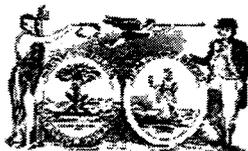


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February 18, 2004

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
236 Massachusetts Avenue, N.E.  
Suite 110  
Washington, DC 20002

Re: FCC 800 MHz Realignment Proceedings (WT Docket No. 02-55)

Dear Ms. Dortch:

I am writing you to express the State of South Carolina's concerns with implementation of rules regarding interference in the 800 MHz Public Safety bands, and to urge the Commission to fully investigate all the options before adopting any plan. It is important to resolve this issue to ensure the continued safety of our first responders who may be put in harm's way by interference while carrying out their critical public safety mission. In addition, I would like to request that you consider South Carolina as a test case for implementation of any forthcoming plan.

The State of South Carolina Division of the State Chief Information Officer manages the contract for a statewide 800 MHz Smartzone™ trunked system, mobile data system and conventional repeater system. This system is a unique partnership among public safety, state government, local government and power utility eligibles in South Carolina. The system utilizes both ILT and public safety licenses to meet the system's frequency needs. Without the utilization of both public safety and ILT frequencies, South Carolina would not have enough frequencies to meet the system needs. The South Carolina digital mixed mode voice system and mobile data system includes over 62 sites and serves South Carolina (Region 37) and Augusta-Richmond, Georgia (a part of Region 10). The system supports over 20,000 active IDs representing 23 state agencies, 185 local governments/agencies, 7 power utility providers, 5 federal

agencies and 5 special emergency services. The South Carolina statewide system has averaged adding 2,000 new units per year to the system since 2001 and anticipates this rate of growth to continue.

South Carolina currently is not experiencing specific interference from cellular vendors on its statewide 800 MHz system. Zoning ordinances and South Carolina's population have typically allowed cellular vendors to construct cellular antenna systems above the 100' level, reducing the RF signal strengths to levels that are not blocking out public safety signals. If the FCC decides to implement a plan similar to that outlined in the "Balanced Plan" approach, we foresee little impact on the system in the foreseeable future.

On the other hand, the potential impact on the South Carolina 800 system could be significant if a rebanding plan such as the "Consensus Plan" were to be implemented. While we have closely looked at the projected cost and impact of the Consensus Plan on our system, it is difficult to estimate the full cost to retune frequencies on the South Carolina system, or to retune any system of similar size and complexity.

### **South Carolina's Specific Areas of Concern:**

#### **Frequency Separation Must Be Guaranteed**

Any plan adopted by the FCC must include frequency separations as a criteria for determining the quality of replacement frequencies for public safety and ILT frequencies in the interleave band (non-NSPAC) and proposed Guard Band. The separation between frequencies is a critical public safety issue. The ability to exchange frequencies with incumbent cellular carriers that provide 70-mile frequency separations may vary widely among metropolitan areas and rural areas across the country. Not considering 70-mile frequency separations can create new interference issues in systems and areas where no interference existed previously.

#### **All Cellular Type Systems Should Be Relocated Out Of The 851 to 861 Band**

To prevent a future reoccurrence of these interference issues, low site cellular type systems in the 851 to 861 band should be prohibited. We recommend going to the next step by prohibiting cellular-type technologies and low site transmitter systems (less than 100'). To implement a nationwide rebanding plan that considers exempting some users and allows waivers for incumbents who utilize cellular technologies that currently have the potential to produce interference is not a long-term solution. Exempting these licensees reduces the available pool of frequencies for public safety, and will encourage others to request exemptions. As we have seen through public safety's current interference battles, once a license is granted, the ability to mitigate interference when a license holder reconfigures the design of their system is a daunting task.

For example, Southern LINC, serving parts of the southeastern US, has not created interference with the South Carolina system sites serving Augusta-Richmond, GA. However, Southern LINC licenses reduce the available frequency pool and complicate coordination of frequencies along the South Carolina and Georgia border areas. In addition, there exists the potential for interference in the future if they are allowed to remain in the same band.

#### **Projected Cost Cannot Exceed Available Funding**

A funding plan needs to be put in place to protect all public safety systems to ensure that funding to complete the nationwide rebanding plan is available. If funding runs out before the plan is completed,

unfunded states and public safety systems would have no resources to accomplish changes necessary to address interference from cellular carriers.

### **FCC Must Retain Oversight Over Relocation Coordination Activities**

Any committee charged with relocation management must be under the direct oversight of the FCC and subject to financial review during the process. Parties and associations that have financial interests in the process should be allowed to participate, but final resolution on issues involving disputes and funding matters should remain with the FCC.

### **Recurring System Cost Must Be Considered**

Until a complete national frequency replacement plan is compiled, the potential exists for current public safety licensees to receive short-spaced replacement channels or frequencies with spacing that requires additional antenna systems. In a scenario where all replacement frequencies cannot be coordinated to existing tower locations and additional towers and equipment are necessary to provide equivalent radio coverage, funding must be available to offset new cost. Otherwise, state and local governments could be at risk of increased system operating cost.

### **Funding Priorities Should Include States or Regions with the Most Invested In 800 MHz Systems**

Any rebanding plan should also include priority based on a state's or region's investment in statewide or regional systems and systems serving multiple NSPAC regions as well as current interference issues. Population should not be the deciding factor in rebanding priorities. To protect those states/regions that are rebanded later in the process, any available new spectrum must be protected and allocated equitably among contiguous regions.

### **Consideration Should be Given for Additional Spectrum**

While NEXTEL has offered to give up spectrum holdings in the 700 MHz and 900 MHz bands, these offerings do little to provide immediate spectrum relief to public safety 800 MHz users. While the 700 MHz spectrum may be beneficial in the future, it will not be available until issues related to HDTV have been resolved. In addition, it requires the replacement of most of South Carolina's existing radio equipment. To ensure immediate benefits to public safety, we are suggesting that the FCC consider adding 2 MHz of additional spectrum (861 – 863) to the interleave spectrum as the new guard band and that all vacated 859 to 861 be set aside for public safety use. The spectrum allocated in this manner could be set aside for public safety to support statewide or wide area shared radio systems and interoperability.

### **South Carolina's Offer:**

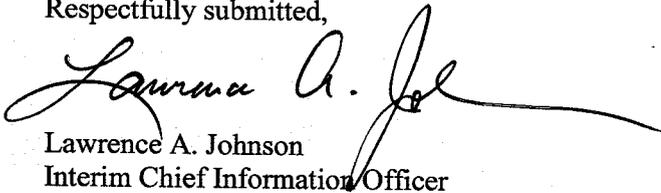
To assist the FCC in evaluating the impact of any rebanding plan it may decide to implement, South Carolina would like to be considered as an "evaluation site" in a manner similar to any system "beta test". To accomplish this, South Carolina puts forth the offer to work with the FCC and other rebanding plan developers to develop a test case/dry run plan for South Carolina. Of course, we would have to assume everyone would be willing to relocate frequencies, but we could coordinate the frequency moves, check the contours and make a detailed plan for rebanding. After the plan is complete and reviewed by the FCC, we would offer to go first with a complete rebanding. South Carolina feels that any rebanding plan must be tested to ensure that all public safety and other shared licensees are provided with replacement frequencies that are equal to or better than their existing frequencies. This would enable the FCC to determine the actual impact on users, any frequency related issues and the impact on public safety personnel, as well as to better determine actual costs. It also would enable the FCC to fine tune any plan

before it is implemented. A state-by-state national study would be ideal but any decision to pursue that will be left up to the FCC.

South Carolina understands that specific areas of the country are experiencing critical interference problems, and we support a national strategy to address this issue. However, a national plan also must take into consideration the impact on areas of the country where public safety is not experiencing interference. A new national plan that potentially disrupts all public safety 800 MHz systems must protect the public interest of all citizens.

Like most governmental entities at all levels, South Carolina state government is facing difficult economic times. Any plan to resolve this issue must not levee additional costs and must not diminish capabilities that we have worked hard to implement. We urge the FCC to determine all costs, ensure funding availability and consider all options in its efforts to minimize potential disruptions to 800 MHz public safety radio and mobile data system across the country.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lawrence A. Johnson". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Lawrence A. Johnson  
Interim Chief Information Officer