployment of public safety 800 MHz spectrum outside the NPSPAC band and this too will be beneficial in the efforts ahead.

But the success of the regional planning approach can no longer be left to the volunteer efforts of the engaged public entities, particularly for something as complicated and intense as the re-banding proposed in the Supplemental Filing. All local governments are stretched to the maximum in our combined situation of economic challenges and security uncertainty. This has a limiting effect on the ability of the skilled personnel who normally engage in the regional planning efforts to continue engagement at the high levels that would be necessary to deal with a re-banding effort. This is even more the case in the complex border areas where numerous technical, procedural and perhaps political issues need to be resolved to make the effort a success.

Region 43 strongly supports the need for a national pool of experts and funding to work with the RPCs as they undertake the re-banding in their Regions. These need to be people and resources that can do the hard work of inventorying systems, understanding spectrum relationships, evaluating the unique terrain and topography of the area and helping establish technically and operationally competent migration strategies that work for the unique situations of each Region. The RPCs are very good at bringing past knowledge to bear on a problem, and providing review, critique and perfecting comments to work done by others. But Committees on their own can't do this work effectively, and left to their own resources, we will see staggered and inconsistent results across the country.

Region 43 also strongly supports our region being among the first fourteen (14) regions to be migrated to the new band plan. We don't want to be the first, but we do believe that by tackling the complex border areas at the start of the process, there will be a higher likelihood of national success as the migration process spreads across the country.

We are concerned that there are still a large number of unanswered questions about how border area Interoperability will be handled. It is important to note that the ICALL (channel 601) and two of the ITAC channels (639 and 677) are in the Canadian primary portion of the NPSPAC band and only two of the ITAC channels (715 and 753) are US primary. The band plan outlined in Appendix G-4 of the Supplemental Filing would create a situation where the goal of five consistent mutual aid channels shared by the US and Canada along the border would be compromised. While it is our belief that workable strategies can likely be found within the re-banding concepts outlined in the Supplemental Filing, they will take hard work and energy, at both the regional and international scale, to resolve. This further reinforces the need to establish and fund a dedicated team of knowledgeable technical and operational experts to staff this work and refine and perfect it with the border region RPCs.

As mentioned earlier in this filing, Region 43 has made extensive and successful use of Canadian primary NPSPAC channels (Channels 601 to 714, or 866.0125 to 867.4875) in Border Sharing Region 5 on a secondary basis by meeting the power flux density protections of §90.619(c)(3). Under the band plan proposed in Appendix G-4 of the Supplemental Filing, these channels would remain as Canadian primary channels and presumably continue to be useable in the border sharing regions. However, this would limit some of the benefits that could be gained by the re-banding in the rest of the country.

One of the benefits of re-banding all public safety channels to the lower end of the 800 MHz band is to allow future migration to tighter receiver design specifications that could make beneficial use of both the 700 MHz and 800 MHz public safety bands, while also adding protection from non-public safety uses higher in the 800 MHz band. In Region 43 at least, we would need to continue to make extensive use of the Canadian primary channels on a secondary basis to meet our overall spectrum needs, and thus would not benefit from future equipment refinements. Further, if significant areas of the country along the Canadian border will similarly not enjoy a contiguous band at the lower end of the 800 MHz band, the manufacturing community would have a disincentive to even manufacture tighter-spec radios.

We therefore would encourage the Commission to pursue rules modifications substantially the same as those in §90.619(c)(3) to be applied to the 15 MHz of Canadian Primary spectrum (854.75 to 862.25) as well as the NPSPAC spectrum. It is our belief that this secondary use was anticipated and would be allowable under the exchange of letters between the U.S. and Canada titled *Addendum to Interim Arrangements Concerning the Use of Certain Frequency Bands in the Range 806-960 MHz*, but was only codified in FCC rules for the NPSPAC band.

There is one other agreement between the U.S. and Canada that has the potential to affect U.S public safety use of Canadian primary channels between 854.75 and 862.25 MHz in the Region 5 border zone. The *Special Coordination Procedure for the Use of Frequencies in the Bands 806-821 MHz and 851-866 MHz for Land Mobile Services allows Nextel and its Canadian counterpart, Tele-Mobile* to coordinate and use specific primary frequencies within 100 km of the Canada-United States border if the power flux density (pfd) of proposed stations exceeds maximum permitted limits as indicated in the *Arrangement Concerning the Use of the Band 806-890 MHz Along the Canada-United States Border*, as amended.

This agreement designates 51 channel pairs between 810.1375/855.1375 MHz and 816.3875/861.3875 MHz for use by Nextel on the U.S. side of border in Region 5 without the requirement for border protection based on power flux density that is applied to other U.S. stations operating Canadian primary channels in Region 5. Because the *Special Coordination Procedure* is not specifically addressed in the Consensus Plan border zone re-allocation proposal, it is not clear if Nextel would continue to use these channels in the border zone, or if the Nextel stations now operating on these channels would move into the Low Site, Low Power SMR block above 863.9 MHz. Continued use of these channels by Nextel could have a serious impact on the potential public safety use of Canadian primary channels both because these channels occupy spectrum that might be used by public safety systems and because Nextel stations operating on these channels would cause interference to public safety systems operating on other nearby Canadian primary channels.

The disposition of these channels must be addressed as part of any plan to allow public safety use of Canadian primary channels in the border zone, whether such use is allowed routinely under the Rules (as it should be, based on the language contained in the *Addendum to Interim Arrangements Concerning the Use of Certain Frequency Bands in the Range 806-960 MHz*) or is allowed on a waiver basis.

We close by again affirming our overall support for the Supplemental Filing moving us forward to the next stage of resolution of the interference problems in this band. We look forward to working with the Commission and the expert groups and processes that are established to support this re-banding effort.

Sincerely,

Kevin Kearns
Chairperson