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October 6, 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 Friday, October 3, 2003, Robert Foosaner, Senior Vice President, Nextel Communications, Inc. ("Nextel") and I met with Sam Feder, Legal Advisor on Spectrum and International Issues to Commissioner Martin, regarding the Commission's above-captioned rulemaking on public safety communications in the 800 MHz band. During this meeting, we discussed the urgent need to adopt the Consensus Plan as a means of resolving CMRS – public safety interference and providing additional spectrum for public safety communications. The facts and arguments discussed are reflected in written comments previously filed by Nextel and the Consensus Parties in this proceeding and the attached presentation.

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

cc: Sam Feder

Attachment

The Consensus Plan

Promoting Homeland Security by Resolving 800 MHz Interference and Allocating More Spectrum to Public Safety

WT Docket No. 02-55

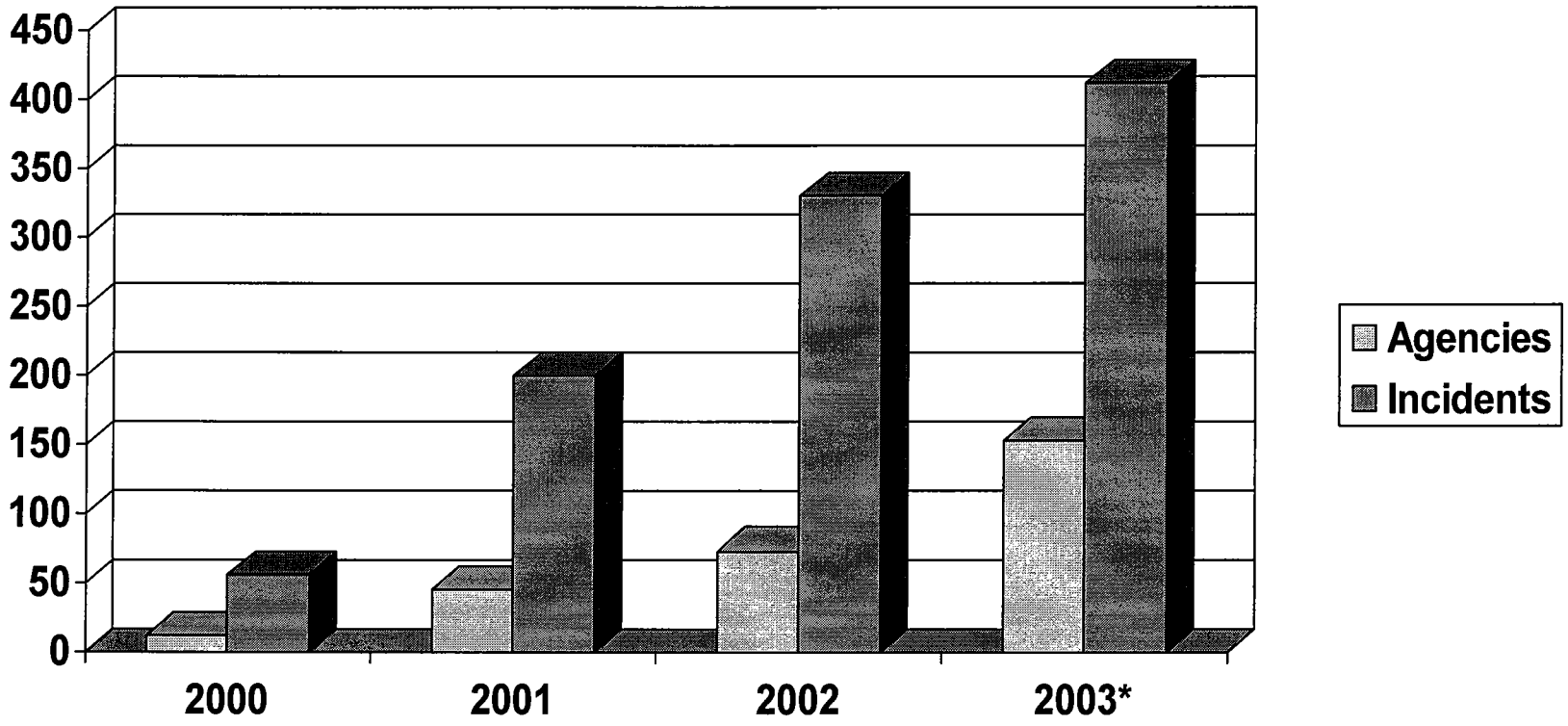
October 3, 2003

The Consensus Plan – The Only Effective Solution

	Consensus Plan	UTC/CTIA Proposal	Motorola "Toolbox"
Proactive Interference Remedy?	**Yes** – Attacks the root cause by realigning the band. Provides technical rules for additional protection	**No** – Reactive; "puts Public Safety communications, officers and the public at continuing risk of interference" (NPSTC)	**No** – Toolbox "not a 'technological silver bullet'" and is "largely 'reactive'" – rebanding still necessary (APCO, other Public Safety parties)
Fund Public Safety Costs?	**Yes** – Public Safety and private wireless relocation costs covered by $850M Nextel commitment	**No** – "imposes unfunded financial obligations on Public Safety" (NPSTC)	**No** – No plan to fund Public Safety equipment upgrades and other measures
More Public Safety Spectrum?	**Yes** – 2.5+ MHz at 800 MHz and 4 MHz at 700 MHz. Promotes Public safety interoperability and economies of scale	**No** – No additional spectrum for Public Safety	**No** – No additional spectrum for Public Safety

Public Safety Interference: Increasing at an Alarming Rate

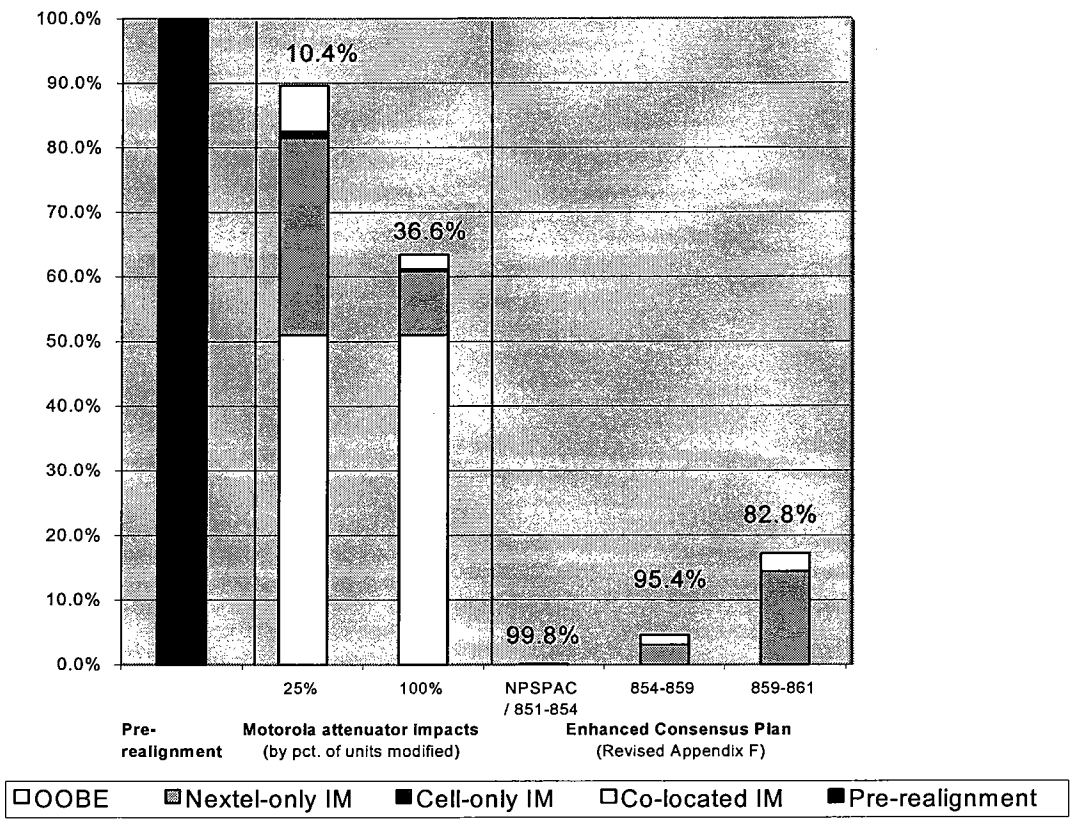
- 800 MHz interference has affected 400,000 public safety radios
- 10% of all public safety systems have reported interference to date



*Projected estimate based on number of interference incidents and number of public safety agencies reporting Interference, Jan. 1, 2003 – May 30, 2003

The Enhanced Consensus Plan Virtually Eliminates CMRS-Public Safety Interference

Motorola's Switchable Attenuator: Not a Solution



The Consensus Plan: The *Only* Fully Funded Proposal

- Nextel's $850 million commitment covers all incumbent public safety and private wireless relocation costs

- Consensus Plan involves *one-time* costs, fully-funded by Nextel, rather than imposing indefinite, unfunded, recurring costs of applying mitigation techniques on public safety and all affected parties

UTC/CTIA Plan: An Ongoing and Unfunded Burden on Public Safety

- With UTC/CTIA, Public Safety agencies would bear the *ongoing* cost of mitigation efforts – *in addition* to the hundreds of thousands of dollars they have already spent on "Best Practices"

- With UTC/CTIA, Public Safety would be:
  - Required to upgrade/modify its equipment
  - Required *indefinitely* to devote substantial staff time and hire engineering & legal assistance for "enhanced best practices"

Motorola's Very Expensive "Toolbox" ... Paid for by Public Safety

- Motorola receiver enhancements require new or modified public safety radios
- *Plus* increased public safety signal strength in many cases
- *Plus* aggressive use of Best Practices, with *ongoing* costs to Public Safety agencies
- Motorola's switchable attenuators do *not* address OOBE interference and are *not* available to public safety agencies using other equipment vendors

Public Safety Agencies Face Severe Budget Shortfalls as They Confront Homeland Security Challenges

- America's First Responders are "drastically underfunded" (June 2003 Report of Independent Task Force Sponsored by Council on Foreign Relations and Chaired by Warren Rudman)

- 800 MHz solution must include "a mechanism to reimburse all of the implementation costs incurred by public safety licensees" (May 6, 2002 Comments of APCO, NATOA, Nat'l Assn of Counties & Nat'l League of Cities)

Only The Consensus Plan Provides More Spectrum to Public Safety

- "[M]any [Public Safety] agencies around the country … face a shortage of spectrum. This shortage will only be exacerbated as public safety strives for improved interoperability and access to greater amounts of information." (Motorola Comments, ET 03-158, 9/23/03)
- The Consensus Plan provides an additional 2.5+ MHz of spectrum at 800 MHz and 4 MHz of spectrum at 700 MHz

The Consensus Parties – Representing 90% of 800 MHz Land Mobile Radio Band Licensees

- *Every* Major Public Safety Organization
  - *APCO*
  - *Int'l Assn of Chiefs of Police*
  - *Int'l Assn of Fire Chiefs*
  - *IMSA*
  - *Major Cities Chiefs Assn*
  - *Major County Sheriffs' Assn*
  - *Nat'l Sheriffs' Assn*
- Private Wireless & CMRS
  - *ARINC*
  - *AMTA*
  - *Assn of American Railroads*
  - *American Petroleum Instit.*
  - *Forest Industries Telecom.*
  - *ITA*
  - *Nat'l Stone, Sand & Gravel Assn*
  - *PCIA*
  - *Taxicab, Limousine & Paratransit Assn*
  - *Nextel*

Other Public Safety & Local Gov't Support for the Consensus Plan

- *Nat'l Assn of Counties*
- *NATOA*
- *Nat'l League of Cities*
- *U.S. Conf. of Mayors*
- *NPSTC*
- *Amer. Assn of State Hwy & Transportation Officials*
- *Forestry Conservation Comm. Assn*
- *Int'l Assn of Emergency Managers*
- *Nat'l Assn of State Foresters*
- *Lambert-St. Louis Int'l Airport Authority*
- *Hall County, GA*
- *Bay County, FL Emergency Services*
- *Ogden City, Utah*
- *City of Ft. Lauderdale*
- *Orange County, FL*
- *Orange County, CA*
- *City and County of Denver*
- *City of Salem, Oregon*
- *Contra Costa County Fire Protection District*
- *City of Columbus, OH, Dep't of Public Safety*
- *Hamilton County, OH*
- *North Myrtle Beach, SC*
- *Jones County Emerg Oper Ctr, Laurel, MS*
- *Pickaway County, OH*

Private Wireless and Manufacturer Support for the Consensus Plan

Lucent	*Columbia Communications*	*Ka-Comm*
Intel	*Graybill Electronics*	*KLL Wireless*
Federal Express	*Highland Wireless Services*	*New York Communications*
Northwest Airlines	*Miller Communications*	*North Sight Communications*
United Airlines	*Monroe Communications*	*Pete's Communications*
IE Communications	*Ohio Valley 2-Way Radio*	*SR Communications Associates*
Motient	*P&R Communications Service*	*Ragan Communications*
RACOM	*Radio Service Company*	*Skyline Communications*
RA-Comm	*Sutter Buttes Communications*	*Smartlink Communications*
Skitronics	*Wells Communications Service*	*Blue Mountain Communications*
Action Communications	*Bell Interconnect*	*Business Radio, Inc.*
Apache Corp.	*Commtronics of Virginia*	*G&P Communications*
Battles Communication	*Comm. & Indus. Electr. Corp.*	*Business Communications Corp*
Telecommunications NA, BP	*CNY, Inc.*	*Coastal Electronics*
BearCom	*JPJ Electronic Communications*	*PPG Industries*

The FCC Should Adopt the Consensus Plan *Now*

- Need for Action: First Responders remain at risk, facing a disaster waiting to happen
  - Over three years of unsuccessful efforts to remedy the problem using Best Practices
- Comprehensive Record
  - March 2002 *NPRM* tentatively concluded that 800 MHz rebanding is necessary
  - *Three* rounds of comments, with more than 800 submissions amounting to over 11,000 pages
- The Consensus Plan: the Only Effective Solution