



APCO International

ASSOCIATION OF PUBLIC-SAFETY COMMUNICATIONS OFFICIALS INTERNATIONAL, INC.

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Ms. Marlene Dortch
Secretary
Federal Communications Commission
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RE: WT Docket 02-55, Ex Parte Communication

Dear Ms. Dortch:

This is to inform the Commission that the undersigned, along with APCO International President Vincent Stile, and Alan Caldwell of the International Association of Fire Chiefs, met today with Sheryl Wilkerson, Legal Advisor to Chairman Powell, and the following members of the Wireless Telecommunications Bureau staff: Scott Delacourt, Aaron Goldberger, and David Furth, regarding the above-referenced proceeding.

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We reiterated our strong support for the "Consensus Plan," and noted the solid support of law enforcement organizations, whose representative, Harlin McEwen, was unable to attend. We explained that the Consensus Plan was the most effective, comprehensive approach for dealing with the 800 MHz interference problems. We also explained that to the extent that some public safety agencies had expressed reservations in the record about the Consensus Plan, their principal concern appears to be with the size of Nextel's financial commitment, and whether it is sufficient. Thus, while we fully support the Consensus Plan and urge its adoption, we also indicated that we would support Commission rules, consistent with the Plan, to ensure that the entire cost of re-tuning would be covered under any circumstances.

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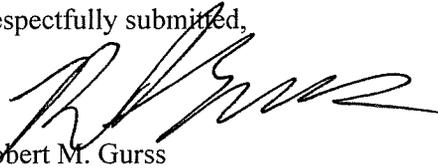
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We also explained that the re-tuning process was manageable and far less disruptive and costly than dealing with interference indefinitely on a piecemeal basis. Indeed, without the Consensus Plan, public safety agencies would be forced to live with the interference (and risk the safety of their personnel) or divert scarce public funds to try to fix interference problems as they occur (which would still be insufficient as it leaves personnel vulnerable in the first instance). We made clear that Homeland Security and other “new” sources of funding for public safety agencies must not be diverted to fixing interference problems that others created.

Finally, we reiterated the importance of the additional public safety spectrum provided for in the Consensus Plan, and disputed suggestions in *ex parte* statements that Business/Industrial and Land Transportation (“B/ILT”) licensees would “lose” 800 MHz spectrum to make that possible. In fact, the spectrum at issue was “lost” long ago when B/ILT licensees sold it to Nextel. Moreover, public safety has a critical need for those additional channels, to alleviate congestion, promote interoperability, and facilitate new technologies. That need is especially severe in metropolitan areas where the 700 MHz band is blocked indefinitely by broadcast television stations.

Please contact the undersigned should you have any questions on this matter.

Respectfully submitted,



Robert M. Gurss
Director of Legal and Government Affairs

cc: Sheryl Wilkerson
Scott Delacourt
Aaron Goldberger
David Furth