

TENNESSEE

WILLIAM H. FRIST
MAJORITY LEADER



UNITED STATES SENATE
WASHINGTON, D. C. 20510

November 20, 2003

The Honorable Michael Powell
Chairman
Federal Communications Commission
445 12th Street, SE
Washington, DC 20554

Dear Chairman Powell:

I've been hearing from a number of public safety leaders in my state and around the country- local police officers, firefighters, emergency response personnel and other first responders- about the alarming issue of public safety communications interference. The fact that public safety officials are concerned about their own safety and that of the people they protect makes me *extremely* concerned.

As a first responder in the medical field, I can attest to the importance of reliable communications. Reliable systems means saving time and subsequently saving lives. When these systems are compromised, our ability to provide a safe, quick response to the public is severely affected. In this new era of increased homeland security, the need to equip our first responders with rapid and reliable communications is a top priority.

I have been informed that the FCC is exploring ways to remedy this troubling situation. Having heard from a number of public safety organizations on the varying proposals, I would like to express my support for the public safety proposal, the "consensus plan," which provides a long-term solution that would allow first-responders to communicate virtually interference-free.

As time passes, the risks from this problem continue to grow. This is a critical issue for my constituents and our nation- I urge you to act expeditiously by putting the safety and effectiveness of public safety officials first.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Bill Frist".

Bill Frist, M.D.
Majority Leader
United States Senate



November 24, 2003

Honorable Michael K. Powell
Chairman, Federal Communications Commission
Room 8-B201
445 12th Street, SW
Washington, DC 20554

Re: WT Docket No. 02-55

Dear Chairman Powell:

I serve as Vice President for Government Affairs for Province Health Care. Province is a publicly traded hospital management company and is listed on the NYSE as PRV.

Each of our 58 hospitals either owns and operates emergency services vehicles or serves as a home base for other EMS providers. Most of our hospitals are in rural areas and are the only acute care provider available. Obviously, clear and uninterrupted communications with our EMS units is vital for the safety of our patients.

First responders across the United States have had increasing problems because their public safety radio communications are vulnerable to interference from cellular phones. As cellular usage increases, the risk of garbled or blocked police, fire, and other public safety communications increases.

We understand that the Federal Communications Commission has before it a "Consensus Plan" that would address cellular/public safety radio interference problems and provide more of the spectrum that first responders urgently need for radio communications. We understand that the Consensus Plan is supported by the Association of Public-Safety Communications Officials – International, Inc., as well as the International Association of Fire Chiefs, Inc., the International Municipal Signal Association, the International

Association of Chiefs of Police, the Major Cities Chiefs Association, the Major Counties Sheriffs Association, and the National Sheriffs Association.

I believe it is vital that lines of communications between our hospitals and EMS, fire, and police agencies be clear of interference. We urge you to strongly consider the Consensus Plan as a long-term answer for this problem.

Please feel free to contact me at 615.376.7268 if you have any questions or desire further information.

Very truly yours,

Tony Fay
Vice President of Government Affairs
Province Healthcare Company
105 Westwood Place, Suite 400
Brentwood, Tennessee 37027

TREY MEADORS

P.O. BOX 160148 , NASHVILLE, TN 37216-0148

November 28, 2003 11:37 PM

Docket Number WT 02-55: I support the Consensus Plan

Dear Petition Manager:

I support the Consensus Plan that is before the FCC. It is fully consistent with the state of readiness and the public trust that first responders champion every day. The adoption will virtually eliminate the persistent and dangerous problem of the ever-increasing numbers of cell phones interfering with our communications systems. Most importantly, it gives first responders additional spectrum for clear, reliable communications and a platform to meet their interoperability requirements. The Consensus Plan helps set the stage for implementing the communications networks required to protect the communities we serve.

Mitigation approaches are shortsighted, short-term solutions that inevitably will reduce first responders' effectiveness and put lives at risk. The Consensus Plan solves the economic, technical and policy problems associated with the current banding for public safety -- and it also makes room for future needs. By approving this plan, the FCC will be acting in the best interests of our society and putting public safety first.

I have signed this petition in support of the Consensus Plan because I believe that this issue needs to be resolved immediately and I urge the FCC to approve the Consensus Plan without delay.

Sincerely,

TREY MEADORS
P.O. BOX 160148
NASHVILLE, TN 37216-0148

TEXAS

city of plano



December 8, 2003

Chairman Michael Powell
Federal Communications Commission
445 Twelfth Street, N.W.
Washington, DC 20554

Docket: 02-55

Dear Chairman Powell:

By way of introduction, I am the Assistant City Manager for Public Safety Services and Technology for the City of Plano, Texas. I am also a Past President of the International Association of Chiefs of Police and have over thirty years of law enforcement experience.

I would like to bring to your attention an important issue that profoundly impacts our country. The issue is public safety radio interference – a problem in desperate need of a solution. Public safety communications systems and commercial wireless operations are located on adjacent and intermingled channels in the 800 MHz spectrum band. The problem: the technologies used by public safety and commercial wireless are incompatible with one another as neighbors. The result: dangerous interference, which causes garbled communications and prevents public safety officials from doing their jobs.

The Consensus Plan, currently under consideration at the Federal Communications Commission, would realign the current jumbled licensing of 800 MHz systems into separate blocks of spectrum for public safety and cellular wireless carriers. By implementing this plan, public safety interference will be virtually eliminated. Also, public safety will receive additional spectrum for future communications needs. Perhaps equally important, the Consensus Plan will be implemented at no cost to the American taxpayer.

The Consensus Plan is the only proactive and comprehensive solution to the dangerous problem of public safety interference. Please support the public safety community and implement the Consensus Plan without delay.

Thank you in advance for your consideration.

Sincerely,

Bruce D. Glasscock
Executive Director

cc: Commissioner Abernathy
Commissioner Adelstein
Commissioner Copps
Commissioner Martin

Pat Evans
Mayor

Steve Stovall
Mayor Pro tem

Shep Stahel
Deputy Mayor Pro tem

Scott Johnson
Place 2

Phil Dyer
Place 3

Sally Magnuson
Place 4

Jean Callison
Place 7

Jen Lambert
Place 8

Thomas H. Muehlenbeck
City Manager

P.O. Box 860358
Plano, TX 75086-0358
972-941-7000
<http://www.plano.gov>

December 8, 2003

Chairman Michael Powell
Federal Communications Commission
445 Twelfth Street, N.W.
Washington, DC 20554

Dear Chairman Powell:

I would like to bring to your attention an important issue that profoundly impacts our country. The issue is public safety radio interference – a problem in desperate need of a solution. Public safety communications systems and commercial wireless operations are located on adjacent and intermingled channels in the 800 MHz spectrum band. The problem: the technologies used by public safety and commercial wireless are incompatible with one another as neighbors. The result: dangerous interference, which causes garbled communications and prevents public safety officials from doing their jobs.

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The Consensus Plan is the only proactive and comprehensive solution to the dangerous problem of public safety interference. Please support the public safety community and implement the Consensus Plan without delay.

Thank you in advance for your consideration.

Sincerely,

Pat Evans
Mayor

cc: Commissioner Abernathy
Commissioner Adelstein
Commissioner Copps
Commissioner Martin



(817) 447-5300
Fax (817) 447-0332
225 West Renfro
Burleson, TX 76028
<http://www.burlesontx.com>

POLICE DEPARTMENT

Tom Cowan, Chief of Police

Chairman Michael Powell
Federal Communications Commission
445 Twelfth Street, N.W.
Washington, D.C. 20554

Docket: 02-55

Dear Chairman Powell,

I would like to bring to your attention an important issue that profoundly impacts our country. The issue is public safety radio interference – a problem in desperate need of a solution. Public safety communications systems and commercial wireless operations are located on adjacent and intermingled channels in the 800 MHz spectrum band. The problem: the technologies used by public safety and commercial wireless are incompatible with one another as neighbors. The result: dangerous interference, which causes garbled communications and prevents public safety officials from doing their jobs.

The Consensus Plan, currently under consideration at the Federal Communications Commission, would realign the current jumbled licensing of 800 MHz systems into separate blocks of spectrum for public safety and cellular wireless carriers. By implementing this plan, public safety interference will be virtually eliminated. Also, public safety will receive additional spectrum for future communications needs. Perhaps equally important, the Consensus Plan will be implemented at no cost to the American taxpayer.

The Consensus Plan is the only proactive and comprehensive solution to the dangerous problem of public safety interference. Please support the public safety community and implement the Consensus Plan without delay.

Thank you in advance for your consideration.

Best regards,

Tom Cowan, Chief of Police
Burleson Police Department

CC:

Commissioner Abernathy
Commissioner Adelstein
Commissioner Copps
Commissioner Martin



INTERNATIONALLY ACCREDITED LAW ENFORCEMENT AGENCY



ORANGE FIRE DEPARTMENT

David Frenzel
Fire Chief

Ken Kreger
Deputy Chief

Randall Ener
Fire Marshal

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

November 25, 2003

Dear Madam Secretary,

I write today to urge you to take action regarding the pressing problem of public safety interference in the 800 MHz spectrum. This interference to public safety radios is a dangerous reality for first responders and the communities that we protect.

It is estimated that more than 350 public safety agencies will experience interference this year, the highest single year total to date. As you know, this interference, by hampering the ability of public safety officials to communicate clearly, prevents firefighters from performing their jobs as well as they can and should. This puts lives at risk.

I know that there are other proposals to resolve the problem of interference at 800 MHz. Having looked at these however, I feel that the Consensus Plan represents the most lasting and proactive solution to the interference. By realigning the spectrum, public safety interference will be virtually eliminated. The Consensus Plan also provides additional spectrum to public safety for future communications platforms. Perhaps equally important, the Consensus Plan is the only plan that is fully funded, imposing no cost to the public safety community or the American taxpayer.

Respectfully yours,

David Frenzel, Fire Chief
Orange Fire Department

cc: Congressman Jim Turner

Carl Anderson

12506 Hwy 6, Santa Fe, TX 77510

November 22, 2003 2:25 AM

Docket Number WT 02-55: I support the Consensus Plan

Dear Petition Manager:

I support the Consensus Plan that is before the FCC. It is fully consistent with the state of readiness and the public trust that first responders champion every day. The adoption will virtually eliminate the persistent and dangerous problem of the ever-increasing numbers of cell phones interfering with our communications systems. Most importantly, it gives first responders additional spectrum for clear, reliable communications and a platform to meet their interoperability requirements. The Consensus Plan helps set the stage for implementing the communications networks required to protect the communities we serve.

Mitigation approaches are shortsighted, short-term solutions that inevitably will reduce first responders' effectiveness and put lives at risk. The Consensus Plan solves the economic, technical and policy problems associated with the current banding for public safety -- and it also makes room for future needs. By approving this plan, the FCC will be acting in the best interests of our society and putting public safety first.

I have signed this petition in support of the Consensus Plan because I believe that this issue needs to be resolved immediately and I urge the FCC to approve the Consensus Plan without delay.

Sincerely,

Carl Anderson
12506 Hwy 6
Santa Fe, TX 77510

Gus Clemens

21 W. Beauregard , San Angelo, TX 76903

November 7, 2003 6:40 PM

Docket Number WT 02-55: I support the Consensus Plan

I support the Consensus Plan that is before the FCC. It is fully consistent with the state of readiness and the public trust that first responders champion every day. The adoption will virtually eliminate the persistent and dangerous problem of the ever-increasing numbers of cell phones interfering with our communications systems. Most importantly, it gives first responders additional spectrum for clear, reliable communications and a platform to meet their interoperability requirements. The Consensus Plan helps set the stage for implementing the communications networks required to protect the communities we serve.

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I have signed this petition in support of the Consensus Plan because I believe that this issue needs to be resolved immediately and I urge the FCC to approve the Consensus Plan without delay.

Sincerely,

Gus Clemens

Jann Formica

4702 Buckskin Trail , Temple, TX 76502

November 6, 2003 6:24 PM

Docket Number WT 02-55: I support the Consensus Plan

I support the Consensus Plan that is before the FCC. It is fully consistent with the state of readiness and the public trust that first responders champion every day. The adoption will virtually eliminate the persistent and dangerous problem of the ever-increasing numbers of cell phones interfering with our communications systems. Most importantly, it gives first responders additional spectrum for clear, reliable communications and a platform to meet their interoperability requirements. The Consensus Plan helps set the stage for implementing the communications networks required to protect the communities we serve.

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I have signed this petition in support of the Consensus Plan because I believe that this issue needs to be resolved immediately and I urge the FCC to approve the Consensus Plan without delay.

Sincerely,

Jann Formica

Ted Cummings

1600 Eberhardt Rd. , Temple, TX 76504

November 6, 2003 6:25 PM

Docket Number WT 02-55: I support the Consensus Plan

I support the Consensus Plan that is before the FCC. It is fully consistent with the state of readiness and the public trust that first responders champion every day. The adoption will virtually eliminate the persistent and dangerous problem of the ever-increasing numbers of cell phones interfering with our communications systems. Most importantly, it gives first responders additional spectrum for clear, reliable communications and a platform to meet their interoperability requirements. The Consensus Plan helps set the stage for implementing the communications networks required to protect the communities we serve.

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I have signed this petition in support of the Consensus Plan because I believe that this issue needs to be resolved immediately and I urge the FCC to approve the Consensus Plan without delay.

Sincerely,

Ted Cummings

UTAH

DOCKET FILE COPY ORIGINAL

The City of
Provo Utah

August 22, 2003

RECEIVED & 1

SEP 11 2003

FCC - MAIL ROOM

Provo

Lewis K. Billings
Mayor

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

RE: Docket 02-55

Dear Ms. Dortch:

The City of Provo would like to express its support for the "Consensus Plan" filed by public safety organizations, private wireless organizations, and Nextel, in the above-reference proceeding regarding interference to 800 MHz public safety systems.

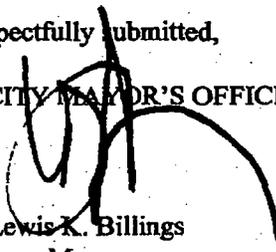
Provo is the second largest city in Utah and has been using 800 MHz radio systems for several years. We have experienced only limited interference to date, however, the constant expansion of cellular providers within the city and the ever-increasing need of our public safety agencies for bandwidth, will assuredly result in increasing interference. The fact that we are licensed on NPSPAC channels only makes this more likely.

Our other concern is that Provo might become financially responsible for mitigating this interference. With the "last in" responsible for this mitigation, this is certainly possible. Most cellular systems have been in place much longer than our new trunked systems. That means we must live with the interference or pay to fix it ourselves.

We believe that the Consensus Plan offers the only long-term solution to these problems. It will eliminate most interference to these critical systems and addresses the root cause of the interference rather than treating symptoms. Importantly, it provides for funding to implement the plan, rather than placing that burden on local government. And finally, it expands the available bandwidth for public safety and addresses this constantly growing need.

Respectfully submitted,

PROVO CITY MANOR'S OFFICE


Lewis K. Billings
Mayor

351 West Center Street

PO Box 1849

Provo, Utah 84603

(801) 852-6100

FAX (801) 852-6107

www.provo.org







RECEIVED & INSPECTED
SEP 23 2002
FCC - MAILROOM

DOCKET FILE COPY ORIGINAL

Office of the Mayor
MATTHEW R. GODFREY

September 20, 2002

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

**RE: Comments on "Consensus Plan" Filed in the 800 MHz Public Safety
Interference Proceeding, WT Docket No. 02-55**

Dear Ms. Dortch:

Please accept the attached comments on the above referenced filing. If you need additional information, please contact Richard Brookins at 801-629-8281.

Sincerely,

Matthew R. Godfrey
Mayor of Ogden

No. of Copies rec'd 01/24
List ABCDE

RECEIVED & INSPECTED
SEP 23 2002
FCC - MAILROOM

Before the
Federal Communications Commission
Washington DC 20554

In the Matter of)
)
)
Improving Public Safety Communications)
in the 800 MHz Band)
)
)
Consolidating the 900 MHz Industrial/Land)
Transportation and Business Pool Channels)
)
)
)
WT Docket No. 02-55

COMMENTS ON CONSENSUS PLAN FILED IN THE 800 MHz
PUBLIC SAFETY INTERFERENCE PROCEEDING

Filed by: Ogden City, a municipal corporation incorporated in the State of
Utah

Date filed: September 20, 2002

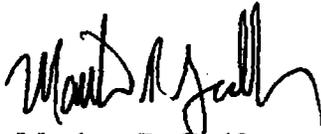
To the Commission:

1. Ogden City, a municipal corporation incorporated in the State of Utah, respectfully submits these comments in response to the Request for Comments on "Consensus Plan" filed in the 800 MHz Public Safety Interference Proceeding.
2. Ogden City has reviewed the Consensus Plan submitted by the Joint Commentors. The City agrees that critical public safety communications must be protected and that separation of cellular-like architecture from non-cellularized operating systems in the radio band is an appropriate solution for relieving the interference currently experienced by public safety licensees. The Consensus Plan sets forth a reasonable means of achieving the goals of the Commission and the users: namely eliminating interference,

keeping disruption of services to a minimum and providing a sufficient spectrum for public safety.

3. Ogden City urges the Commission to adopt and implement the Consensus Plan to ensure the protection of the public safety spectrum and critical public safety communications.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Matthew R. Godfrey". The signature is fluid and cursive, with a long horizontal stroke at the end.

Matthew R. Godfrey
Mayor
Ogden City Corporation

We, the City of South Jordan Utah, would like to go on record in support of the Consensus Plan. Radio Freq. interference is a problem that poses significant risk to the safety of our public safety personnel.

VIRGINIA

GEORGE ALLEN
VIRGINIA

204 RUSSELL OFFICE BUILDING
WASHINGTON, DC 20510-4604

(202) 224-4024
(202) 224-5452 (FAX)

<http://allen.senate.gov/email.htm>



COMMITTEES:
COMMERCE, SCIENCE, AND
TRANSPORTATION
FOREIGN RELATIONS
SMALL BUSINESS AND
ENTREPRENEURSHIP

United States Senate

November 11, 2003

The Honorable Michael Powell
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Dear Chairman Powell:

It has come to my attention from public safety leaders from the Commonwealth of Virginia and around the country – local police officers, firefighters, emergency response personnel and other first responders - about the alarming issue of public safety radio spectrum interference. The fact that public safety officials are concerned about their safety and the safety of those they protect is a legitimate concern. In this new era of increased homeland security, the need to equip our first responders with rapid and reliable communications is a priority.

Interference with public safety communications is a growing problem in my State and around the country, which needs to be remedied in a comprehensive pro-active manner. As you know, the fundamental cause of interference is the close proximity of public safety and commercial wireless operations within the 800 MHz spectrum band.

I am interested in seeing an equitable solution to this problem that provides additional spectrum for public safety with no cost to the public safety organizations and local governments that are now struggling with limited resources.

I wish to note that I do not send this letter to support any party to this matter, nor to support or oppose any potential course of action to be taken by the Commission. Please treat this letter in conformance with all applicable procedural rules and ethical guidelines.

With warm regards, I remain

Sincerely,

George Allen

CENTRAL VIRGINIA

507 EAST FRANKLIN STREET
RICHMOND, VA 23219

(804) 771-3221
(804) 771-8313 (FAX)

HAMPTON ROADS

222 CENTRAL PARK AVENUE, #120
VIRGINIA BEACH, VA 23462

(757) 518-1674
(757) 518-1679 (FAX)

WESTERN AND VALLEY

3142 CHAPARRAL DRIVE, #C-101
ROANOKE, VA 24018

(540) 772-4236
(540) 772-6870 (FAX)

SOUTHWEST VIRGINIA

332 CUMMINGS STREET, SUITE C
ABINGDON, VA 24210

(276) 676-2946
(276) 676-2988 (FAX)

NORTHERN VIRGINIA

2214 ROCK HILL ROAD, SUITE 100
HERNDON, VA 20170

(703) 435-0039
(703) 436-3448 (FAX)



Virginia Fire Chiefs Association, Inc.
P.O. Box 70907
Richmond, VA 23255-0907
Phone (804)762-4438
Fax (804)762-9889

November 21, 2003

Chairman Michael K. Powell
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Chairman Powell:

The Virginia Fire Chiefs Association, Inc. (VFCA) is submitting this letter to indicate its action to endorse the Consensus Plan as submitted by Nextel. The Consensus Plan is the only long-term solution available to remedy present and future radio frequency interference for public safety. This is submitted with the utmost urgency as the lives of first responders and citizens are at stake every day as a result of these interference issues.

The VFCA believes that this is the quickest way to provide additional spectrum for public safety at no expense to public safety agencies or taxpayers.

The VFCA endorses the proposed plan with stipulations requesting two points be considered regarding the Consensus Plan which are:

- 1. Nextel pays the entire cost for programming/replacement of public safety radios regardless of the dollar amount.**
- 2. A simple system be established that will allow public safety agencies to utilize the funds necessary to make the transition without any out of pocket/up front expense.**

Thank you for your consideration on this very critical issue.

Respectfully,

Jimmy Carter
President

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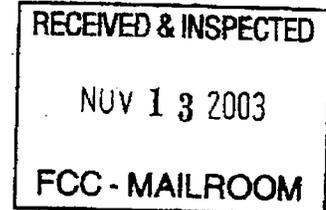
MEMBER OF
NATIONAL SHERIFFS' ASSN



OFFICE OF SHERIFF
COLONEL V STUART COOK
PO BOX 40
HANOVER, VIRGINIA 23069
804-537-6110 804-730-6110

MEMBER OF
VIRGINIA STATE SHERIFFS' ASSN

ORIGINAL



November 4, 2003

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Support for the Consensus Plan for 800 MHz Realignment
Ex Parte, WT Docket No. 02-55

Dear Ms Dortch:

Hanover County, Virginia operates an 800 MHz trunked radio system providing critical public safety communications for police, fire and emergency medical personnel, as well as some other county agencies. We are extremely interested in the above-referenced proceeding for public safety and request that our views be considered.

First responders in Virginia and across the nation are increasingly at risk because their public safety radio communications are vulnerable to interference from cellular phones. As cellular usage increases, the risk of garbled or blocked police, fire and other public safety communications increases. First responders also urgently need more 800 MHz spectrum to have 'interoperable' communications capabilities among police and firefighters in our neighboring jurisdictions. Fortunately, a solution is available.

The Federal Communications Commission has before it a "Consensus Plan" that would address cellular/ public safety radio interference problems and provide more of the spectrum that first responders urgently need for radio communications. Hanover County Sheriff's Office supports the Consensus Plan along with:



An Accredited Law Enforcement Agency

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Association of Public-Safety Communications Officials-International, Inc.
International Association of Fire Chiefs, Inc.
International Municipal Signal Association
International Association of Chiefs of Police
Major Cities Chiefs Association
Major County Sheriffs' Association
National Sheriffs' Association.

We urge the FCC to expeditiously adopt the Consensus Plan in its public safety spectrum rulemaking, WT Docket No. 02-55.

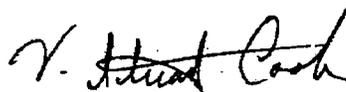
The Consensus Plan offers the only real, near-term solution to existing public safety radio problems. It provides a comprehensive solution that addresses interference to public safety systems, allocates additional spectrum for public safety needs, provides private funding to compensate licensees that may need to relocate to new channels as the result of the Plan, and ensures that all affected licensees receive equivalent replacement spectrum as part of the spectrum swaps called for by the Consensus Plan.

Other proposals that have been made to the FCC fall short and must be rejected. The UTC/ cellular 'plan' ignores the problems faced by public safety communicators and suggests that case-by-case, after-the-fact solutions be found once interference manifests itself. Responding only to the after-the-fact problems affecting time-critical public safety services is not acceptable, since a single interference can jeopardize the lives of emergency personnel and the citizens they serve.

Section 1 of the Communications Act of 1934, provides that the FCC is to "promote safety of life and property through the use of wire and radio communication." The Consensus Plan would greatly advance this vital objective. It has been over sixteen months since the FCC began its public safety spectrum proceeding and over one year since the Consensus Plan was submitted. Supporters of the Consensus Plan have recently addressed the remaining implementation details associated with the Plan. There is no reason for the FCC to postpone action any further.

We urge the FCC to expeditiously resolve the issues facing the public safety community and adopt in full the terms of the Consensus Plan.

Sincerely,



Colonel V. Stuart Cook
Sheriff

VSC/lzj

DOCKET FILE COPY ORIGINAL City of Chesapeake



Office of the Sheriff
Chesapeake, Virginia
23328

RECEIVED
AUG 1 2003
FEDERAL BUREAU OF INVESTIGATION

JOHN R. NEWHART
SHERIFF

CLAUDE A. STAFFORD, JR.
UNDERSHERIFF

DAVID C. NEWBY
CHIEF DEPUTY

POST OFFICE BOX 15125
[757] 382-6159

FAX
ADMINISTRATION - [757] 382-8392
JAIL - [757] 382-8525

August 1, 2003

Marlene H Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re Docket 02-55

Dear Ms Dortch,

I would like to express my support for the "Consensus Plan" filed by public safety organizations, private wireless organizations, and Nextel, in the above referenced proceeding regarding interference to 800 MHz public safety systems.

The Chesapeake Sheriff's Office consists of more than 300 sworn personnel in a 353 square mile city assisting a population of 207, 200. It is not unusual for our personnel to take upwards of one hour to cross the boundaries of our city. Uninterrupted radio communication is critical to our City's needs.

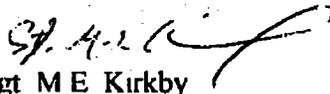
The addition of our new 800 MHz radio system has been of great benefit to our city, our personnel, and our citizens. Interference, however, has been an issue with our system since its installation. Frequent studies of interference occur on an on-going basis and the summary is always the same: proximity of adjacent cellular-band operations in the 800 MHz band.

Acceptance of the "Consensus Plan" will eliminate most interference on these critical public safety systems. This plan will provide additional 800 MHz band channels for public safety, as well as addressing the root cause of interference, not simply providing "a fix". Funding for the implementation of the "Consensus Plan" is provided for as well, with Nextel pledging \$850 million to pay for the costs of frequency shifts.

The FCC may elect, however, to impose an unlimited financial obligation on Nextel to pay all reasonable costs

I understand there is no 100% solution to radio interference, but generally accepted Best Practices must become an additional supportive tool to help the overall situation. I hope you will support the "Consensus Plan" as I do.

Respectfully submitted,



Sgt M E Kirkby
Chesapeake Sheriff's Office
P O Box 15125
Chesapeake, VA 23328

Mek/file

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

WT Docket Number 02-55

Dear Madame Secretary,

As a chief of the Radford Fire Department, it is my charge to uphold the trust of the communities and people I proudly protect. As such, the ability to respond efficiently and effectively to emergency is critically important. Right now, communications are compromised because of interference to first responders' radios. Luckily, there is a solution that will virtually eliminate this interference problem: the Consensus Plan.

The Consensus Plan is fully consistent with the state of readiness and the public trust that first responders champion every day. Adoption of the Plan will eliminate the persistent and dangerous problem of ever-increasing numbers of cell phones interfering with our communications systems. Equally importantly, the Plan gives first responders additional spectrum for clear, reliable communications and a future platform for communications networks required to protect the communities we serve.

Existing alternatives to The Consensus Plan are short-sighted, reactive solutions that reduce first responders' effectiveness and put lives at risk.

The Consensus Plan solves the economic, technical and policy problems associated with CMRS interference to public safety communications - and it also creates much-needed additional spectrum available for public safety. By approving this plan, the FCC will be acting in the best interests of our society and putting public safety first. Continued inaction risks the lives of our fellow fire fighters, police officers, emergency response personnel as well as the public we serve.

Respectfully submitted,



Chief Lee Simpkins
Radford Fire
1500 Wadsworth Street
Radford, VA 24141-3421

CC:

Representative Rick Boucher
2187 Rayburn House Office Building
Washington, D.C. 20515



CITY OF BRISTOL VIRGINIA

FIRE DEPARTMENT

DICK STEINBERG
CHIEF



Organized 1899

211 LEE STREET

BRISTOL, VIRGINIA 24201

(276) 645-7303

(276) 645-7302 FAX

October 21, 2003

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

Dear Madam Secretary:

I have read with much interest on the proposed *Consensus Plan* that is currently under consideration at the Federal Communications Commission. This plan proposes to divide 800 MHz systems into blocks, effectively separating public safety and commercial cellular wireless carriers. The purpose of this strategy is to eliminate interference on public safety channels.

As the Fire Chief of a small career department in southwest Virginia, I have noted the problems that are created when radio interference is encountered. Emergency personnel often do not have the luxury of repeating a transmission - each must be clear and receivable. Any proposal that serves to achieve this end should be given every consideration.

In the correspondence I have reviewed on the *Consensus Plan*, I have noted that the plan can be implemented at no cost to the taxpayers. Since our taxpayers furnish the lion's share of our department's operating budget, this plan would benefit them in a dual manner - with improved service from our firefighters and public safety personnel and no additional monetary burden.

I appreciate this opportunity to express my views on this important issue. If you require any additional comments from me, please do not hesitate to contact my office.

Sincerely,

BRISTOL VIRGINIA FIRE DEPARTMENT

Richard L. Steinberg
Fire Chief

RLS/pbl

10/21/03



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OCT 31 3 13 PM '03

Winchester Fire and Rescue

FIRE, RESCUE, HAZARDOUS MATERIALS & EMERGENCY COMMUNICATIONS

L A MILLER, FIRE CHIEF
FRANK E WRIGHT, DEPUTY CHIEF
A FRANKLIN MOORE, CAPTAIN

231 EAST PICCADILLY STREET, SUITE 330, WINCHESTER, VIRGINIA 22601
PHONE (540) 662-2298
FAX (540) 542-1318
TDD (540) 662-2298

October 21, 2003

OCT 30 2003
FCC-MAR 2003

0255

Marlene Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Madame Secretary:

I write today to urge you to take action regarding the pressing problem of public safety interference in the 800 MHz spectrum. This interference to public safety radios is a dangerous reality for first responders and the communities we proudly protect.

It is estimated that more than 350 public safety agencies will experience interference this year – the highest single-year total to date. As you know, this interference, by hampering the ability of public safety officials to communicate clearly, prevents firefighters from performing their jobs as well as they can and should. This puts lives at risk.

I know that there are other proposals to resolve the problem of interference at 800 MHz. Having looked at these, however, I feel that the Consensus Plan represents the most lasting and proactive solution to interference. By realigning the spectrum, public safety interference will be virtually eliminated. The Consensus Plan also provides additional spectrum to public safety for future communications platforms. Perhaps equally important, the Consensus Plan is the only plan that is fully funded – imposing no cost to the public safety community or the American taxpayer.

It is for that reason that I would like to express my support for the Consensus Plan and express my hope that you and your colleagues do the same.

Sincerely,

L. A. Miller, Fire & Rescue Chief

- cc: Chairman Powell
- Commissioner Abernathy
- Commissioner Adelstein
- Commissioner Copps
- Commissioner Martin
- Representative Frank Wolfe

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List ABCDE _____

DOCKET FILE COPY ORIGINAL



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

WT Docket Number 02-55

Dear Madame Secretary,

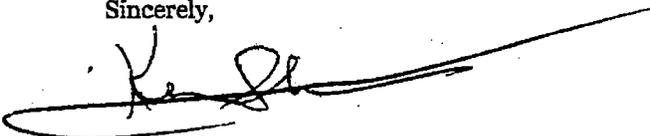
As a chief of the Dale City Volunteer Fire Department, it is my charge to uphold the trust of the communities and people I proudly protect. As such, the ability to respond efficiently and effectively to emergency is critically important. Right now, communications are compromised because of interference to first responders' radios. Luckily, there is a solution that will virtually eliminate this interference problem: the Consensus Plan.

The Consensus Plan is fully consistent with the state of readiness and the public trust that first responders champion every day. Adoption of the Plan will eliminate the persistent and dangerous problem of ever-increasing numbers of cell phones interfering with our communications systems. Equally importantly, the Plan gives first responders additional spectrum for clear, reliable communications and a future platform for communications networks required to protect the communities we serve.

Existing alternatives to The Consensus Plan are short-sighted, reactive solutions that reduce first responders' effectiveness and put lives at risk.

The Consensus Plan solves the economic, technical and policy problems associated with CMRS interference to public safety communications – and it also creates much-needed additional spectrum available for public safety. By approving this plan, the FCC will be acting in the best interests of our society and putting public safety first. Continued inaction risks the lives of our fellow fire fighters, police officers, emergency response personnel as well as the public we serve.

Sincerely,



Chief Ken Gulfling
Dale City Volunteer Fire
13511 Hillendale Dr
Dale City, VA 22193-4716

CC:
Representative Richard Boucher
2187 Rayburn House Office Building
Washington, D.C. 20515

No. of Copies _____
List ABCDE _____



EDWARD P. PLAUGHER
FIRE CHIEF

ARLINGTON COUNTY, VIRGINIA
FIRE DEPARTMENT
#1 COURTHOUSE PLAZA, SUITE 400
2100 CLARENDON BOULEVARD
ARLINGTON, VIRGINIA 22201
(703) 228-3362
FAX (703) 228-7097 .TTY (703) 228-4610



6 October 2003

Honorable Tom Davis
U.S. House of Representatives
Washington, DC 20515

Via Facsimile: 202.225.3071

Dear Representative Davis:

I would like to bring to your attention an important issue that profoundly impacts Arlington County, the state of Virginia, and our country as a whole. The issue is public safety radio interference - a problem in desperate need of a solution. Public safety communications systems and commercial wireless operations are located on adjacent and intermingled channels in the 800 MHz spectrum band. The problem: the technologies used by public safety and commercial wireless are incompatible with one another as neighbors. The result: dangerous interference, which causes garbled communications and prevents public safety officials from doing their jobs.

There is a plan currently under consideration at the Federal Communications Commission (FCC) that realigns the current jumbled licensing of 800 MHz systems into separate blocks of spectrum for public safety and cellular wireless carriers. This plan will virtually eliminate public safety interference, provide additional spectrum to public safety and offer a future platform for communications networks that are needed to protect our communities all at no cost to Washington residents or the American taxpayer.

The plan is known as the Consensus Plan and is the only proactive and comprehensive solution to this dangerous problem. Implementing the Consensus Plan would not cost taxpayers a single dollar. As a public safety professional, I urge you to join me and many of my colleagues in supporting this solution.

Thank you in advance for your consideration.

Sincerely,

Edward P. Plaughter

Edward P. Plaughter
Fire Chief

Digitally signed by Edward P. Plaughter
DN: CN = Edward P. Plaughter, C = US, O =
Arlington County Fire Department, OU = Fire Chief
Reason: I am approving this document
Date: 2003.12.10 10:45:22 -0500

The mission of the Arlington County Fire Department is to provide essential emergency and non-emergency services.

We are a quality organization dedicated to answering the needs of the Community with highly skilled people who care. We are committed to eliminating threats to life safety and property through education, prevention, and effective response to fire, medical and environmental emergencies. We will achieve our mission through teamwork, professionalism and a commitment to the people we serve.



EDWARD P. PLAUGHER
FIRE CHIEF

ARLINGTON COUNTY, VIRGINIA
FIRE DEPARTMENT
#1 COURTHOUSE PLAZA, SUITE 400
2100 CLARENDON BOULEVARD
ARLINGTON, VIRGINIA 22201
(703) 228-3362
FAX (703) 228-7097 . TTY (703) 228-4610
10 December 2003



Mr. Michael Powell, Chairman
Federal Communications Commission
445 Twelfth Street, N.W.
Washington, D.C. 20554

Re: Docket No. 02-55

Dear Chairman Powell:

I would like to bring to your attention an important issue that profoundly impacts Arlington County, the state of Virginia, and our country as a whole. The issue is public safety radio interference -a problem in desperate need of a solution. Public safety communications systems and commercial wireless operations are located on adjacent and intermingled channels in the 800 MHz spectrum band. The problem: the technologies used by public safety and commercial wireless are incompatible with one another as neighbors. The result: dangerous interference, which causes garbled communications and prevents public safety officials from doing their jobs.

There is a plan currently under consideration at the Federal Communications Commission (FCC) that realigns the current jumbled licensing of 800 MHz systems into separate blocks of spectrum for public safety and cellular wireless carriers. This plan will virtually eliminate public safety interference, provide additional spectrum to public safety and offer a future platform for communications networks that are needed to protect our communities all at no cost to Washington residents or the American taxpayer.

The plan is known as the Consensus Plan and is the only proactive and comprehensive solution to this dangerous problem. Implementing the Consensus Plan would not cost taxpayers a single dollar. As a public safety professional, I urge you to join me and many of my colleagues in supporting this solution.

Thank you in advance for your consideration.

Sincerely,

Edward P. Plaugher, Digitally signed by Edward P. Plaugher

Edward P. Plaugher
Fire Chief

Cc: Commissioner Kathleen Abemathy
Commissioner Jonathan Adelstein
Commissioner Michael Copps
Commissioner Kevin Martin

The mission of the Arlington County Fire Department is to provide essential emergency and non-emergency services.

We are a quality organization dedicated to answering the needs of the Community with highly skilled people who care. We are committed to eliminating threats to life safely and property through education, prevention, and effective response to fire, medical and environmental emergencies. We will achieve our mission through teamwork, professionalism and a commitment to the people we serve.



City of Fairfax
Fire Department

Taking Pride in Excellence

Thomas W. Owens, CFO
Fire Chief



Michael Powell, Chairman
Federal Communications Commission
445 Twelfth Street, N.W.
Washington, D.C. 20554

December 17, 2003

Dear Chairman Powell:

Re: Docket No. 02-55

As you are aware, the Federal Communications Commission (FCC) has a plan under consideration to realign the current licensing scheme for 800 MHz radio frequencies. This plan would divide the 800 MHz spectrum into separate blocks for public safety and cellular wireless carriers and by doing so, would virtually eliminate the current interference we experience and increase the amount of radio frequency spectrum available to public safety.

The dangerous interference we currently experience on our public safety radios is an issue of critical importance and it has a direct bearing on the safety and welfare of our public safety personnel and the services we deliver to our communities. The incompatibility of technologies used by public safety and commercial wireless carriers is well known and the interference occurs when we share close frequencies within the 800MHz radio spectrum. The dangers created when communications are lost due to garbled messages must be resolved.

The plan before you, known as the Consensus Plan, is a proactive approach to providing a comprehensive solution to this dangerous situation. I am writing to urge you and the other commissioners to support the adoption of the proposals contained in the Consensus Plan as the method by which we resolve this dangerous situation for our public safety providers in my community and across the country.

Thank you for your consideration of my request.

Respectfully,

Thomas W. Owens

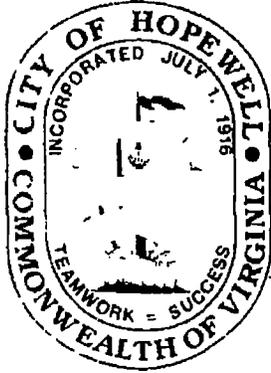
(electronically signed)

Thomas W. Owens, CFO

Fire Chief

cc: Commissioner Kathleen Abemathy
Commissioner Jonathan Adelstein
Commissioner Michael Copps
Commissioner Kevin Martin

HOPEWELL POLICE DEPARTMENT



The
City
of
Hopewell, Virginia

ORIGINAL

W. E. Cleveland
Chief of Police

541-2282
FAX (804) 541-2345

"We Care"

300 N Main Street

23860

Community Relations 541-2303

Crime Solvers - 541-2202

Investigations - 541-2284

Patrol - 541-2285

Records - 541-2272

Non-Emergency - 541-2275

November 26, 2003

Marlene H Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re Support for the Consensus Plan for 800 MHz Realignment
Ex Parte, WT Docket No 02-55

Dear Ms Dortch

The Hopewell, Virginia Police Department operates an 800 MHz trunked radio system providing critical public safety communications for police, fire and emergency personnel. We are extremely interested in this proceeding for public safety and request that our views be considered.

First responders in Virginia and across the nation are increasingly at risk because their public safety radio communications are vulnerable to interference from cellular phones. As cellular usage increases, the risk of garbled or blocked police, fire and other public safety communications increases. First responders also urgently need more 800 MHz spectrum to have 'interoperable' communications among police and firefighters and among neighboring jurisdictions. Fortunately, a solution is available.

The Federal Communications Commission has before it a "Consensus Plan" that would address cellular/public safety radio interference problems and provide more of the spectrum that first responders urgently need for radio communications. We support the Consensus Plan along with

Association of Public-Safety Communications Officials-International, Inc
International Association of Fire Chiefs, Inc
International Municipal Signal Association
International Association of Chiefs of Police
Major Cities Chiefs Association
Major County Sheriffs' Association
National Sheriffs' Association

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We urge the FCC to expeditiously adopt the Consensus Plan in its public safety spectrum rulemaking, WT Docket No 02-55

The Consensus Plan offers the only real, near-term solution to existing public safety radio problems. It provides a comprehensive solution that addresses interference to public safety systems, allocates additional spectrum for public safety needs, provides private funding to compensate licensees that may need to relocate to new channels as the result of the Plan, and ensures that all affected licensees receive equivalent replacement spectrum as part of the spectrum swaps called for by the Consensus Plan.

Other proposals that have been made to the FCC fall far short and must be rejected. The UTC/cellular 'plan' ignores the problems faced by public safety communicators and suggests that case-by-case, after-the-fact solutions could be found once interference manifests itself. Responding only after-the-fact to the problems affecting time-critical public safety services is not acceptable, since a single interference can jeopardize the lives of emergency personnel and the citizens they serve.

Section 1 of the Communications Act of 1934, provides that the FCC is to "promote" safety of life and property through the use of wire and radio communication." The Consensus Plan would greatly advance this vital objective. It has been over sixteen months since the FCC began its public safety spectrum proceeding and over one year since the Consensus Plan was submitted. Supporters of the Consensus Plan have recently addressed the remaining implementation details associated with the Plan. There is no reason for the FCC to postpone action any further.

We urge the FCC to resolve the issues facing the public safety community expeditiously and adopt in full the terms of the Consensus Plan.

Sincerely,


W.E. Cleveland
Chief of Police

02-55

Continued

NOV 1 2003

Distribution Center

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

Dear Madame Secretary,

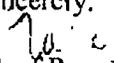
Rapid, reliable and safe communications are critical to our jobs as firefighters. But across the United States, public safety and commercial radio frequencies are intermingled and adjacent to one another, leading to interference that risks the lives of first responders and the citizens we protect.

Recognizing this, the FCC has promised action to resolve this interference to public safety operations. My organization, the International Association of Fire Chiefs, as part of a public/private coalition, has developed a comprehensive solution named the Consensus Plan.

The Consensus Plan will realign the current jumbled licensing of 800 MHz systems into separate blocks of spectrum for public safety and wireless carriers. This will virtually eliminate public safety interference and provide additional spectrum to public safety. The Consensus Plan is the only proposed solution that meets the needs of public safety and that is comprehensive, funded, and technically proven.

Please solve this problem at its root by realigning the jumbled spectrum. I urge you to implement the Consensus Plan without delay. First responders – and the communities we protect – depend on it.

Sincerely,


Chief Roger L. Waller
Annandale Volunteer Fire
9401 Fairleigh Ct.
Burke, VA 22015-1505

RECV'D & INSPECTED

NOV 25 2003

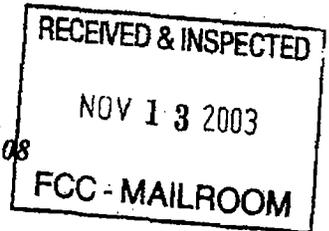
FCC-GRG MAILROOM

WASHINGTON

EX PARTE OR LATE FILED



1121 SE Everett Mall Way Suite 210 Everett, Washington 98208
(425) 407-3949 (425) 407-3967 FAX



ORIGINAL

November 3rd, 2003

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

We respectfully submit these comments in reference to FCC Notice of Proposed Rule Making, Docket No. 02-55, released March 15th 2002, The Consensus Plan and Supplemental Comments.

Dear Ms. Dortch,

We are a licensee in the Public Safety Radio Service at 800 MHz and have begun operation of our regional 800 MHz trunked radio system. This radio system serves a population of approximately 618,600, covering an area of 2,090 square miles. Users of this system will ultimately consist of 50 agencies with upwards of 4,000 radios.

As we have commented previously, we believe that the consensus plan is a superior effort and addresses the significant issues arising from interference to 800 MHz public safety radio systems from NEXTEL operations. We do however, remain concerned that no more specific proposals have been developed which adequately address the unique situation found in the U.S.-Canada border regions (specifically U.S. Region 5 in our area). Our concerns center on the following two specific areas.

The first and most significant of these remains the potential for 'orphaning' half of the existing NPSPAC allocation in the middle of the proposed NEXTEL allocation. These channels, assigned by treaty for use on a primary basis to Canada, are heavily used by all of the public safety radio systems in our region on a secondary basis to Canadian operations. Without the complete relocation of the entire 6 MHz NPSPAC allocation downward, the proposals submitted by all interested parties to date are unworkable in the Seattle/Tacoma/Everett region.

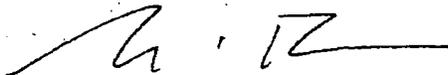
There appears adequate basis in the international agreements between the United States and Canada, supported by the Boeing and NEXTEL border area waivers, to create as a part of the instant rulemaking, rules that allow complete use of the 855-862 MHz 'Canadian' spectrum on a secondary basis in the United States. This action can be taken without added consultation with Industry Canada. Such a change would permit the complete transposition of the 6 MHz NPSPAC band downward and allow the creation of additional assignable (albeit on a secondary, ERP limited basis) spectrum for public safety, business and industrial/land transportation users.

In all cases rec'd
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The second unresolved issue with the current Consensus Plan remains the lack of uniform interoperability spectrum assignments that are reasonably consistent with U.S. interoperability assignments (outside of the border regions) and Canadian interoperability allocations. Substantial additional work needs to be done to ensure that the interoperability channel needs and plans for the border regions are integrated into the proposal and the resulting rule making. Currently, it appears that the Canadian interoperability channels, the border area interoperability channels and the interoperability channels used in the non-border areas of the U.S. may all end up being different. This is simply not acceptable in an era where public safety requires more, not less, communications interoperability.

Provided a final plan incorporates these provisions or suitable alternatives that achieve the same results, the Consensus Plan remains the most workable alternative to resolution of the 'NEXTEL' interference issue. SERS additionally encourages Commission action that includes planning to achieve these changes.

Sincerely,



Spencer Bahner
Manager



Kirkland Police Department
123 Fifth Avenue
Kirkland, Washington 98033
425-828-1183

November 24, 2003

Chairman Michael Powell
Federal Communications Commission
445 Twelfth Street, N.W.
Washington, D.C. 20554

RE: WT Docket No. 02-55

Dear Chairman Powell:

I would like to bring to your attention an important issue that impacts our community. The issue is public safety radio interference – a problem in desperate need of a solution. Public safety communications systems and commercial wireless operations are located on adjacent and intermingled channels in the 800 MHz spectrum band. The problem: the technologies used by public safety and commercial wireless are incompatible with one another as neighbors. The result: dangerous interference, which causes garbled communications, creates an officer safety issue at times for my officers, and prevents us from effectively performing our job.

The Consensus Plan, currently under the Commission's consideration, would realign the current jumbled licensing of 800 MHz systems into separate blocks of spectrum for public safety and cellular wireless carriers. By implementing this plan, public safety interference will be virtually eliminated. Also, public safety will receive additional spectrum for future communications needs which we desperately need. Perhaps equally important, the Consensus Plan will be implemented at no cost to the American tax payer.

The Consensus Plan is the only proactive and comprehensive solution to the dangerous problem of public safety interference. Please support the public safety community and implement the Consensus Plan without delay.

Thank you in advance for your consideration.

Best regards,

Stan Aston
Chief of Police

CC:

Senator Maria Cantwell
Senator Patty Murray
Congressman Jay Inslee
Commissioner Abernathy
Commissioner Adelstein
Commissioner Copps
Commissioner Martin
Secretary Dortch

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

WT Docket Number 02-55

Dear Madame Secretary,

I write today to urge you to take action regarding the pressing problem of public safety interference in the 800 MHz spectrum. This interference to public safety radios is a dangerous reality for first responders and the communities we proudly protect.

It is estimated that more than 350 public safety agencies will experience interference this year - the highest single-year total to date. As you know, this interference, by hampering the ability of public safety officials to communicate clearly, prevents firefighters from performing their jobs as well as they can and should. This puts lives at risk.

I know that there are other proposals to resolve the problem of interference at 800 MHz. Having looked at these, however, I feel that the Consensus Plan represents the most lasting and proactive solution to interference. By realigning the spectrum, public safety interference will be virtually eliminated. The Consensus Plan also provides additional spectrum to public safety for future communications platforms. Perhaps equally important, the Consensus Plan is the only plan that is fully funded - imposing no cost to the public safety community or the American taxpayer.

It is for that reason that I would like to express my support of the Consensus Plan and express my hope that you and your colleagues do the same.

Sincerely,



Chief Russ J. Fritchard
North Highline Fire
1243 SW 112th St.
Seattle, WA 98146-2150

CC:
Representative Jim McDermott
1809 7th Avenue, Suite 1212
Seattle, WA 98101-1399



FEDERAL WAY FIRE DEPARTMENT

31617 1st Avenue South
Federal Way, Washington 98003-5201

December 1, 2003

Marlene Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

WT Docket Number 02-55

Dear Madame Secretary,

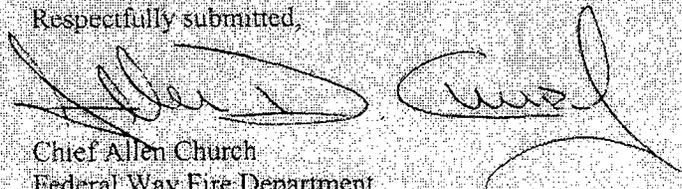
As a chief of the Federal Way Fire Department it is my charge to uphold the trust of the communities and people I proudly protect. As such, the ability to respond efficiently and effectively to emergency is critically important. Right now, communications are compromised because of interference to first responders' radios. Luckily, there is a solution that will virtually eliminate this interference problem: the Consensus Plan.

The Consensus Plan is fully consistent with the state of readiness and the public trust that first responders champion every day. Adoption of the Plan will eliminate the persistent and dangerous problem of ever-increasing numbers of cell phones interfering with our communications systems. Equally importantly, the Plan gives first responders additional spectrum for clear, reliable communications and a future platform for communications networks required to protect the communities we serve.

Existing alternatives to the Consensus Plan are short-sighted, reactive solutions that reduce first responders' effectiveness and put lives at risk.

The Consensus Plan solves the economic, technical and policy problems associated with CMRS interference to public safety communications – and it also creates much needed additional spectrum available for public safety. By approving this plan, the FCC will be acting in the best interests of our society and putting public safety first. Continued inaction risks the lives of our fellow firefighters, police officers, emergency response personnel as well as the public we serve.

Respectfully submitted,


Chief Allen Church
Federal Way Fire Department
31617 1st Avenue South
Federal Way, WA 98003-5201

Cc:
Representative Adam Smith
1717 Pacific Avenue #2135
Tacoma, WA 98402

I am the counsel to the Washington Association of Sheriffs and Police Chiefs I am sending these comments on behalf of Jim LaMonyan, who will be receiving a letter from.

RE: WT Docket No. 02-55

Dear Chairman Powell:

I am writing on behalf of the Washington Association of Sheriffs and Police Chiefs (WASPC).

WASPC is very concerned with public safety radio interference. Continuous radio interference is a significant problem that severely jeopardizes law enforcement's ability to protect the people we serve.

The Federal Communications Commission is currently reviewing a plan to realign the 800 MHz systems into separate blocks of spectrum for public safety and cellular wireless carriers. This plan has become known as the "Consensus Plan"

WASPC supports the "Consensus Plan". We hope your agency will support the "Consensus Plan and begin implementing this plan as soon as possible.

Thank you in advance for your consideration.

WEST VIRGINIA



FIRE DEPARTMENT * CITY OF WEIRTON

KESSLER G. COLE

Fire Chief

200 MUNICIPAL PLAZA
WEIRTON, WEST VIRGINIA 26062

TELEPHONE: (304) 797-8563

FAX: (304) 797-8758

EMAIL: weirfdchief@1st.net

November 25, 2003

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

WT Docket Number 02-55

Dear Madame Secretary,

As a chief for the Weirton Fire Department, I know how important it is for firefighters and other public safety personnel to have access to clear and reliable communications tools. But today, interference in the 800 MHz spectrum continues to threaten the access.

We cannot continue to tolerate this problem. Without clear and reliable communications firefighters simply cannot do their job as well as they should be able to.

I know that a number of potential fixes have been presented to the FCC to address the interference problem. But it seems to me that only the Consensus Plan for realigning the 800 MHz spectrum, is truly aiming to eradicate interference, rather than just fix it case-by-case when it happens to occur. It is this proactive approach that has led me to join my colleagues from the International Association of Fire Chiefs in supporting the Plan.

Now I ask that you join me and hundreds of public safety organizations across the state and the country in voicing your support to the FCC and speaking out on behalf of the Consensus Plan.

Respectfully submitted,

Chief Kessler G. Cole
Weirton Fire Department
200 Municipal Plaza
Weirton, WV 26062-4527

cc:

Representative Alan Mollohan
Room 209, Post Office Building
PO Box 1400
Clarksburg, WV 26302-1400

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

WT Docket Number 02-55

Dear Madame Secretary,

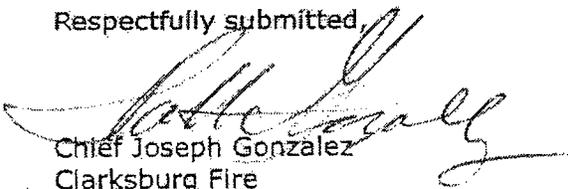
As a chief of the Clarksburg Fire Department, it is my charge to uphold the trust of the communities and people I proudly protect. As such, the ability to respond efficiently and effectively to emergency is critically important. Right now, communications are compromised because of interference to first responders' radios. Luckily, there is a solution that will virtually eliminate this interference problem: the Consensus Plan.

The Consensus Plan is fully consistent with the state of readiness and the public trust that first responders champion every day. Adoption of the Plan will eliminate the persistent and dangerous problem of ever-increasing numbers of cell phones interfering with our communications systems. Equally importantly, the Plan gives first responders additional spectrum for clear, reliable communications and a future platform for communications networks required to protect the communities we serve.

Existing alternatives to The Consensus Plan are short-sighted, reactive solutions that reduce first responders' effectiveness and put lives at risk.

The Consensus Plan solves the economic, technical and policy problems associated with CMRS interference to public safety communications – and it also creates much-needed additional spectrum available for public safety. By approving this plan, the FCC will be acting in the best interests of our society and putting public safety first. Continued inaction risks the lives of our fellow fire fighters, police officers, emergency response personnel as well as the public we serve.

Respectfully submitted,



Chief Joseph Gonzalez
Clarksburg Fire
465 W. Main Street
Clarksburg, WV 26301-2843

CC:
Representative Alan Mollohan
Room 209, Post Office Building
PO Box 1400
Clarksburg, WV 26302-1400

Jerry Mounts

P.O.Box 253 , Williamson, WV 25661

November 25, 2003 12:40 PM

Docket Number WT 02-55: I support the Consensus Plan

I support the Consensus Plan that is before the FCC. It is fully consistent with the state of readiness and the public trust that first responders champion every day. The adoption will virtually eliminate the persistent and dangerous problem of the ever-increasing numbers of cell phones interfering with our communications systems. Most importantly, it gives first responders additional spectrum for clear, reliable communications and a platform to meet their interoperability requirements. The Consensus Plan helps set the stage for implementing the communications networks required to protect the communities we serve.

Mitigation approaches are shortsighted, short-term solutions that inevitably will reduce first responders' effectiveness and put lives at risk. The Consensus Plan solves the economic, technical and policy problems associated with the current banding for public safety -- and it also makes room for future needs. By approving this plan, the FCC will be acting in the best interests of our society and putting public safety first.

I have signed this petition in support of the Consensus Plan because I believe that this issue needs to be resolved immediately and I urge the FCC to approve the Consensus Plan without delay.

Sincerely,

Jerry Mounts

WISCONSIN

October 21, 2003

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Support for the Consensus Plan for 800 MHz Realignment
Ex Parte, WT Docket No. 02-55

Dear Ms. Dorch:

The City of Madison Wisconsin operates an 800 MHz trunked radio system providing critical public safety communications for police, fire and emergency personnel. We are actively following this vital proceeding for public safety and request that our views be considered.

First responders in Wisconsin and across the Nation are increasingly at risk because their public safety radio communications are vulnerable to interference from cellular phones. As cellular usage increases, the risk of garbled or blocked police, fire and other public safety communications increases. First responders also urgently need more 800 MHz spectrum to have "interoperable" communications among police and firefighters and among neighboring jurisdictions. Fortunately, a solution is available.

The Federal Communications Commission has before it a "Consensus Plan" that would address cellular/public safety radio interference problems and provide more of the spectrum that first responders urgently need for radio communications. We support the Consensus Plan along with the Associations of Public Safety Communications Officials-International as well as many other public safety organizations. The FCC must adopt the Consensus Plan expeditiously in its public safety spectrum rulemaking, WT Docket No. 02-55.

The Consensus Plan offers the only real, near-term solution to existing public safety radio problems. The Plan provides a comprehensive solution that addresses interference to public safety systems, allocates additional spectrum for public safety needs, provides private funding to compensate licensees that may need to relocate to new channels as the result of the Plan, and ensures that all affected licensees receive equivalent replacement spectrum as part of the spectrum swaps call for by the Consensus Plan.

Other Proposals that have been made to the FCC fall far short and must be rejected. The UTC/cellular "plan" ignores the problems faced by public safety communicators and

suggests that case-by-case, after-the-fact solutions could be found once interference manifests itself. Responding only after-the-fact to the problems affecting time-critical public safety services is not acceptable, since a single interference incident can jeopardize the lives of emergency personnel and the citizens they serve.

Section 1 of the Communications Act of 1934, provides that the FCC is to "promote safety of life and property through the use of wire and radio communication." The Consensus Plan would greatly advance this vital objective. It has been over sixteen months since the FCC began its public safety spectrum proceeding and over one year since the Consensus Plan was submitted. Supporters of the Consensus Plan have recently addressed the remaining implementation details associated with the Plan. There is no reason for the FCC to postpone action any further.

We urge the FCC to resolve the issues facing the public safety community expeditiously and adopt in full the terms of the Consensus Plan.

Sincerely,

Richard Ellingson
Director, Dane County Public Safety
Communications

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

WT Docket Number 02-55

Dear Madame Secretary,

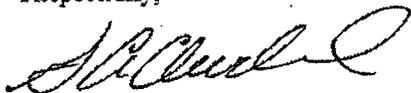
I write to express my concern about interference to public safety radios in the 800 MHz band. My fellow firefighters are experiencing interference on their radios. Though this may be a seemingly benign problem, it critically impacts our ability to serve the communities we have vowed to protect.

As someone who is all too familiar with what can happen when communications fail, I am hopeful that the Commission will adopt the Consensus Plan to realign the 800 MHz spectrum – the only fully-funded and viable solution to the problem of interference.

The Consensus Plan will allow our department, as well as public safety departments throughout the United States, to regain sustained and uninterrupted access to the wireless spectrum.

I urge you to take the correct course of action to resolve this pressing problem and give first responders the tools we need to do our jobs right.

Respectfully,



Chief Gregg A. Cleveland
Marshfield Fire
412 East Fourth St.
Marshfield, WI 54449-3717

CC:
Representative David Obey
First Star Plaza
401 5th Street, Suite 406
Wausau, WI 54403-5473

ASSOCIATIONS

**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

The Honorable Michael K. Powell

November 14, 2003

Page 2

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,

/s/ Vincent Stile

Mr. Vincent Stile, President
Association of Public-Safety Communications
Officials-International, Inc.
351 N. Williamson Blvd.
Daytona Beach, FL 32114
888-272-6911

/s/ Ernest Mitchell

Chief Ernest Mitchell, President
International Association of Fire Chiefs
4025 Fair Ridge Drive
Fairfax, VA 22033
703-273-0911

/s/ Joseph M. Polisar

Chief Joseph M. Polisar, President
International Association of Chiefs of Police
515 N. Washington St.
Alexandria, VA 22314-2357
703-836-6767

/s/ Harold L. Hurtt

Chief Harold L. Hurtt, President
Major Cities Chiefs Association
c/o Phoenix Police Dept.
620 West Washington Street
Phoenix, AZ 85003
602-262-6747

/s/ Wayne V. Gay

Mr. Wayne V. Gay, President
National Sheriffs' Association
1450 Duke Street
Alexandria, VA 22314-3490
703-836-7827

/s/ Kevin Beary

Mr. Kevin Beary, President
Major County Sheriffs' Association
c/o Orange County Sheriff's Office
2500 W. Colonial Drive
Orlando, FL 32804
407-836-3700

cc: The Honorable Kathleen Q. Abernathy
The Honorable Jonathan S. Adelstein
The Honorable Michael J. Copps
The Honorable Kevin J. Martin
John Muleta, Chief, Wireless Telecommunications Bureau
Ed Thomas, Chief, Office of Engineering and Technology
Marlene H. Dortch, Secretary

Statement of
ASSOCIATION OF PUBLIC-SAFETY COMMUNICATIONS
OFFICIALS – INTERNATIONAL (APCO)
INTERNATIONAL ASSOCIATION OF FIRE CHIEFS (IAFC)
INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE (IACP)
MAJOR CITIES CHIEFS ASSOCIATION (MCC)
NATIONAL SHERIFFS' ASSOCIATION (NSA)
MAJOR COUNTY SHERIFFS' ASSOCIATION (MCSA)

In support of Consensus Parties *Ex Parte* Submission in WT-Docket No. 02-55

Yesterday, we and other Consensus Parties filed a comprehensive submission to the Federal Communications Commission (FCC) strengthening the Consensus Plan for realignment at 800 MHz. The filing further details why the alternative approach submitted by the United Telecom Council (UTC) and the Cellular Telecommunications and Internet Association (CTIA) and the technical "toolbox" proposed by Motorola do not remedy the rising incidents of CMRS public safety interference. The public safety community reiterates its support for the Consensus Plan and urges its immediate adoption by the Federal Communications Commission.

The alternative plan proposed by UTC/CTIA does not offer public safety the comprehensive and proactive steps necessary to truly begin to alleviate the very dangerous problem of interference. Instead, their approach relies on mitigation tactics that have failed to stem the growing problem over the past several years.

The UTC/CTIA plan locks public safety into a situation where interference is addressed retroactively, on a case-by-case basis. This incremental and reactive approach attempts to alleviate the symptoms of interference rather than solving the underlying problem: that public safety and commercial radio systems are inherently incompatible system architectures in the same spectrum and geography.

The UTC/CTIA proposal offers no funding to assist public safety in resolving this problem and does not provide public safety with the needed spectrum to continue deploying advanced, reliable and robust communications networks – a key priority of the public safety community. As public safety officials, we know that any incidence of interference puts lives at risk and that any attempt to solve the interference problem needs to be focused on elimination, not just mitigation.

We continue to believe that the technical measures proposed by Motorola are no "silver bullet." While beneficial in the overall effort to address 800 MHz band interference, these measures are a welcome complement to, but no substitute for, the Consensus Plan.

We believe the only effective solution lies in a realignment of the 800 MHz spectrum. That is why we continue to support adoption of the Consensus Plan, which would lead to lasting protection against interference, without imposing costs on federal, state and local governments. A problem as pervasive and potentially life threatening as public safety interference cannot be remedied by mitigation. Realignment is necessary to get this job done right.

August 8, 2003

For further information, contact:

APCO: Robert Gurss (202) 833-3800, rgurss@apco911.org

IAFC: Alan Caldwell (703) 273-9815, dirgoverels@ichiefs.org

IACP, MCC, NSA, MCSA: Harlin R. McEwen (607) 257-1522, chiefhrm@leo.gov

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
Improving Public Safety Communications)
in the 800 MHz Band)
)
Consolidating the 900 MHz Industrial/)
Land Transportation and Business Pool)
Channels)

WT Docket No. 02-55

EX PARTE SUBMISSION OF THE CONSENSUS PARTIES

Aeronautical Radio, Inc. ("ARINC")
The American Mobile Telecommunications Association ("AMTA")
The American Petroleum Institute ("API")
The Association of American Railroads ("AAR")
The Association of Public-Safety Communications Officials-International, Inc.
("APCO")
The Forest Industries Telecommunications ("FIT")
The Industrial Telecommunications Association, Inc. ("ITA")
International Association of Chiefs of Police ("IACP")
The International Association of Fire Chiefs, Inc. ("IAFC")
International Municipal Signal Association ("IMSA")
The Major Cities Chiefs Association ("MCC")
The Major County Sheriffs' Association ("MCSA")
The National Sheriffs' Association ("NSA")
National Stone, Sand and Gravel Association ("NSSGA")
Nextel Communications, Inc. ("Nextel")
PCIA – The Wireless Infrastructure Association ("PCIA")
The Taxicab, Limousine and Paratransit Association ("TLPA")

August 7, 2003

SUMMARY

In this *ex parte* presentation, the Consensus Parties provide additional information in support of the Consensus Plan for 800 MHz Realignment (the "Consensus Plan). Specifically, the Consensus Parties demonstrate that the interference plan proposed by the United Telecom Council, the Cellular Telecommunications and Internet Association and other parties (the "UTC/CTIA proposal") will not work and will lead inevitably to a morass of lengthy Federal Communications Commission ("Commission") proceedings. We further demonstrate that the improved public safety receiver performance Motorola describes in its June 20 *ex parte* letter will not eliminate 800 MHz public safety interference, and that the interference countermeasures proposed in Motorola's "technical toolbox" have already been tried and found wanting.

In contrast, the Consensus Plan is the only plan that provides public safety more communications capacity to protect, save and serve their fellow citizens. The Consensus Plan will prevent interference to first responders' radios – a problem that is growing every day throughout the nation – and it does so without any federal, state or local taxpayer funding. Moreover, the Consensus Plan is the *only* plan before the Commission that has earned the support of the leading national public safety organizations and the leading national private wireless organizations.

As can be seen in the list of Consensus Plan proponents on page viii of this Summary, more than 75 entities have already indicated their support of the Consensus Plan. In particular, public safety organizations that have experienced and/or continue to experience interference almost every day believe that the Consensus Plan is the only plan before the Commission that corrects the underlying causes of this interference, instead of

merely applying a band-aid to the problem. For example, the Public Safety Communication Division of Orange County, Florida, states:

We have reviewed the various proposals for addressing this interference problem and concluded that . . . the proactive approach outlined in the consensus plan is the only one that *solves* the problem. The 'wait until the problem surfaces' approach offered by other plans continues to jeopardize the safety of first responders.¹

Anne Arundel County, Maryland, which has experienced harmful interference from commercial wireless ("CMRS") providers for approximately five years, informs the Commission that, "[u]ntil the [800 MHz] spectrum is 'de-interleaved' and the disparate technologies used by CMRS carriers and public safety systems are separated, we cannot predict every possible 'dead spot' caused by our incompatible systems and our public safety personnel will be at risk." Anne Arundel states that the Consensus Parties' plan "presents a spectrum realignment proposal that attacks the heart of the interference problem."²

The National Public Safety Telecommunications Council ("NPSTC") has stated that UTC/CTIA's so-called "Balanced Approach" is

neither balanced nor constitutes a plan to remedy the incompatibility between the 'high-site' systems operated by most Public Safety agencies and the 'low-site' systems operated by Nextel and other commercial providers. . . .

¹ Letter from Tom Sorley, Orange County, FL Public Safety Communications, to Marlene Dortch, FCC Secretary, WT Docket No. 02-55 (June 30, 2003) (filed July 31, 2003) (emphasis in original) ("Orange County Letter"). (Unless otherwise indicated, all comments and *ex parte* submissions referenced herein were filed in WT Docket No. 02-55.)

² Letter from Linda Schuett, Anne Arundel County, to Marlene Dortch, FCC Secretary, at 2-3 (July 29, 2003) (filed July 30, 2003).

.....

In contrast to the underlying premises of the Consensus Plan to pro-actively address the circumstances which give rise to the interference, to maintain Public Safety communications systems while frequencies are being modified, and to finance the cost to Public Safety users to achieve the transition, the 'Balanced Approach' puts Public Safety communications officers and the public at continuing risk of harmful interference and imposes unfunded financial obligations on Public Safety.³

As the record in this proceeding demonstrates, the Consensus Plan has consistently evolved to embrace the concerns of as many affected parties as possible to achieve improved communications and full spectrum use for all 800 MHz licensees. Consistent therewith, the Consensus Parties propose herein certain revisions to the interference protection criteria proposed in Appendix F of the Consensus Plan. These revisions will provide enhanced post-realignment interference protection to all non-cellular channel block licensees. In particular, guard band licensees will enjoy enhanced interference protection from adjacent cellular channel block operations comparable to that of non-cellular block licensees in the 854 – 859 MHz channel block. Simply put, with these revisions, incumbents in the post-realignment guard band channels will receive the full interference protection benefits of the Consensus Plan.

These Appendix F revisions eliminate any legitimate concerns that the guard band would, post-realignment, be "second class" spectrum. All non-cellular channel block high-site operators – public safety and private wireless – will receive comparable protection from the interference that is a by-product of interleaved and adjacent low-site and high-site 800 MHz operations. As a result, the post-realignment reduction in the

³ Letter from Marilyn Ward, NPSTC, to Tara Shostek, Irwin, Campbell & Tannenwald, at 1-2 (June 11, 2003) (filed July 8, 2003) ("NPSTC June 11 Letter").

probability of interference to the new NPSPAC band would be 99.8 percent, in the 854-859 MHz block interference would be reduced by over 95 percent and in the Guard Band by 83 percent. The slight remaining instances of interference that are not cured by realignment can be addressed through technical measures by CMRS providers, which in the post-realigned band, would be far easier to implement.

The Consensus Parties file this presentation nearly one month before the second anniversary of the unprecedented September 11 terrorist attacks on our country. September 11 has served to heighten the critical need for public safety communications. Yet the problems of 800 MHz interference and the shortage of public safety spectrum only continue. In the aftermath of September 11, the Commission initiated this rulemaking in March 2002 to improve 800 MHz public safety communications by eliminating CMRS – public safety interference. As Orange County, Florida, states, “The worst part of this interference is that we do not know we are being interfered with until a user complains.”⁴ This interference can prevent a police officer’s call for back-up from getting through, a fire fighter’s call for help from a burning building from being heard, or prevent a rescue worker from hearing the location of a heart attack victim during those critical minutes when every second counts. Yet, nearly 17 months after issuing its Notice in this proceeding, the Commission has not adopted a proactive solution to this pressing problem.

The Consensus Parties respectfully submit that the Commission’s recently adopted spectrum management guidelines and the objectives it established for this proceeding provide a beacon through the jungle of competing claims. In initiating this

⁴ Orange County Letter at 1.

rulemaking the Commission identified three objectives: (1) remedying interference to 800 MHz public safety systems; (2) minimizing disruption to existing licensees in remedying this interference; and (3) ensuring sufficient spectrum for critical public safety communications.

The Consensus Plan achieves each of these objectives: it will correct the interleaving of incompatible low-site and high-site systems in the Commission's 800 MHz spectrum allocation that is the fundamental cause of CMRS – public safety interference. No other plan even attempts to correct this fundamental problem, offering instead band-aid patches and reactive “after-the-fact” temporary fixes. The Consensus Plan leverages Nextel's presence throughout the band to create “green space” to make realignment possible, thereby leaving 70 percent of all private wireless licensees completely unaffected by realignment. The Plan provides the necessary equipment, funding and procedures to ensure that relocated public safety and private wireless licensees will experience minimal, if any, disruption, and that essential communications services remain constantly on the air. Equally important, only the Consensus Plan makes additional 800 MHz spectrum available for almost immediate public safety use – to provide the additional capacity needed to carry out increased homeland security responsibilities and protect the American people.

Applying the principles the Commission recently endorsed in its Spectrum Policy Task Force Report further illuminates that the Consensus Plan is the right solution to 800 MHz public safety interference. The Report recommends that: (1) technically compatible systems be grouped in the same frequencies; (2) that the Commission's regulations and policies provide licensees with maximum flexibility so that they can make the most

efficient use of scarce spectrum; and (3) that the Commission's rules clearly define the spectrum rights and responsibilities of affected licensees.

Of the proposals before the Commission, only the Consensus Plan *separates technically incompatible systems* in order to group *technically compatible operations together* as "good neighbors" in the same channel block. Second, as noted above, the essence of the Consensus Plan spectrum realignment is to enable all 800 MHz licensees – cellular, public safety, private wireless and others – to operate with minimal restrictions and be free to make the maximum efficient use of scarce spectrum resources.

In contrast, the UTC/CTIA plan would impose significant operating restrictions on Nextel, but not on the cellular carriers equally adjacent to the largest block of public safety spectrum, and it provides for more restrictions in response to reports of interference. The essence of the UTC/CTIA plan is to restrict efficient spectrum use. Similarly, Motorola's "technical toolbox" would impose a mix of reactive operating restrictions on CMRS operators to protect non-cellular operations without regard to system designs, spectrum efficiencies and receiver performance parameters. Moreover, these measures have been tried, and have failed to stem the rising incidence of public safety interference.

The Consensus Plan offers the Commission an unprecedented, detailed definition of the post-realignment spectrum rights and responsibilities of all affected licensees to prevent a reoccurrence of this problem in the future. The alternate plans have no comparable provisions; indeed UTC/CTIA's case-by-case, band-aid approach would spawn endless post-interference negotiations among licensees and would inevitably

require the Commission to resolve such issues through cumbersome, never-ending *ad hoc* complaint procedures.

The UTC/CTIA proposal and the Motorola technical toolbox are also inconsistent with the Commission's decision in the 700 MHz Guard Band proceeding. There, the Commission established Guard Bands to separate public safety and cellular systems, finding that adjacent channel cellular systems posed too great an interference threat to public safety operations. The record contains no explanation of how it can be possible, therefore, to maintain adjacent and interleaved public safety and cellular operations in the 800 MHz band, despite the well-documented evidence of extensive interference from cellular to 800 MHz public safety and private wireless systems.

Statement of
ASSOCIATION OF PUBLIC-SAFETY COMMUNICATIONS OFFICIALS-
INTERNATIONAL (APCO)
INTERNATIONAL ASSOCIATION OF FIRE CHIEFS (IAFC)
INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE (IACP)
MAJOR CITIES CHIEFS ASSOCIATION (MCCA)
NATIONAL SHERIFFS ASSOCIATION (NSA)
MAJOR COUNTY SHERIFFS ASSOCIATION (MCSA)
In Response to Motorola *Ex Parte* Letter in WT Docket 02-55 (May 6, 2003)

Motorola, Inc., in a recent letter to the FCC, has described possible improvements to 800 MHz band public safety radios that could make those radios less susceptible to some forms of interference from cellular radio operations.

Those improvements, while significant and beneficial, are not a "technological silver bullet" that would solve the 800 MHz interference problem. While making an important technological step, the Motorola proposal does not eliminate the need to modify the 800 MHz band channel allotments. Therefore, we continue to support adoption of the "Consensus Plan," which would lead to lasting protection against interference, without imposing costs on state and local governments.

Motorola's recent correspondence to the FCC seems to understate the extent of the 800 MHz interference problem, and appears to support an approach that is largely "reactive" to interference problems as they occur. We believe that the problems are far more widespread than Motorola suggests, and that the ongoing problems of interference to critical emergency communications demand a systemic solution that would prevent such interference from occurring in the first place.

We are also concerned that Motorola's proposed improvements to public safety radios will address only certain types of interference, and only for those public safety communications systems already meeting specific performance levels. Systems not meeting those thresholds would not benefit from Motorola's proposed improvements, absent significant and costly system upgrades, such as adding base stations.

We believe that the radio equipment modifications suggested by Motorola would be very beneficial in the overall effort to address 800 MHz band interference, and would be an excellent complement to, but not a substitute for, the Consensus Plan. Re-banding 800 MHz is still necessary to resolve the interference problems plaguing public safety licensees.

We are in the process of preparing a more detailed review of the Motorola letter for eventual submission to the FCC.

May 16, 2003

For further information, contact:

APCO: Robert Gurss (202) 662-4856, rgurss@shb.com

IAFC: Alan Caldwell (703) 273-9815, dirgovrels@ichiefs.org

IACP, MCCA, NSA, and MCSA: Harlin McEwen (607) 257-1522, chiefHRM@leo.gov



2050 E. Iliff Ave. - BW
Denver, CO 80208
1.800.416.8086
303.871.4190
Fax 303.871.2500
Website npsic.du.edu

Member Organizations
American Association of State Highway and Transportation Officials
Association of Public Safety Communications Officials - International
Forestry Conservation Communications Association
International Association of Chiefs of Police
International Association of Emergency Managers
International Association of Fire Chiefs
International Association of Fish and Wildlife Agencies
International Municipal Signal Association
National Association of State Foresters
National Association of State Telecommunications Directors

Liaison Organizations
Federal Emergency Management Agency • Federal Law
Enforcement Wireless Users Group • Public Safety Wireless
Network • US Department of Agriculture • US Department of
Interior

June 11, 2003

Tara B. Shostek
Irwin, Campbell & Tannenwald, P.C.
1730 Rhode Island Avenue, NW
Suite 200
Washington, DC 20036-3101

Re: FCC 800 MHz Realignment Proceeding, WT Docket No. 02-55

Dear Ms. Shostek:

We are in receipt of your letter requesting NPSTC to review and support the so-called "Balanced Approach" to the 800 MHz interference problem. NPSTC has carefully reviewed your comments, and we reaffirm support for the Consensus Plan.

We find the "Balanced Approach" neither is balanced nor constitutes a plan to remedy the incompatibility between the "high-site" systems operated by most Public Safety agencies and the "low-site" systems operated by Nextel and other commercial providers. The approach you advocate relies principally on mitigation after Public Safety has experienced interference. That interference can jeopardize the safety and lives of First Responders, as well as impede timely and efficient response to emergency situations. There are trade-offs in either approach, and we view the risk to Public Safety officers and the public from a reactive approach to be the least desirable alternative in comparison with some inconvenience to make a planned transition to new frequencies.

You acknowledge in your letter that the 800 MHz communications system of the City of Baltimore is "not entirely free from interference." While the City may be willing to tolerate some level of interference, our concern is that as both cellular and Public Safety systems expand, the opportunities for and risk of harmful interference proliferates. The dividing line between "tolerable" and "intolerable" interference unfortunately will be marked by tragedy. Indeed, the "Balanced Approach" proposal to limit the power of low-site systems itself may drive the need for more transmitters at more locations resulting in more risk to Public Safety systems.

The Consensus Plan provides a planned and carefully structured means to transition to new channel assignments, all the while maintaining the functionality of Public Safety communications systems. Similar transitions have occurred in other frequency bands and belie your claim that the Consensus Plan would result in an "unknown replacement." Moreover, the Consensus Plan provides for the full

No. of Pages: 1000
List ABCDE

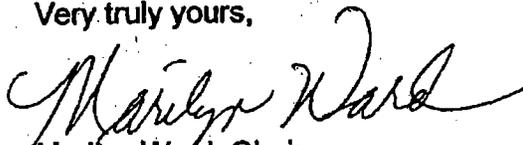
June 11, 2003

funding of those who would be called upon to move their channel assignments. NPSTC does not understand the claim that the City would incur "financial burdens that the City does not have the resources to meet." Apparently, there is a fundamental misunderstanding of the Consensus Plan.

In contrast to the underlying premises of the Consensus Plan to pro-actively address the circumstances which give rise to the interference, to maintain Public Safety communications systems while frequencies are being modified, and to finance the cost to Public Safety users to achieve the transition, the "Balanced Approach" puts Public Safety communications, officers and the public at continuing risk of harmful interference and imposes un-funded financial obligations on Public Safety. The entire process of identifying interference on an on-going basis, determining which cellular provider(s) may be causing the interference, and working to resolve that interference will be resource-intensive to Public Safety organizations. Identifying and apportioning responsibility itself may be burdensome, and will delay remedial measures, as will the process of seeking FCC intervention, all the while continuing to place Public Safety communications at risk. Moreover, if the City's sites were installed after the cellular stations were established, the City likely would be responsible for any remedial measures under the approach you advocate. Finally, the Consensus Plan has the additional benefit of spectrally separating the Public Safety and cellular communications frequency assignments. Once this is accomplished, new Public Safety 800 MHz band equipment can be designed with a narrower front end, with the added benefit of further reducing the future opportunity for harmful interference.

In like fashion that you have asked NPSTC to further consider the "Balanced Approach," we ask you to recommend that the City of Baltimore reconsider its position. We urge the City to consider the risk and the cost-benefit analyses which has led the overwhelming majority of the Public Safety community to endorse the Consensus Plan as the optimum means to protect First Responders and the public now and in the future, and not to be influenced by the hyperbole ("only 1% of public safety systems reported interference ..."—a statistic taken out of context and never intended to constitute either a catalog of all incidents or even a statistically valid sampling, and "a 'solution' that would disrupt 100% of Public Safety systems, not to mention all other licensees in the 800 MHz band"—a gross distortion of the universe facing relocation under the Consensus Plan) of the coalition of Nextel competitors and electric utilities (some of which operate commercial 800 MHz systems) which oppose the Consensus Plan. We would be pleased to assist the City in fully understanding the Consensus Plan if so desired.

Very truly yours,


Marilyn Ward, Chair

cc: Linda C. Barclay, City Solicitor's Office, Baltimore, MD
The Honorable Michael Powell, Chairman, Federal Communications Commission
Marlene H. Dortch, Secretary, Federal Communications Commission, Ex Parte Communication -
WT Doc. No. 02-55
NPSTC Governing Board Members

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
Improving Public Safety Communications in)
the 800 MHz Band) WT Docket No. 02-55
)
Consolidating the 900 MHz Industrial/Land)
Transportation and Business Pool Channels)
)

EX PARTE COMMENTS ON THE CONSENSUS PLAN

As requested by the Commission, the National Public Safety Telecommunications Council ("NPSTC") hereby submits comments on the 800 MHz "Consensus Plan".

NPSTC is an umbrella organization representing the full breadth of the public safety community. Its member agencies include:

American Association of State Highway and Transportation Officials (AASHTO)
Association of Public Safety Communications Officials – International (APCO)
Forestry Conservation Communications Association (FCCA)
International Association of Chiefs of Police (IACP)
International Association of Emergency Managers (IAEM)
International Association of Fire Chiefs (IAFC)
International Municipal Signal Association (IMSA)
National Association of State Foresters (NASF)

NPSTC was created to encourage and facilitate implementation of the findings and recommendations of the Public Safety Wireless Advisory Committee (PSWAC) - a federal advisory committee jointly established to advise the Federal Communications Commission (Commission) and the National Telecommunications and Information Administration

(NTIA). Specifically, the NPSTC charter directs that NPSTC shall develop and make recommendations to appropriate governmental bodies regarding Public Safety communications issues; shall serve as a standing forum for the exchange of ideas and information regarding Public Safety communications; shall develop recommendations regarding Public Safety communications policies that promote greater interoperability and cooperation between federal, state and local Public Safety agencies; shall identify and promote methods for funding development of Public Safety communications systems; shall sponsor and conduct studies of Public Safety communications and; shall perform such other functions as the Governing Board deems appropriate, consistent with relevant law. Pursuant to the mandate of its charter, NPSTC submits these comments.

NPSTC's member agencies directly represent the public safety users of 800 MHz systems including law enforcement, fire, emergency medical service, and forest wildfire organizations for mission critical activities where interference to their communications can be life threatening and cannot be tolerated. Public safety personnel are the ones whose lives are at risk when communications fail because of interference. Public safety organizations also must divert tax supported personnel from more productive activities to seek resolution of interference when it does occur.

NPSTC members APCO, IACP, and IAFC have joined with representatives of the private wireless community and Nextel Communications to forge a "Consensus Plan" for addressing interference issues in the 800 MHz band. The Consensus Plan provides a process to reconfigure the band to reduce substantially the potential for interference, with significantly less disruption than had originally proposed by Nextel in its "White Paper." Importantly, the plan provides that no public safety licensee will be required to shift

frequencies unless all of its costs are covered. Furthermore, the Plan will yield additional spectrum for public safety in the 800 MHz band, which will provide critically needed capacity to expand existing and construct new interoperable public safety radio systems.

On September 18, 2002, the NPSTC Governing Board met and voted unanimously to support the Consensus Plan. We believe that this is the most effective approach for dealing with the serious interference problems in the 800 MHz band. NPSTC urges the Commission to move as quickly as possible to adopt the necessary rules to implement the Plan.

Respectful Submitted,

s/ Marilyn Ward

Marilyn Ward, Chair
National Public Safety Telecommunications
Council
2050 E. Iliff Ave. - BW
Denver, CO 80208

September 25, 2002

The National Association of Telecommunications Officers and Advisors (NATOA) is a national association that represents the telecommunications needs and interests of local governments, and those who advise local governments. NATOA's membership is predominately composed of local government agencies, local government staff and public officials, as well as consultants, attorneys, and engineers who consult local governments on their telecommunications needs.

The National Association of Counties (NACo) is the only national organization that represents county governments in the United States. NACo's membership totals more than 2,000 counties, representing over 80 percent of the nation's population.

The U.S. Conference of Mayors is the official nonpartisan organization of cities with populations of 30,000 or more. There are 1,183 such cities in the country today.

The joint commenters collectively represent the interests of almost every municipal or county government in the United States. The 800 MHz frequency band plays a critical role in the public safety communications systems of cities and counties across the nation. Many of these systems are used for wide-area, multi-agency radio operations that greatly enhance interoperability among law enforcement, fire, EMS, and other critical public safety agencies. Unfortunately, the 800 MHz band currently faces serious interference problems, often caused by the operations of Nextel Communications. The Consensus Parties, who include Nextel, major private wireless organizations, and leading public safety organizations such as APCO, IAFC, and IACP, have developed a comprehensive plan to address these interference problems. We support the recently supplemented "Consensus Plan," in so far as it provides for a rapid and equitable process to substantially reduce the potential for interference, while also providing some additional spectrum relief for public safety agencies.

The Consensus Plan does require some state and local government agencies to shift radio frequencies. However, the plan provides for Nextel to pay the cost of those frequency shifts, and ensures that no state or local government agency will be required to expend their own resources to implement the Plan. It is critical that local governments are provided the assurances as stated in the Plan that "no public safety licensees will be required to move without full compensation," and further that there is a "requirement that funding be secured to move an entire NPSAPC Region before any moves are initiated in that Region." As stated in the summary to the Plan, these "factors assure that no public safety incumbent will be required to relocate should Nextel's commitment prove inadequate."

The Consensus Plan also includes proposed rules that, for the first time, will establish clear obligations for Nextel and other commercial wireless operators to correct interference to public safety radio systems that may occur after the plan is implemented. During the interim, it is important that the Commission not ignore the on-going concerns of local government as interference issues continue to arise.

It is important that in all respects the Consensus Plan respects the critical need for and importance of public safety spectrum and its uses. Where the Consensus Parties have pointed to the role of state and local governments in the cooperation necessary to effectuate such a plan, they have requested only that local governments act expeditiously when addressing siting issues resulting from the implementation of the plan.¹

¹ We note that such a request is consistent with the agreement between the Federal Communications Commission's Local State Government Advisory Committee and the related wireless associations, the Cellular Telecommunications Industry Association (CTIA), the Personal Communications Industry Association (PCIA) and the American Mobile Telecommunications Association (AMTA). See <http://wireless.fcc.gov/siting/local-state-gov.html>.

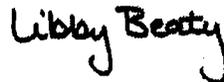
We also believe that it is critical that the individuals who will be administering the Consensus Plan are those with the greatest expertise and ability to effectuate the necessary changes within the critical time paths identified. The formation of the Relocation Coordination Committee (RCC) and complementary Phase I and Phase II planning committees is critical to its success. The joint commenters believe, however, that the ultimate oversight must remain within the Commission, and that sufficient safeguards must be put into place to ensure that final authority is safeguarded. Further, while we applaud the work of the Consensus Group and its resulting Plan, we are concerned that the estimates on which Nextel proposes its \$850 million fund do not adequately address the costs and expenses of the RCC itself and any arbitration necessitated as a result of the implementation of the Plan.² The joint commenters request the Commission obtain assurances that those costs are adequately addressed without negatively impacting the funding promised to the affected parties.

Finally, the Consensus Plan will open additional 800 MHz band radio frequencies for public safety use. State and local government agencies need this additional radio spectrum for new and expanded radio systems that will greatly improve public safety communications capabilities. Many existing systems need additional capacity to address their expanded "Homeland Security" responsibilities, to reduce channel congestion, to add new communications tools such as mobile data, and to incorporate additional agencies to improve efficiency and interoperability. New 800 MHz radio systems are also needed, especially in areas in which public safety agencies currently operate on separate, incompatible frequency bands.

² While we note that all estimates include the costs of legal and consultative fees, it is unclear that the costs of the RCC and arbitration are contemplated as part of these estimates. If such costs are inclusive, our concerns would

Therefore, we urge the Commission to move quickly to adopt appropriate rules to address and implement the Consensus Plan for the 800 MHz frequency reallocation.

Respectfully submitted,
Libby Beaty on behalf of the



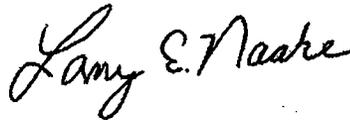
Libby Beaty
Executive Director
National Association of Telecommunications
Officers and Advisors



Don Borut
Executive Director
National League of Cities



J. Thomas Cochran
Executive Director
United States Conference
of Mayors



Larry Naake
Executive Director
National Association of Counties

therefore be addressed.