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March 3, 2004

Ex Parte

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 –12th Street, SW, Room TW-A325
Washington, DC 20554

Re: Improving Public Safety Communications
in the 800 MHz Band, WT Docket No. 02-55

Dear Ms. Dortch:

On February 26, 2004, Verizon Wireless filed an *ex parte* in this proceeding noting that there is a proposal already before the Commission, which they termed “In-Band Realignment,” to resolve interference to public safety.¹ While Cingular Wireless LLC (“Cingular”) continues to support the Balanced Approach Plan as the most effective way to resolve interference to public safety, Cingular supports and agrees with the points made in Verizon Wireless’s filing. As such, if the Commission decides to pursue an 800 MHz rebanding solution, it should do so through an In-Band Realignment without involving other extraneous bands.

Cingular has previously noted that Nextel’s Consensus Plan can be accomplished without involving the 700 MHz, 900 MHz and 1.9 GHz bands and that inclusion of these bands are extraneous to the problem as well as the solution.² Cingular supports the primary goal of the Commission in this proceeding – resolve interference to public safety. An In-Band Realignment would address interference to public safety in the exact same way as does the Nextel Consensus Plan. Of particular concern with the In-Band Realignment is that Nextel still would obtain a windfall in the 800 MHz band given that it would have contiguous spectrum rather than interleaved spectrum.³ At the same time, In-Band Realignment would not involve the giveaway to Nextel of any 1.9 GHz spectrum-- the windfall.

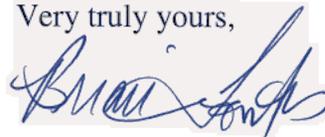
¹ See Verizon Wireless *Ex Parte* at 1. Filed February 26, 2004.

² See February 25, 2003 Reply Comments of ALLTEL Communications, Inc., AT&T Wireless Services, Inc., Cingular, Sprint Corporation, Southern LINC, and United States Cellular Corporation at 13.

³ See Kane Reece Associates Valuation Report noting that realignment of the 800 MHz band alone will result in a net windfall to Nextel in the amount of \$2.3 billion.

Therefore, if the Commission decides to pursue an 800 MHz rebanding solution, then it should do so without including the 700 MHz, 900 MHz and 1.9 GHz bands which have nothing to do with the interference being experienced in the 800 MHz band. The Commission should reject Nextel's ultimatum and, given the significant benefit to Nextel, require Nextel to pay for this in-band realignment.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Brian Fontes', written over a light gray rectangular background.

Brian Fontes
Vice President, Federal Relations