



September 12, 2003

Marlene Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W., Room TW A-325  
Washington, DC 20554

**Re: Ex Parte Notice – WT Docket No. 02-55**  
**Improving Public Safety Communications in the 800 MHz Band**

To the Secretary:

This is provide notice that, on September 11, 2003, representatives of the City of Baltimore, Maryland, Cellular Telecommunications & Internet Association (CTIA), Cingular Wireless and the United Telecom Council (UTC), all members of the 800 MHz User Coalition, met with Paul Margie, Legal Advisor to Commissioner Michael J. Copps, concerning the above-referenced docket. The purpose of the meeting was to discuss the merits of the 800 MHz Users Coalition's Balanced Approach as a proactive and guaranteed means of eliminating interference and creating a continued viable 800 MHz band for all users.

The User Coalition members noted the funding weaknesses of the so-called "Consensus Plan" filed by Nextel Communications, some public safety associations and private wireless groups, as well as some of the legal infirmities of the plan. The Coalition parties also urged that the FCC not mandate a band plan for the 800 MHz band that would restrict that ability of licensees of all types to deploy advanced technology: in many states, this band is being used to develop multi-agency, interoperable systems, some of which are a mix of high-site and low-site installations. The parties also stressed that the Coalition plan is proactive, in that it not only guarantees elimination of any current interference at the cost of the interfering party, but would prevent future interference through updated technical rules requiring better system engineering, along with notification and coordination procedures.

Provided at the meeting was a handout summarizing the differences between the Nextel and 800 MHz User Coalition plans, as well as a summary of the difference in market value between the 1.9 GHz spectrum sought by Nextel and the 700/800/900 MHz licenses it is offering in exchange. Copies of the materials are attached to this Notice.

This notice is being filed pursuant to Section 1.1206 of the Commission's Rules and Regulations, 47 C.F.R § 1.1206. If there are any questions concerning this matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Jill M. Lyon", with a long, sweeping horizontal stroke extending to the right.

Jill M. Lyon  
Vice President and General Counsel

Attachment

Cc: Paul Margie, Esq.



# 800 MHz User Coalition

**Presentation to  
Paul Margie  
September 11, 2003**



# 800 MHz User Coalition

- ◆ More than 40 signatories and supporters, including representatives from Public Safety; electric, gas and water utilities; large business and industrial users; SMR licensees; equipment manufacturers; and the commercial wireless community.



# The Nextel Proposal Is Unworkable

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- ◆ Too complex and too lengthy
- ◆ No guarantee of interference resolution
- ◆ No long-term solution – separating “like” from “unlike” assumes no future change
- ◆ No guaranteed funding over life of process
- ◆ Inequitable treatment of licensees based on outmoded type categories
- ◆ Legal infirmities



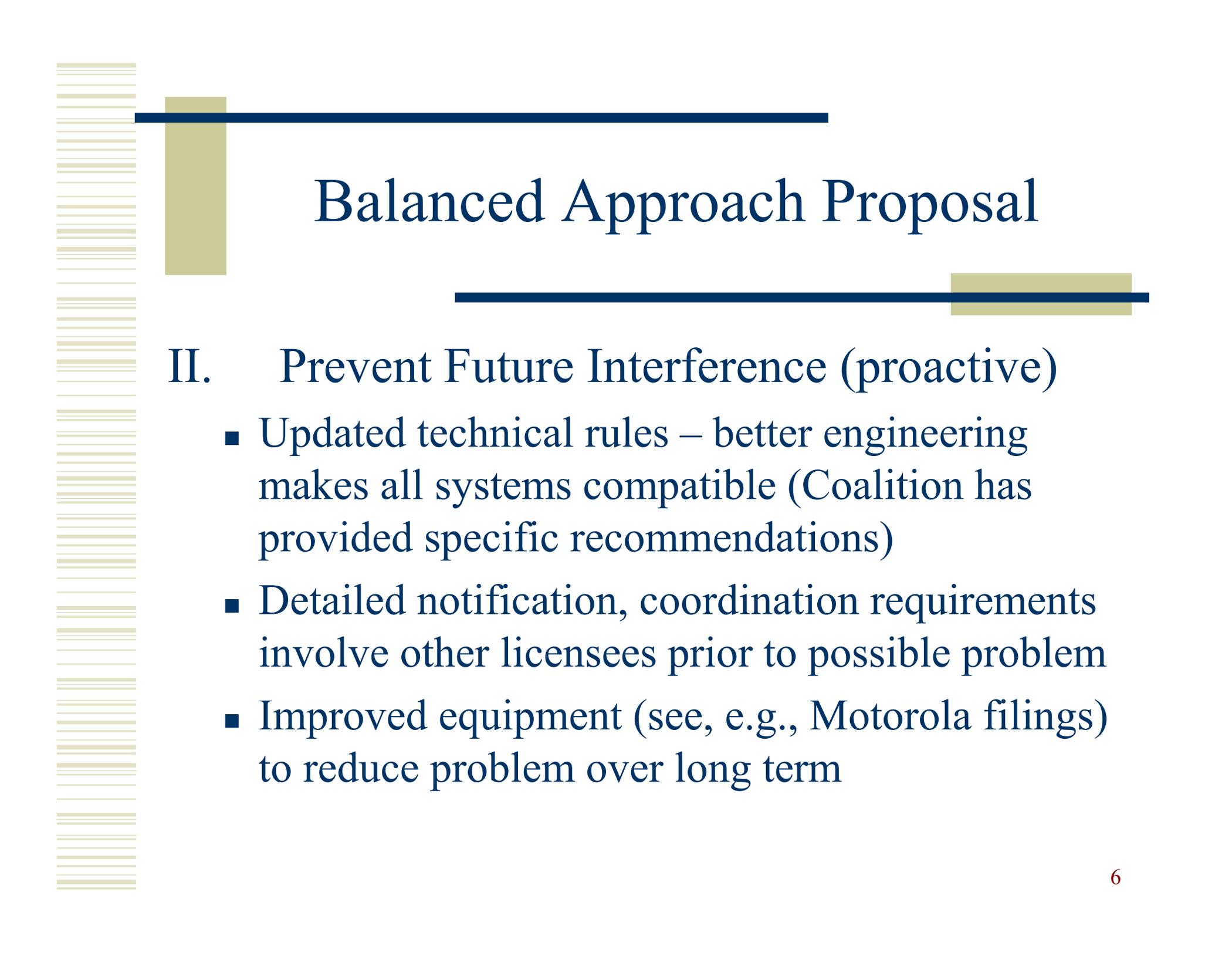
# 800 MHz User Coalition – A Forward-looking Solution

- ◆ More immediate, more effective, less disruptive and less costly
- ◆ Guarantees elimination of current interference problems *and* prevention of future interference
- ◆ Treats all licensees fairly; permits all licensees to migrate to advanced technology as desired
- ◆ Solution within 800 MHz band
- ◆ No legal infirmities

# Balanced Approach Proposal

## I. Resolve Existing Interference Quickly

- Specific, short timeline for consultation, analysis and resolution
- CMRS, CI licensees offer technical expertise to assist – good faith required of complainant
- Enhanced mitigation techniques – expands on Best Practices by building on successful approaches, adding other technical measures, new technology fixes
- Interfering party *must* resolve, must pay for resolution, including any necessary steps (frequency swaps, equipment replacement)



# Balanced Approach Proposal

## II. Prevent Future Interference (proactive)

- Updated technical rules – better engineering makes all systems compatible (Coalition has provided specific recommendations)
- Detailed notification, coordination requirements involve other licensees prior to possible problem
- Improved equipment (see, e.g., Motorola filings) to reduce problem over long term



# Balanced Approach Proposal

## III. Long-term Review of Process

- Independent consultant working with committee of stakeholders
- To begin immediately, testing efficacy of mitigation procedures
- Consideration of other resolution/prevention methods *if necessary*, including funding mechanism



# Balanced Approach is Better Spectrum Policy

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- ◆ Private market agreements meet local needs of parties
- ◆ Flexibility in spectrum use encourages shared systems, advanced technology (efficiency) and interoperability among emergency responders
- ◆ No funding uncertainties
- ◆ This band is too important to *all* users – FCC must not over-regulate, create spectrum backwater of old technology

CELLULAR TELECOMMUNICATIONS  
& INTERNET ASSOCIATION

1.9 GHz VALUATION

800 MHz Proceeding  
WT Docket 02-55

Verizon – Northcoast Communications Transaction

Purchase Price	\$750,000,000
POPs	47,400,000
MHz	10
Price/POP/MHz	\$1.58

Cingular – NextWave Transaction

Proposed Purchase Price*	\$1,400,000,000
POPs	83,000,000
MHz	10
Reported Price/POP/MHz	\$1.69

(34 Markets—2 mkts at 20MHz, 32 mkts at 10MHz)

Valuation of 1.9 GHz

	Using Verizon-Northcoast	Using Cingular-NextWave
US Population (2000 Census**)	285,230,516	285,230,516
Price/POP/MHz	\$1.58	\$1.69
Price per MHz	\$450,664,215	\$482,039,572
1.9 GHz Spectrum Block	10 MHz	10 MHz
<b>Total Estimated Price</b>	<b>\$4,506,642,150</b>	<b>\$4,820,395,720</b>

\* Based on Press and Analyst Reports (NY Times, UBSW, Legg Mason, Credit Suisse/FB 5/28, Goldman 5/28)

\*\* Excludes Puerto Rico