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March 10, 2004

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VIA ELECTRONIC FILING

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

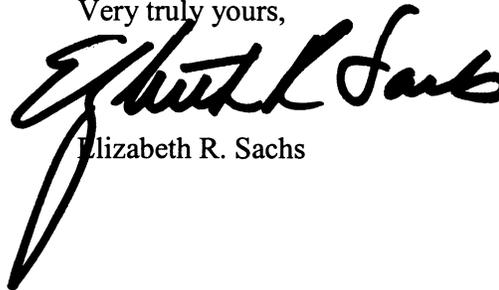
**RE: In the Matter of Improving Public Safety
Communications in the 800 MHz Band
WT Docket No. 02-55
Ex Parte Presentation**

Dear Ms. Dortch:

On behalf of AIRPEAK Communications, LLC. ("AIRPEAK") 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 attached *ex parte* presentation. This presentation is in response to questions raised by Commission personnel during meetings held with AIRPEAK and Airtel Wireless Services, LLC on February 11, 2004, regarding the issues involved in retuning digital Harmony systems to operate in the proposed "cellularized" portion of the 800 MHz band.

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

Very truly yours,



Elizabeth R. Sachs

cc: Sam Feder
Paul Margie
Barry Ohlson
Sheryl J. Wilkerson
Jennifer Manner
David Furth
Aaron N. Goldberger

AIRPEAK Communications, LLC.

800 MHz Retuning Considerations

- AIRPEAK Communications, LLC. (“AIRPEAK”) operates a Motorola Harmony system that utilizes iDEN base stations and subscriber units on frequencies in the 851-860 MHz band in Reno, NV, Spokane, WA, Anchorage, AK, Albuquerque, NM, and other comparably sized, primarily rural markets (“System”).
- System is comprised of 1) digital switch (“MSO”), voice mail systems, packet data systems, e-mail servers; 2) cell site and ancillary equipment (EBTS equipment); 3) high-capacity digital T-1 circuits via landline or microwave; and 4) subscriber handsets.
- The System is primarily two-way radio dispatch with ancillary interconnection.
- The System handles primarily business-to-business and governmental agency communications. Approximately twenty percent (20%) of System units are associated with public safety or critical infrastructure entities.
- Subscriber fleets include pre-programmed private and group call, as well as substantial cross-fleet arrangements among independent customers working in the same or inter-related industries. These capabilities are especially critical to public safety users on the System.
- Service disruption, if any, to accomplish rebanding must be essentially transparent to subscribers to maintain critical communications and avoid subscriber loss comparable to that experienced during “upper 200” SMR retuning where attrition rate in AIRPEAK’s predecessor analog SMR business ran approximately forty percent (40%).

Essential Retuning Components:	Issues:
<ul style="list-style-type: none">➤ Construction of sufficient redundant cell sites on a market-by-market basis to support current traffic loads while existing equipment is retuned;➤ Out-of-service sweep testing and realignment of existing EBTS with some base station hardware replacement and some antenna replacement to permit operation above 861 MHz;	<ul style="list-style-type: none">➤ System MSO nearing capacity; will need to be upgraded to accommodate redundant cell sites to handle traffic while existing sites are retuned.➤ System currently does not use channels above 861 MHz. Filters, combining equipment, transmitters/receivers and antennas will need to be tested at and some hardware may need to be replaced for operation above 861 MHz.

Essential Retuning Components Cont'd.:	Issues Cont'd.:
<ul style="list-style-type: none"> <li data-bbox="261 321 792 499">➤ Common band map (control channels) across all markets with sufficient capacity to accommodate cellularized architecture, including low-level sectorized cell sites; <li data-bbox="261 741 792 919">➤ Drive test redundant and retuned cell sites to verify proper reconnect, reselect, and handover parameters before subscriber units are moved to new channels; <li data-bbox="261 951 792 1129">➤ Simultaneous retuning/replacement of subscriber units within individual fleets/talk groups and across fleets with intra- or inter-communication requirements; 	<ul style="list-style-type: none"> <li data-bbox="824 321 1356 709">➤ Subscriber units have pre-set band maps that enable them to operate anywhere within the System. When band map is modified to accommodate channels above 861 MHz, each subscriber unit will have to be modified, or preferably replaced, to avoid operational disruption. Early designation of revised band map will minimize cost and customer inconvenience. <li data-bbox="824 741 1356 919">➤ Transmit combining and receive equipment is frequency reactive and will need to be adjusted for change in operating range. Testing must include drive test to confirm proper operation. <li data-bbox="824 951 1356 1535">➤ Unlike private systems that can dictate to internal users when their units will be retuned, commercial operators must convince customers to allow units to be touched. Requiring that units be accessible for retuning, whether simultaneously or sequentially and even if done at customer's location, creates a powerful incentive for customer to switch providers. The larger the fleet, the greater the inconvenience and downtime; thus, the greater the incentive. To prevent customer defections, a significant number of fleets will need to be given replacement handsets rather than have existing units retuned.