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

In the Matter of Improving Public Safety Communications in the 800 MHz Band Consolidating the 800 MHz Industrial/Land Transportation and Business Pool Channels	))))))	WT Docket 02-55

REPLY COMMENTS OF RFB CELLULAR, INC.

RFB Cellular, Inc. ("RFB"), through counsel, submits these reply comments in response to the Commission's January 3, 2003 Public Notice regarding the *Supplemental Comments of the Consensus Parties* in the above-captioned proceeding.[1] In this proceeding, the Commission is considering proposals on how to best remedy interference to public safety systems in the 800 MHz spectrum bands, including the latest proposal put forth by the "Consensus Parties" in their *Supplemental Comments*.[2] Specifically, these *Supplemental Comments* modify the Consensus Parties' plan to revise the 700 MHz, 800 MHz and 1900 MHz bands, provide for the funding of the proposed rebanding and impose mitigation efforts for any remaining interference issues in the 800 MHz band (the "Consensus Plan"). As described below, certain aspects of the Consensus Plan appear to

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[1] *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*, Public Notice, WT Docket 02-55, DA 03-19 (WTB rel. Jan. 3, 2003). The original date for reply comments, February 18, was extended to February 25, 2003. *In the Matter of Improving Public Safety Communications in the 800 MHz Band, Consolidating the 800 MHz Industrial/Land Transportation and Business Pool Channels*, Order Extending Time for Filing of Comments, WT Docket 02-55, DA 03-163 (WT rel. Jan. 16, 2003).

[2] *In the Matter of Improving Public Safety Communications in the 800 MHz Band, Consolidating the 800 MHz Industrial/Land Transportation and Business Pool Channels*, Supplemental Comments Of The Consensus Parties, Ex Parte Filing, WT Docket No. 02-55 (filed Dec. 24, 2002).

impose significant anticompetitive equipment costs on A Band cellular carriers like RFB, but not upon their competitors, such as B Band, PCS carriers and Nextel.

RFB is a small A Band cellular provider serving rural parts of Michigan. RFB provides cellular telephone service in two rural markets in northeastern Michigan (including part of Michigan's Upper Peninsula) with a collective population of approximately 242,000.[3] RFB competes in these areas with a number of B Band cellular carriers and PCS carriers, each of which is substantially better funded and larger than RFB.[4]

By letter dated February 10, 2003, RFB's equipment vendor Motorola, Inc. alerted RFB to certain equipment modifications that would be required for RFB's equipment due to requirements in the Consensus Plan. The specific modifications, including the identification of certain filters needed to comply with the proposed technical standards, are described in the attached letter from Motorola.[5] Follow up discussions with Motorola indicate that, although the specific filtering equipment is not yet commercially available, comparable filters used with current equipment cost approximately $3,000 to $5,000 per cell site (including installation and calibration). In the case of RFB, this new cost would impose between $210,000 to $350,000 to modify RFB's 70 cell sites just to comply with the proposed Consensus Plan.[6]

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[3] The two rural markets served by RFB are: Michigan 2 RSA (Station KNKN858) and Michigan 4 RSA (Station KNKN834).

[4] These carriers include, among others, Century (soon to be ALLTEL), AT&T, and Sprint. Although Nextel does not appear to be a competitor in RFB's markets, it likely competes with other A Band carriers that could be subject to these new costs for Nextel's benefit.

[5] A copy of the letter from Jim Joyce, Motorola, Inc. to Art Prest, Alpine PCS, Inc. dated February 10, 2003 is attached to these comments as Attachment 1. RFB is an affiliate of Alpine PCS, Inc.

[6] Of course, the actual cost of purchasing and installing this newly-developed equipment could exceed these estimates.

The imposition of such a large expense on small rural cellular carriers (like RFB) for the benefit of a competitor (Nextel) is inequitable and contrary to Commission precedent requiring cost reimbursement. Absent a reimbursement mechanism, RFB (and other similarly situated A Band cellular carriers) will be placed at a substantial competitive disadvantage to already better funded wireline B Band cellular carriers, PCS carriers and Nextel, none of whom will bear the same expense.

RFB requests the Commission to further explore the issue of what new costs will be imposed on A Band cellular carriers by the Consensus Plan. If any costs are created by the Plan the Commission should require full reimbursement from Nextel, the primary beneficiary of the rebanding proposal. Reimbursement will ensure that small, rural carriers like RFB are not inadvertently the victims of discriminatory technical rules and that competition among CMRS carriers will not be impaired.

Respectfully submitted,

RFB CELLULAR, INC.

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Dated: **February 25, 2003**

ATTACHMENT 1

Motorola Inc.

1421 W Shure Drive, Arlington Heights, Il. 60004

February 10, 2003

Art Prest
Vice President and CTO
Alpine PCS
10234 Democracy Boulevard
Potomac, MD. 20854

Dear Art:

On March 15, 2002, the Commission released a Notice of Proposed Rulemaking that Explores Options and Alternatives for Improving the Spectrum Environment for Public Safety Operations in the 800 MHZ Band and Consolidating the 900 MHz Industrial/Land Transportation and Business Pool Channels. WT Docket No. 02-55.

If accepted as written, all parties operating base station transmitters in the range 851-895 MHz would incur additional responsibilities as part of the continued granting of their licenses, and the continued granting of type acceptance for equipment manufacturers. Additionally Out-of-band emissions (OOBE) for base station transmitters in the 861-895 MHz band would be further reduced from the current specification as follows:

- No less than 15 dB at 860.0 MHz,
- No less than 30 dB at 859.5 MHz, and
- No less than 45 dB on all frequencies between 851 and 859 MHz.

As a working partner, Motorola is providing the following technical impact statement to help you understand the impact of these changes on your networks from both a regulatory compliance and performance perspective so you can formulate a position and response if you choose to do so. Comments are due to the FCC by 2/10. Motorola's interpretation of the proposal would have the following impact on currently deployed base stations:

1. All B band cellular carriers would be unaffected by this change. Only A band cellular operators are affected.

2. Those SC4812XXX sites equipped with only the T426AA Dual Bandpass Filter Option would be non compliant, as there is insufficient filter selectivity margin once the proposed rule changes take effect.

3. All sites currently equipped with T426AA Dual Bandpass Filter Options equipped with TRDC/DRDC/2:1 cavity combiner combinations would remain compliant after the proposed rule changes take effect.

4. All SC300 sites equipped with the current domestic IFAs will be non compliant once the new requirements are applied.

5. Legacy SC2450/2400 and HDII/NAMPS Analog and Mixed Mode sites may also be affected by this change.

Required Actions:

SC4812XXX sites

It has been determined by data taken thus far that any combination of DBPF with either a DRDC or TRDC option would provide the required minimum of 18 dB filter selectivity and thus would not be impacted by the proposed changes. Those sites equipped with 2:1 tuned cavity combiners would also be compliant. This would also include 4812T sites equipped with externally mounted DRDCs.

The following retrofits will be required to bring sites falling into category 1 into compliance with the new standards. *Note that all of these options will required a site recalibration and ATP:*

- Replace DBPF with the T654AC 2:1 combiner option
    - *Note that if the 2 carrier site is using adjacent carriers you will need to replace with 6 of the 2:1 combiners. This would require additional outputs at the top of the frame and may require some antenna reconfiguration either through duplexers or similar equipment.*

- Adding DRDC/TRDC option to the existing TX path lineup.

SC300 sites

It has been determined by data taken thus far that the current SC300 microcell IFA would not provide the required filter selectivity.

- A SC300 equipped with a modified IFA designed to meet the new requirements will have to be installed to replace the current models.
    - *Note that all ATPs currently required for a new site deployment would be required.*

- The SC300 being replaced can then be retrofitted with the modified IFA at a qualified service facility and returned to service.

SC2450/2400 and HDII/NAMPS sites

- Motorola is currently investigating the regulatory impact to these frame types. Due to the number of possible configurations deployed in the field (with respect to site filter rack equipages, filtering options, and co-location with other cell site equipment) we are unable to provide filter selectivity margin information for these products at this time. Should you require assistance in determining if the proposed ruling would apply to your specific configuration(s), please contact your Motorola account team with this information.

Rest assured that your Motorola Account Team, CNRC, and Engineering organizations are available to assist you should you wish to consult further on this issue.

Sincerely,

Jim Joyce