

**LUKAS, NACE, GUTIERREZ & SACHS**  
**Chartered**  
**1111 Nineteenth Street, N.W.**  
**Suite 1200**  
**Washington, D.C. 20036**  
**(202) 857-3500**

February 6, 2004

Writer's Direct Dial  
(202) 828-9471

**VIA ELECTRONIC FILING**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, DC 20554

**RE: In the Matter of Improving Public Safety  
Communications in the 800 MHz Band  
WT Docket No. 02-55  
Ex Parte Presentation**

Dear Ms. Dortch:

On behalf of Peak Relay, Inc. ("Peak Relay" or "Company") and in accordance with Section 1.1206(b) of the Commission's Rules, 47 C.F.R. § 1.1206(b), undersigned counsel hereby submits the instant notice of an *ex parte* presentation.

On February 5, 2004, Lori Baskins and Hunter Baskins of Peak Relay, along with undersigned counsel, met with Michael Wilhelm, Acting Deputy Division Chief, Legal, Public Safety and Critical Infrastructure Division ("Division") of the Wireless Telecommunications Bureau ("Bureau") and Roberto Mussenden, Attorney-Advisor in the Division, to discuss issues relating to implementation of the 800 MHz "Consensus Plan" in the San Diego market consistent with the Company's earlier-filed Comments in this proceeding. Peak Relay described the inherent spectrum limitations in San Diego caused by its location between Los Angeles and Mexico. It discussed the challenges of providing reliable two-way communications in an urban area with hilly, even mountainous terrain that dictates the need for multi-site networks to provide County-wide coverage, but noted that the Company has done so successfully for more than a decade and maintains a solid customer base.

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In respect to the above-identified proceeding, Peak Relay expressed concern that the FCC's decision promote the continued interference-free operation of commercial systems such as the Company's own, in addition to public safety and private internal systems. Specifically, and as stated in its February 10, 2003 Comments in this proceeding, it advised the Commission that the Company's systems routinely use signals at -120 dBm and lower to provide reliable service to customers and that those signals have not been susceptible to interference, other than sporadic interference from cellularized systems. It expressed concern that, absent some recognition of the unique operating characteristics of the San Diego market, the proposed Appendix F post-rebanding interference protection criteria would not provide the requisite protection for the Company's current operations.

Kindly refer any questions or correspondence regarding this matter to the undersigned.

Very truly yours,

/s/

Elizabeth R. Sachs

cc: Michael Wilhelm  
Roberto Mussenden