



February 20, 2004

BY ELECTRONIC FILING

Michael J. Wilhelm, Esq.  
Wireless Telecommunications Bureau  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Re: *Ex Parte* Submission, WT Docket No. 02-55

Dear Michael:

The following responds to your question concerning the apparent discrepancy between the City and County of San Diego's radio replacement cost estimate and the Consensus Plan's radio replacement estimate.<sup>1</sup>

The December 24, 2003 filing stated that 5,163 of the City's 16,000 radios would need to be replaced under the Consensus Plan. We believe, however, based on the Motorola Letter of November 3, 2003,<sup>2</sup> that a substantial number of those 5,163 City of San Diego public safety radios *can* be reprogrammed and will not require replacement, as explained below.<sup>3</sup>

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<sup>1</sup> See *Ex Parte* Comments of the City and County of San Diego, WT Docket No. 02-55, at 5 (Dec. 24, 2003). The December 24, 2003 filing was a joint filing by both the City and the County of San Diego. The replacement radio numbers you asked us to address are for the City of San Diego (the "City") only. Accordingly, we address only those figures.

<sup>2</sup> See Letter from Steve Sharkey, Motorola, to Edmond Thomas and John Muleta, FCC, WT Docket No. 02-55, at 11 (Nov. 3, 2003) (the "Motorola Letter").

<sup>3</sup> See also Letter from Lawrence R. Krevor, Vice President – Government Affairs to Marlene Dortch, Secretary, FCC, WT Docket 02-55 (February 2, 2004) in which we discussed the conclusions that can be drawn from the information Motorola provided in its November 3, 2003 letter.

Motorola's Letter confirmed that the following 800 MHz radio models – which were listed in the City of San Diego's inventory – *can* be reprogrammed to operate on the Consensus Plan's proposed public safety channels: the 96 GTX radios, the 444 MTX820 radios and the 380 Visar radio models. These three radio models are *not NPSPAC-capable; i.e.*, they are not capable of operating on the NPSPAC channels, 821-824/866-869 MHz. Further, the City of San Diego does not have any NPSPAC channels. Motorola's Letter stated that all non-NPSPAC 800 MHz radios can be retuned within the 851-866 MHz channel block where public safety licensees would operate post-realignment in the U.S. – Mexico Border Area (including the City and County of San Diego). *Therefore, these radios should not have to be replaced if the Consensus Plan is adopted, absent some unusual or special circumstances.* Significantly, these radios account for almost 20 percent of the radios the City of San Diego believes would require replacement.

Motorola's Letter noted that it is still reviewing whether the Spectra model radio (accounting for 33 percent of the City of San Diego's radios) can be reprogrammed to operate on the City's non-NPSPAC public safety channels. As discussed in our February 2, 2004 filing, the City of San Diego uses its 377 MaxTrac radios solely on its 800 MHz non-NPSPAC channels; they are not used for interoperability with San Diego County's public safety system which includes NPSPAC channels.<sup>4</sup> Adding the MaxTrac radio model to the GTX, MTX and Visar radio models would reduce by 25 percent the 5,163 radios that the City of San Diego indicated would require replacement. If Motorola determines that the Spectra model radio can be reprogrammed, only 14 percent of the City of San Diego's radios would have to be replaced, a 50 percent reduction from the City's initial estimate.

Some of the other radio models that the City lists (the LCS, the LTS, the Saber and the STX) may fall into the same category as the MaxTrac – radios used by governmental personnel on the City of San Diego's non-NPSPAC system and not on any neighboring system that includes NPSPAC channels. If so, they similarly should not require replacement, which would further reduce the City of San Diego's radio replacement requirement.

Our purpose in this discussion is to respond to your question and not to debate the City's radio replacement estimates. Nextel remains confident that the total number of the City of San Diego's radio units that will need to be replaced will fall within the parameters contemplated by the Consensus Plan and Nextel's funding commitment. Nextel, of course, will work closely with the City to address questions and concerns it may have. In addition, the Consensus Plan sets forth a detailed implementation plan that

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<sup>4</sup> *Id.* at page 4, footnote 8 (“A recent joint *ex parte* submission by the City of San Diego and the County of San Diego indicates that the City has only 377 MaxTrac radios out of a total of 5,163 units operating on its 800 MHz public safety communications system. Moreover, the City does not operate on any NPSPAC channels; accordingly, the only MaxTrac units it may have to replace would be those programmed for interoperable use with the County's network, which includes NPSPAC channels.”)

is designed to protect the rights of the City of San Diego and other incumbent licensees that would be relocated under the Plan and ensure that the relocation process does not disrupt their operations.<sup>5</sup>

As to funding, the radio replacement costs cited by the City warrant brief mention. These cost estimates may not reflect the discounts possible through volume purchasing; for example, the prices for the Spectra and Saber models appear to be \$500 - \$1,000 higher than pricing we are aware of for the same models. Equipment manufacturers such as EF Johnson offer comparable public safety radio models to the Motorola models the City of San Diego uses today at more favorable pricing levels. Many EF Johnson radios are designed for use on existing Motorola public safety systems and may be a desirable replacement radio at significant cost savings.

In conclusion, for all of the reasons discussed above, the quantity of the City of San Diego's public safety radio units that will require replacement under the Consensus Plan is likely to be substantially smaller than the estimates contained in the December filing. In any case, the Consensus Plan commits sufficient financial and other resources to properly retune the City of San Diego's public safety communications system consistent with 800 MHz realignment under the Consensus Plan.

I trust this explanation provides an answer to your inquiry. Please let me know if you have any further questions or require additional information.

Respectfully submitted,

/s/ Lawrence R. Krevor

Lawrence R. Krevor  
Vice President – Government Affairs

cc: Marlene Dortch, FCC Secretary

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<sup>5</sup> See Supplemental Comments of the Consensus Parties, WT Docket No. 02-55, at 14-35 (Dec. 24, 2002).