

**ASSOCIATION OF PUBLIC-SAFETY COMMUNICATIONS OFFICIALS-
INTERNATIONAL, INC.
INTERNATIONAL ASSOCIATION OF FIRE CHIEFS
INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE
MAJOR CITIES CHIEFS ASSOCIATION
NATIONAL SHERIFFS' ASSOCIATION
MAJOR COUNTY SHERIFFS' ASSOCIATION**

November 14, 2003

The Honorable Michael K. Powell
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20054

Re: WT Docket 02-55, Improving Public Safety Communications
in the 800 MHz Band; Ex Parte Communication

Dear Chairman Powell:

As the leadership of the public safety community responsible for First Responder services, we are writing to reconfirm our enthusiastic support for the Consensus Plan to resolve the 800 MHz interference problem faced by the public safety community and to urge the Commission promptly to resolve this proceeding. We represent those public safety services on the front line of protecting the life, health and safety of the American public, i.e., Fire, Law Enforcement, and Emergency Medical Service.

As the country has grown and technology has advanced, the telecommunications requirements of and utilization by the public safety community have grown exponentially. This growth has been driven by technological advances, making new systems and features available to public safety organizations, and by population growth and geographic expansion of our major metropolitan areas. As the VHF and UHF band public safety channels became increasingly congested, the Commission in 1980 reallocated 800 MHz band spectrum to land mobile use, and allotted part of that band to public safety. The public safety community responded to that allocation, and has heavily populated the 800 MHz band, both with National Plan systems and also with local and state agency systems.

At the same time as the public safety use of 800 MHz has grown, so have commercial mobile radio services. In the allotment of the 800 MHz band among the various eligible user groups, after placing cellular use in a block at the upper part of the band, and NPSPAC channels immediately below, the Commission interleaved public safety, private and commercial users throughout the remainder of the band. This allocation scheme, while consistent with prior allocation policies and the technology then available, established a breeding ground for interference. This situation developed from the interplay between the public safety users operating stations with traditional tall antennas and high power for wide area coverage ("high site systems") and the commercial users, including cellular, operating low antennas and low power stations ("low site systems") in order to optimize channel reuse, and has been magnified by the migration from analog to digital technology. The interference occurs

when public safety mobile units, looking for signals from their associated base stations transmitting from high antennas at medium to long distances away, operate in close proximity to the low site commercial stations. Because public safety receivers have relatively wide “front ends” (in order to be tunable to all of the public safety 800 MHz frequencies), the low site signals from two or more transmitters will mix within the public safety receivers and create intermodulation products, causing interference to the First Responder communications paths. The intermixture of public safety and commercial channels exacerbates this problem, as does both population growth, which sends First Responders further and further from their base stations, and the growth of commercial services which causes cell splitting and new cell site installations.

The interference being experienced by the First Responder public safety community, which is steadily increasing for the reasons set forth above, places both First Responders and the public who they are charged to serve and protect at substantial risk of loss of life, health and property. When First Responders cannot communicate, or suffer harmful interference to their communications, they and the public are jeopardized. This blockage may occur at critical times, such as when an EMS unit requires medical instructions, when a law enforcement official requires back-up or medical assistance for him or herself or a member of the public, or when a firefighter encounters an unexpected threatening situation such as a flashover or trapped firefighters or occupants. Unless this harmful interference is effectively eliminated, our nation’s First Responders and the public will continue to be placed at risk on a daily and ongoing basis, with potentially disastrous consequences.

The Commission recognized the critical harmful interference being experienced by the public safety community in the Notice of Proposed Rulemaking issued March 15, 2002 to initiate this proceeding. This problem was well identified publicly before that time, beginning with the *Best Practices Guide* issued in December, 2000, and continuing with the Nextel “White Paper” submitted to the Commission in November, 2001. The interference problems continue on a daily basis, and the frequency and severity increase continually. We ask the Commission to act promptly to set a remedial plan in action.

One and only one remedial approach proposed to the Commission addresses the root cause of the interference and proposes a cure: that approach is the Consensus Plan. Re-banding to separate public safety from commercial systems, and to eliminate the intermixture of those systems, is the only solution to the on-going interference problems. Moreover, concentrating the commercial services with their low site stations at the upper end of the 800 MHz band and public safety at the lower portion of the band will allow new radio equipment to be designed and manufactured with a narrower “front end,” and thus be better able to discriminate against unwanted signals. This will serve to avoid a recurrence of these problems in the future. The alternative approach proposed is to continue to address interference after it is encountered, trying to identify the commercial carrier causing the interference, and modifying radio equipment in some fashion to prevent a recurrence. This approach—reactive rather than proactive in nature--simply perpetuates the risk to First Responders and the public which this proceeding seeks to cure and provides neither improvement to the public safety community nor advances the remedies beyond those currently available, the inadequacies of which underlie this proceeding.

The Consensus Plan provides two other material benefits to the public safety community:

- The costs to remedy the harmful interference will be borne by Nextel, as further detailed in its Supplemental Comments submitted November 3, 2003. Thus, the public safety community, as well as other 800 MHz band users, will not incur costs to achieve a remedy to the 800 MHz interference problem. This aspect of the Consensus Plan is extremely important to the public safety community, in that we are publicly funded and city and state budgets are under extreme pressures. The alternative of remedying interference on an after-the-fact basis makes no provision for bearing the costs incurred by public safety licensees, and indeed imposes substantial costs to identify the interfering party and potentially to modify the public safety communications system.
- The Consensus Plan will provide additional 800 MHz spectrum for public safety. This spectrum will be contiguous to the existing public safety 800 MHz band allocation and so can be implemented without new or modified equipment. This additional spectrum will serve to alleviate congestion on public safety channels. The alternative of responding to interference after it occurs necessarily does not provide any spectrum enhancement to public safety.

In closing, we reiterate our request that the Commission promptly act to adopt the Consensus Plan in order that the public safety community may proceed with a meaningful and effective remedial plan for the harmful interference plaguing our 800 MHz band systems.

Respectfully submitted,

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The Honorable Michael K. Powell
November 14, 2003
Page 4

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cc: The Honorable Kathleen Q. Abernathy
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