



MARTIN O'MALLEY
Mayor
250 City Hall
Baltimore, Maryland 21202

November 20, 2003

The Honorable Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: **In the Matter of Improving Public Safety Communications in the
800 MHz Band; WT Docket No. 02-55 (Ex Parte)**

Dear Secretary Dortch:

I am writing to reiterate and underscore the City of Baltimore's opposition to Nextel's realignment plan and Baltimore's continued support for the "Balanced Approach." Concern over Nextel's plan exists at the highest levels of the City government. Baltimore recognizes that something immediate must be done to address public safety interference where interference is occurring. However, we have very serious concerns about a proposal that will be executed at the expense of public safety systems, like ours, that have spent money to install high quality equipment that enables us to operate successfully in a spectrum-crowded environment. Baltimore's system was updated in 1998 at a cost of some \$70 million. It functions well and meets the City's critical needs. I share the point of view of my police officials, who believe strongly that the use of high quality technology and other individualized solutions are the best way to solve public safety interference problems and that making everyone move to new channels will be disruptive, dangerous, and beyond our financial means.

Retuning public safety systems carries with it an unacceptable risk that critical systems would be impaired or interrupted during the retune process. The Nation's terror alert level is "Elevated," which means that our nation is at risk of terrorist attacks. Our public safety system is not like a commercial system that can survive if impaired for a short time. I am concerned that any downtime at all for our system may open a window of opportunity for terrorist activity, not to mention the potential risk to the lives of our citizens who daily rely on public safety services. There are risks we cannot afford to take.

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Cities across the country are seeking additional sources of funding to support Homeland Security and Interoperability, but they are also are facing severe budget deficits. Baltimore spent all the money it can afford to allocate when it upgraded its public safety system a few years ago. We do not have the funds to retune to new channels and then seek reimbursement from Nextel later, to say nothing of the possibility that we would not be reimbursed completely because the fund would be inadequate. The "Consensus Plan" makes our Public Safety services dependent on private funding. We have never tolerated that kind of situation and have great concern about the suggestion that any kind of close-end private fund is an acceptable approach to funding any public safety activity.

Homeland Security and First Responder Interoperability are of the foremost importance to Baltimore. Since the attacks of September 11th Baltimore has aggressively requested timely, direct and adequate funding to support its First Responders. Baltimore believes that the availability of these funds and the security and integrity of the City's public safety communications system would be threatened if the Commission were to adopt Nextel's realignment plan.

We see the plan to change everyone's frequency as an approach that hopes to solve the problems of entities that have not upgraded their equipment or have not installed state-of-the-art systems, while putting those who have done the job properly at risk. We cannot provide more money, and we cannot put the operational or financial integrity of our public safety system in the hands of a private entity. Our police officials see no possibility that any retuning plan advanced so far would build a redundant second system that would not require the shut-down of our existing equipment until a new system with the same capability were fully operational. That is the only acceptable way to protect our citizens. Any other system is courting disaster at a time when our nation's security has never been more at risk.

Sincerely,



Mayor

cc: Chairman Michael K. Powell
Commissioner Kathleen Q. Abernathy
Commissioner Michael J. Copps
Commissioner Kevin J. Martin
Commissioner Jonathan S. Adelstein
John Muleta, Chief, WTB
Edmond J. Thomas, Chief, OET
D'Wana R. Terry, Chief, PS&PWD, WTB
WT Docket No. 02-55 (Ex Parte Communication)