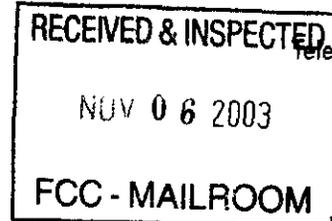


KANAWHA COUNTY COMMISSION

Post Office Box 3627
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W. Kent Carper
Commissioner



Telephone (304) 357-0101
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Henry C. Shores
Commissioner

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Commissioner

ORIGINAL

October 30, 2003

Marlene Dortch, Secretary
Federal Communications Commission
445 Twelfth St. 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.

Thank you for considering the views expressed below about the problem of interference in the 800 megahertz (MHz) band experienced by some public service agencies.

The problem of public safety interferences is limited to a very small percentage of agencies in a few populous urban centers in the U.S. It is not a national problem. As such, the solution should address specific problem areas with the ancillary benefit of preventing future occurrences. In our view, the consensus parties Nextel approach is far too broad and onerous, causing widespread inconvenience and disruption.

On the other hand, the 800 MHz user coalition balanced approach is just that: a rational plan involving notification, communication, cooperation and mitigation bolstered by best practices and the latest technological solutions. Plus, it would be relatively easy to put into practice. We believe any objective consideration of these proposals will lead to the conclusion that the Balanced Approach has true merit. We urge you to reach this conclusion also.

As you well know, new propagation studies would be needed @ 1.9 GHz before a dollar figure could ever be considered. Years ago, 800 MHz propagation studies never came close to meeting the reality of the number of sites necessary to adequately provide cell coverage in West Virginia. A review of FCC licenses in 800 MHz in the state of West Virginia or just looking at the numerous cell towers sprinkled about the landscape leads one to wonder how many more sites would be necessary for 1.9 GHz.

A comprehensive study of the cost of replacing equipment for utilities and emergency services should be thoroughly researched before a decision is made to freeze emergency services and utilities out of the 800 MHz frequencies.

One aspect of the Consensus Proposal warrants special comment. This involves the proposal to freeze all request of non-public safety users, such as public utilities, for additional band width in the 800 MHz band. This would seriously hamper utility communications by preventing

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Marlene Dortch, Secretary
October 30, 2003
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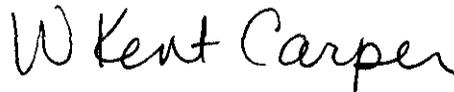
electric utilities and others from upgrading their radio coverage in areas that need improvement, namely, Kanawha County, West Virginia. To say that electric utilities and public service agencies work hand in hand is an extreme understatement. These utilities are real-life first responders and true partners to our public service professionals, to the extent that we have called upon them for assistance when our communications systems have problems.

I would suggest that if Nextel fought 1.9 GHz is the "in all" answer they would have made their attack for spectrum in that band, not 800 MHz.

Kanawha County is now in the process of studying a plan for an entire new radio system for all emergency/government agencies, with 800 MHz as one route being considered. Allowing a company such as Nextel to move utilities and government out of the 800 MHz is certainly not in the best interest of the citizens. The tremendous costs associated with such a move would not only be borne by taxpayers in the future, not to mention unforeseen costs. Whatever rules the Commission propounds on this issue, we urge you, at the very least, to avoid any type of freeze on these critical public service systems.

Again, thank you for considering our views.

Sincerely,



W. Kent Carper,
President

WKC/vlm

Cc Commissioner Shores
Commissioner Hardy
H. Joseph Jones, AEP
Dan Blue, County Manager
Allen Bleigh, Deputy County Manager

Ltr to fcc re aep