July 31, 2003

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
The Portals, TW-A325
445 Twelfth Street, SW
Washington, DC 20554

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

Dear Ms. Dortch:

The National Association of Manufacturers and MRFAC, Inc. ("NAM/MRFAC") hereby submit these further comments in the 800 MHz interference proceeding.

In NAM/MRFAC's view, the record in this proceeding continues to improve. Motorola's filing of May 6, 2003, supplemented with its filings of June 20 and July 18, provide important information which should be given careful consideration by the Commission in reaching a decision. These filings demonstrate that switchable attenuators, for example, can rectify what even Nextel has characterized as "the most frequently observed and dominant interference mechanism," *i.e.* intermodulation.[1] These filings have special significance given Motorola's unique position as the principal equipment supplier to both public safety/industrial users, on the one hand, and Nextel, on the other hand.

Motorola has also presented data from field tests verifying the utility of attenuators at numerous locations in and around Las Vegas, San Diego, Broward County and the so-called Northwest Central Dispatch area in Illinois. Which is to say, at each of these locations public safety system signal strength was found sufficient to employ attenuators, and attenuators successfully mitigated the intermodulation interference. Moreover, in response to NAM/MRFAC questions as to whether users would have to significantly upgrade their systems in order to take advantage of attenuators,[2] Motorola has responded that no significant changes in

[1] Nextel letter to James Schlichting dated July 1, 2003, at 2.

[2] See NAM/MRFAC filing of May 29, 2003.

user equipment is anticipated, *i.e.*, "no increase or change in desired signal strength was necessary in the areas where Motorola has conducted testing and the solution has worked."[3]

This is not to say that attenuators are practical in every case, *i.e.*, that the victim system's signal strength is sufficient, and that no other interference mechanisms are present. Motorola itself observes that at one of the four sites studied in San Diego, attenuators produced a 50 percent improvement (as opposed to 100 percent at the others); and that the remaining interference appeared due to out-of-band emissions ("OOBE") for which additional measures would be necessary. Moreover, Nextel claims that OOBE interference is present in about half of the interference cases.[4]

It is to say, however, that before resorting to radical surgery -- re-banding -- the Commission should consider more conservative treatments which did not seem as practical earlier in this proceeding.[5] This is particularly the case given the unresolved issues pertaining to implementation of re-banding in border areas and the over-wrought complexity and legal deficiencies in the Consensus Parties' re-banding implementation proposal.[6] Although some have argued that a best practices approach is too reactive, or resource-intensive, the proposal contemplated by at least one group of commenters entails an aggressive outreach program to identify and correct interference cases.[7]

A best practices approach which includes the technical "tool box" that Motorola has described could be implemented at least as soon as the multi-year transition that re-banding would require. Moreover, a case-by-case solution is likely to entail much less cost than that involved in upending many hundreds, if not thousands, of public safety and industrial radio systems, as re-banding would entail. In this regard, the record suggests that the cost estimates presented for re-banding may be unrealistically low, such that further information should be requested from the equipment vendors on this point.[8]

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[3] Motorola letter of June 20, 2003, at 7.

[4] Nextel letter to James Schlichting dated July 1, 2003, at 2.

[5] Prior to the Motorola filings NAM/MRFAC themselves had suggested that rebanding may be necessary.

[6] See NAM/MRFAC Comments filed February 11, 2003.

[7] Compare ITA filing of July 14, 2003 and Nextel filing of July 1, 2003, with CTIA's "Balanced Approach" filing of July 11, 2003 for the 800 MHz User Coalition.

[8] Compare Consensus Parties' Supplemental Comments filed December 24, 2002 at Appendix A, p. A-4 (only one percent of public safety and five percent of industrial/business/SMR radios need to be replaced) with Motorola filing of May 6, 2002, at pp. 25-26 (30-40% of mobile/portable

Respectfully submitted,

National Association of Manufacturers

[s]

Lawrence A. Fineran, Vice President
Regulatory and Competition Policy

MRFAC, Inc.

[s]

Marvin McKinley, President

cc:* Chairman Michael Powell
Commissioner Kathleen Abernathy
Commissioner Kevin Martin
Commissioner Michael Copps
Commissioner Jonathan Adelstein
John Muleta
Edmond Thomas
Bryan Tramont
Jennifer Manner
Sam Feder
Paul Margie
Barry Ohlson
Cathy Seidel
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William Hurst
David Means
William Inglis
Ira Keltz
Solomon Satche
Kathleen O'Brien-Ham
Bruce Franca
James Schlichting
Rashmi Doshi
Michael Marcus
Julius Knapp
Fred Thomas
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*All cc's sent via electronic mail

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radios would need replacement). While the Motorola numbers did not relate to the Consensus Plan, they nonetheless raise a question which should be explored further.