

CITY OF BALTIMORE

MARTIN O'MALLEY, Mayor



DEPARTMENT OF LAW

THURMAN W. ZOLLICOFFER, JR., City Solicitor
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Baltimore, Maryland 21202

July 11, 2003

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
236 Massachusetts Avenue, N.E.
Suite 110
Washington, DC 20002

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

Dear Ms. Dortch:

I am writing to you in support of the "Balanced Approach Proposal," which the City of Baltimore believes is a viable alternative to the Consensus Parties' proposal to realign the 800 MHz band and is a less disruptive long-term and short-term solution to the public safety interference problem. Baltimore does not support the "Consensus Parties" realignment proposal and Baltimore believes it is important for the FCC to recognize that this purported consensus is not a true consensus at all.

Baltimore operates a modern trunked system that, while not entirely free from interference, was procured at great cost, is functioning well, and meets the City's critical needs. Baltimore has opposed the Consensus Parties' proposal on the grounds that it shifts the burden of solving interference problems from the party causing interference to the party receiving it, would trade Baltimore's well-functioning system for an unknown replacement, and would saddle Baltimore with financial burdens that the City does not have the resources to meet.

Baltimore supports the Balanced Approach's recommendations that the FCC make an interfering licensee responsible for the interference it causes even if the interfering equipment is operating within published specifications, modify the licensing and coordination procedures to include a review of adjacent channel spacing for all "non-EA" frequencies, modify specific technical rules to ensure the proper engineering of systems regardless of their placement within the band, and adopt APCO's Best Practices recommendations.



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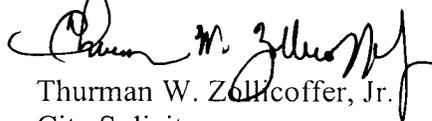
June 18, 2003

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Unlike the Consensus Plan, the Balanced Approach does not require disruptive realignment of the 800 MHz band nor does it propose forced migration policies for public safety entities that do not retune their systems to new frequencies fast enough. Baltimore believes there is an unacceptable risk that critical public safety systems would be interrupted or impaired if they were required to retune to new frequencies. The Balanced Approach does not depend on uncertain future funding, nor does it carry the risk that part-way through implementation, the process would be stopped for lack of funding. For these reasons, the City of Baltimore strongly encourages the Commission to formally seek comment on, and ultimately adopt, the Balanced Approach.

Should you have any questions concerning the City of Baltimore's position on this matter, please contact Tara Shostek, the City of Baltimore's special counsel on this matter, at (202-728-0401 ext. 108 or tshostek@ictpc.com.)

Very truly yours,


Thurman W. Zollicoffer, Jr.
City Solicitor

cc: John Muleta, Chief, WTB
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WT Docket No. 02-55 (Ex Parte Communication)