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July 9, 2003

BY ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: WT Docket No. 02-55
Ex Parte Presentation

Dear Ms. Dortch:

On Tuesday, July 8, 2003, Timothy M. Donahue, President and Chief Executive Officer, Nextel Communications, Inc ("Nextel"), and Robert Foosaner, Senior Vice President and Chief Regulatory Officer, Nextel, had separate meetings with: Chairman Powell and Bryan Tramont, Senior Legal Advisor, Office of Chairman Powell; Commissioner Martin and Sam Feder, Legal Advisor on Spectrum and International Issues, Office of Commissioner Martin; and Commissioner Copps and Paul Margie, Spectrum and International Legal Advisor, Office of Commissioner Copps. In each of these meetings, Mr. Donahue and Mr. Foosaner discussed issues raised by Nextel in its prior filings in the above-captioned rulemaking, including the urgent need to adopt the Consensus Plan as the best means of resolving CMRS – public safety interference in the 800 MHz band and providing additional spectrum for public safety communications. Mr. Donahue and Mr. Foosaner also discussed the concerns public safety organizations have expressed regarding other proposals in this proceeding. Attached to this letter are three documents provided during these meetings regarding these points.

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Pursuant to section 1.1206(b)(2) of the Commission's rules, 47 C.F.R. § 1.1206(b)(2), this letter is being filed electronically for inclusion in the public record of the above-referenced proceeding.

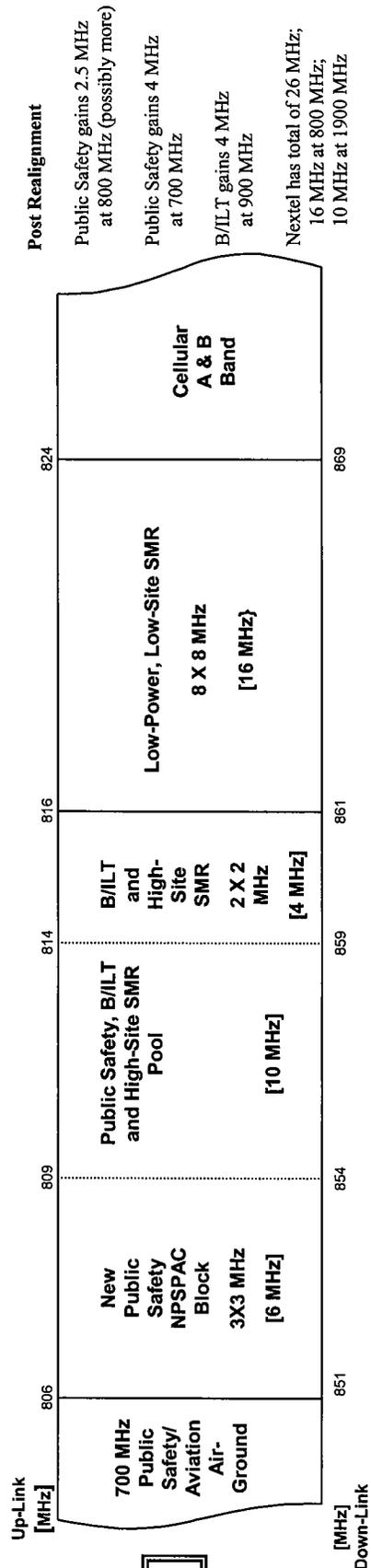
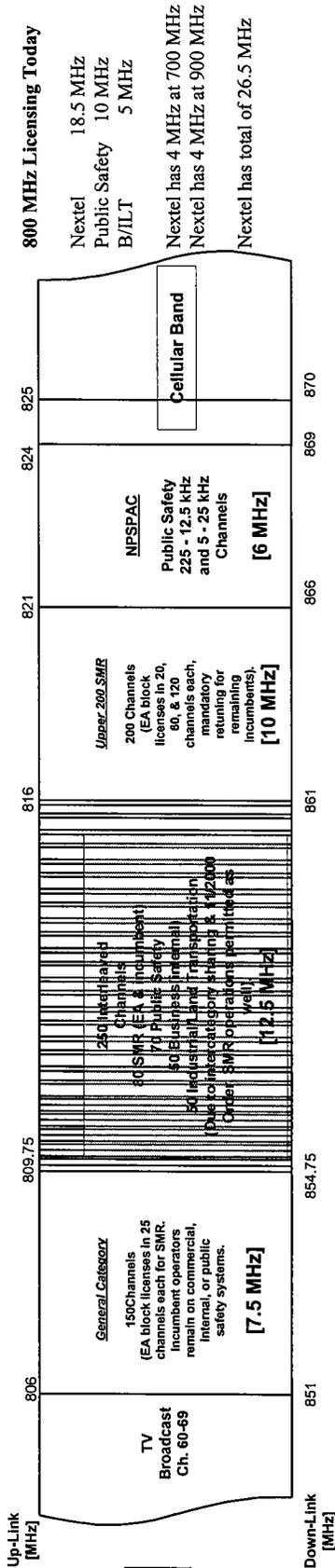
Sincerely,

/s/ Regina M. Keeney
Regina M. Keeney

Attachments (3)

cc: Chairman Michael K. Powell
Commissioner Kevin J. Martin
Commissioner Michael J. Copps
Bryan Tramont
Sam Feder
Paul Margie

Consensus Plan for Public Safety Spectrum Realignment



- 800 MHz Band** - Nextel will relinquish an average of 2.5 MHz of 800 MHz spectrum to make overall realignment of 800 MHz band possible, moving public safety to non-cellular block adjacent to future public safety spectrum.
- 700 MHz Band** - Nextel will relinquish to the FCC 4 MHz of near-nationwide spectrum to be reassigned to public safety providers to expand their systems. This spectrum is adjacent to existing public safety allocations in the 700 MHz band.
- 900 MHz Band** - Nextel will relinquish 4 MHz of 900 MHz spectrum nationwide to encourage private wireless incumbents to relocate from the 800 MHz Band, thereby creating additional spectrum for public safety use. Voluntarily relocating private wireless licensees will get a 2-for-1 spectrum bonus at 900 MHz for private wireless growth.
- 1.9 GHz Band (1910-1915 MHz paired with 1990-1995 MHz)** - In exchange for the 10.5 MHz of spectrum listed above, Nextel must receive replacement spectrum. The 1910-1915 MHz portion is not currently being used, while the 1990-1995 MHz portion has recently been reallocated from the Mobile Satellite Services industry to services such as Nextel.
- \$3 Billion Commitment from Nextel** - Nextel paid \$2 billion in FCC auctions and the secondary markets to acquire the 700, 800, and 900 MHz spectrum it would exchange; Nextel would fund up to \$850 million for relocating all of public safety and private wireless (B/ILT) licensees; Nextel will spend approximately \$150 million for its own returning costs under realignment.



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Member Organizations
American Association of State Highway and Transportation Officials
Association of Public Safety Communications Officials - International
Forestry Conservation Communications Association
International Association of Chiefs of Police
International Association of Emergency Managers
International Association of Fire Chiefs
International Association of Fish and Wildlife Agencies
International Municipal Signal Association
National Association of State Foresters
National Association of State Telecommunications Directors

Liaison Organizations
Federal Emergency Management Agency • Federal Law
Enforcement Wireless Users Group • Public Safety Wireless
Network • US Department of Agriculture • US Department of
Interior

June 11, 2003

Tara B. Shostek
Irwin, Campbell & Tannenwald, P.C.
1730 Rhode Island Avenue, NW
Suite 200
Washington, DC 20036-3101

Re: FCC 800 MHz Realignment Proceeding, WT Docket No. 02-55

Dear Ms. Shostek:

We are in receipt of your letter requesting NPSTC to review and support the so-called “Balanced Approach” to the 800 MHz interference problem. NPSTC has carefully reviewed your comments, and we reaffirm support for the Consensus Plan.

We find the “Balanced Approach” neither is balanced nor constitutes a plan to remedy the incompatibility between the “high-site” systems operated by most Public Safety agencies and the “low-site” systems operated by Nextel and other commercial providers. The approach you advocate relies principally on mitigation after Public Safety has experienced interference. That interference can jeopardize the safety and lives of First Responders, as well as impede timely and efficient response to emergency situations. There are trade-offs in either approach, and we view the risk to Public Safety officers and the public from a reactive approach to be the least desirable alternative in comparison with some inconvenience to make a planned transition to new frequencies.

You acknowledge in your letter that the 800 MHz communications system of the City of Baltimore is “not entirely free from interference.” While the City may be willing to tolerate some level of interference, our concern is that as both cellular and Public Safety systems expand, the opportunities for and risk of harmful interference proliferates. The dividing line between “tolerable” and “intolerable” interference unfortunately will be marked by tragedy. Indeed, the “Balanced Approach” proposal to limit the power of low-site systems itself may drive the need for more transmitters at more locations resulting in more risk to Public Safety systems.

The Consensus Plan provides a planned and carefully structured means to transition to new channel assignments, all the while maintaining the functionality of Public Safety communications systems. Similar transitions have occurred in other frequency bands and belie your claim that the Consensus Plan would result in an “unknown replacement.” Moreover, the Consensus Plan provides for the full

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funding of those who would be called upon to move their channel assignments. NPSTC does not understand the claim that the City would incur "financial burdens that the City does not have the resources to meet." Apparently, there is a fundamental misunderstanding of the Consensus Plan.

In contrast to the underlying premises of the Consensus Plan to pro-actively address the circumstances which give rise to the interference, to maintain Public Safety communications systems while frequencies are being modified, and to finance the cost to Public Safety users to achieve the transition, the "Balanced Approach" puts Public Safety communications, officers and the public at continuing risk of harmful interference and imposes un-funded financial obligations on Public Safety. The entire process of identifying interference on an on-going basis, determining which cellular provider(s) may be causing the interference, and working to resolve that interference will be resource-intensive to Public Safety organizations. Identifying and apportioning responsibility itself may be burdensome, and will delay remedial measures, as will the process of seeking FCC intervention, all the while continuing to place Public Safety communications at risk. Moreover, if the City's sites were installed after the cellular stations were established, the City likely would be responsible for any remedial measures under the approach you advocate. Finally, the Consensus Plan has the additional benefit of spectrally separating the Public Safety and cellular communications frequency assignments. Once this is accomplished, new Public Safety 800 MHz band equipment can be designed with a narrower front end, with the added benefit of further reducing the future opportunity for harmful interference.

In like fashion that you have asked NPSTC to further consider the "Balanced Approach," we ask you to recommend that the City of Baltimore reconsider its position. We urge the City to consider the risk and the cost-benefit analyses which has led the overwhelming majority of the Public Safety community to endorse the Consensus Plan as the optimum means to protect First Responders and the public now and in the future, and not to be influenced by the hyperbole ("only 1% of public safety systems reported interference ..."—a statistic taken out of context and never intended to constitute either a catalog of all incidents or even a statistically valid sampling, and "a 'solution' that would disrupt 100% of Public Safety systems, not to mention all other licensees in the 800 MHz band"—a gross distortion of the universe facing relocation under the Consensus Plan) of the coalition of Nextel competitors and electric utilities (some of which operate commercial 800 MHz systems) which oppose the Consensus Plan. We would be pleased to assist the City in fully understanding the Consensus Plan if so desired.

Very truly yours,

Marilyn Ward, Chair

cc: Linda C. Barclay, City Solicitor's Office, Baltimore, MD
The Honorable Michael Powell, Chairman, Federal Communications Commission
Marlene H. Dortch, Secretary, Federal Communications Commission, Ex Parte Communication -
WT Doc. No. 02-55
NPSTC Governing Board Members

Statement of
ASSOCIATION OF PUBLIC-SAFETY COMMUNICATIONS OFFICIALS-
INTERNATIONAL (APCO)
INTERNATIONAL ASSOCIATION OF FIRE CHIEFS (IAFC)
INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE (IACP)
MAJOR CITIES CHIEFS ASSOCIATION (MCCA)
NATIONAL SHERIFFS ASSOCIATION (NSA)
MAJOR COUNTY SHERIFFS ASSOCIATION (MCSA)
In Response to Motorola *Ex Parte* Letter in WT Docket 02-55 (May 6, 2003)

Motorola, Inc., in a recent letter to the FCC, has described possible improvements to 800 MHz band public safety radios that could make those radios less susceptible to some forms of interference from cellular radio operations.

Those improvements, while significant and beneficial, are not a “technological silver bullet” that would solve the 800 MHz interference problem. While making an important technological step, the Motorola proposal does not eliminate the need to modify the 800 MHz band channel allotments. Therefore, we continue to support adoption of the “Consensus Plan,” which would lead to lasting protection against interference, without imposing costs on state and local governments.

Motorola’s recent correspondence to the FCC seems to understate the extent of the 800 MHz interference problem, and appears to support an approach that is largely “reactive” to interference problems as they occur. We believe that the problems are far more widespread than Motorola suggests, and that the ongoing problems of interference to critical emergency communications demand a systemic solution that would prevent such interference from occurring in the first place.

We are also concerned that Motorola’s proposed improvements to public safety radios will address only certain types of interference, and only for those public safety communications systems already meeting specific performance levels. Systems not meeting those thresholds would not benefit from Motorola’s proposed improvements, absent significant and costly system upgrades, such as adding base stations.

We believe that the radio equipment modifications suggested by Motorola would be very beneficial in the overall effort to address 800 MHz band interference, and would be an excellent complement to, but not a substitute for, the Consensus Plan. Re-banding 800 MHz is still necessary to resolve the interference problems plaguing public safety licensees.

We are in the process of preparing a more detailed review of the Motorola letter for eventual submission to the FCC.

May 16, 2003

For further information, contact:

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IAFC: Alan Caldwell (703) 273-9815, dirgovrels@ichiefs.org

IACP, MCCA, NSA, and MCSA: Harlin McEwen (607) 257-1522, chiefHRM@leo.gov