AT&T Wireless

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March 5, 2004

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:

AT&T Wireless Services, Inc. ("AT&T Wireless") submits this letter to express its support for the 800 MHz "In-Band Realignment" plan as described by Verizon Wireless in a letter filed in this docket on February 26, 2004.[1] During the course of this proceeding, AT&T Wireless has supported the Balanced Approach as the most effective way to address interference to public safety systems – wherever and whenever it occurs.[2] To the extent, however, that the Commission is currently exploring spectrum rebanding options, AT&T Wireless urges the Commission to adopt the In-Band Realignment proposal. AT&T Wireless agrees that the proposal represents the best rebanding solution that will both "respond to public safety's needs and also best serve the public interest."[3]

The In-Band Realignment proposal provides for the same 800 MHz rebanding solution that public safety groups have sought as part of the Consensus Plan – without a 1.9 GHz spectrum giveaway to Nextel that violates the Section 309(j) auction

[1] *See* Letter to Marlene H. Dortch, Secretary, FCC from John T. Scott, III, Vice President & Deputy General Counsel, Verizon Wireless, in WT Docket No. 02-55 (Feb. 26, 2004) ("Feb. 26th Verizon Wireless Letter").

[2] *800 MHz User Coalition Balanced Approach* at 5 (attached to Letter to Marlene Dortch, Secretary, FCC, from Jill Lyon, Vice President and General Counsel, United Telecom Council (May 29, 2003), which expressed support for the Balanced Approach by many parties, including AT&T Wireless).

[3] Feb. 26th Verizon Wireless Letter at 1.

requirements and squanders a precious public resource.[4] Moreover, the proposal provides for the necessary funding because the 800 MHz realignment alone would confer a significant increase in the value of Nextel's 800 MHz spectrum holdings,[5] and the Commission has ample authority to direct Nextel to pay the realignment expenses.[6] In short, the In-Band Realignment plan provides for public safety's solution to 800 MHz interference and ensures that the public safety community incurs no costs as part of the realignment process, without engaging in a spectrum giveaway in violation of law and sound public policy.

Please do not hesitate to contact the undersigned if you have any questions.

Respectfully Submitted,

/s/
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[4] *See* Letter to Michael K. Powell, Chairman, FCC from U.S. Rep. Vito Fossella *et al.* (Feb. 26, 2004) (letter from 23 Members of the House of Representatives urging the Commission to resolve interference to 800 MHz public safety systems by adopting an 800 MHz in-band realignment).

[5] *See* Kane Reece Associates, "Determination of the Fair Market Value of the Certain Portions of FCC Licensed Wireless Spectrum Proposed for Realignment by Nextel Communications, Inc. Under FCC WT Docket No. 02-55" (attached to Letter to Marlene H. Dortch, Secretary, FCC from John T. Scott, III, Vice President & Deputy General Counsel, Verizon Wireless, in WT Docket No. 02-55 (Oct. 27 ,2003)) (finding that realignment of the 800 MHz band alone will result in a windfall to Nextel of $2.3 billion).

[6] *See* Feb. 26th Verizon Wireless Letter Attachment, "The Federal Communications Commission Lawfully May Order Nextel to Pay the Costs of Relocating Incumbent 800 MHz Licensees."

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