

April 1, 2004

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington DC 20554

Re: Support for the Consensus Plan for 800 MHz Realignment
Ex Parte, WT Docket No. 02-55

Dear Ms. Dortch:

New York State operates an 800 MHz trunked radio system providing critical public safety communications for police, fire and emergency personnel. First responders in New York and across the nation are increasingly at risk because their public safety radio communications are vulnerable to interference from cellular (wireless) phones. As usage of cellular (wireless) phones increases, the risk of garbled or blocked police, fire and other public safety communications also escalates. Also, first responders urgently need more 800 MHz spectrum to have “interoperable” communications among police and firefighters and among neighboring jurisdictions. Fortunately, a solution is available.

As you are more than likely aware, the Federal Communication Commission (FCC) has before it a “Consensus Plan” that would address cellular/public safety radio interference problems and provide more of the spectrum that first responders urgently need for radio communications. I join the Association of Public-Safety Communications Officials-International, Inc.; the International Association of Fire Chiefs, Inc. and International Municipal Signal Association; the International Association of Chiefs of Police, the Major Cities Chiefs Association; the Major County Sheriffs’ Association; and the National Sheriffs’ Association to express my support for the public safety spectrum rulemaking, WT Docket 02-55 or the “Consensus Plan.”

The “Consensus Plan” offers the only real, near-term solution to existing public safety radio problems. It provides a comprehensive solution that addresses interference to public safety systems, allocates additional spectrum for public safety needs, provides private funding to compensate licensees that may need to relocate to new channels as the result of the Plan, and ensures that all affected licensees receive equivalent replacement spectrum as part of the spectrum swaps called for by the Plan.

Other proposals that have been made to the FCC are not as adequate to addressing the problems faced by public safety communicators. Plans that respond after-the-fact are not acceptable

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because a single interference incident can jeopardize the lives of emergency personnel and the citizens that they represent.

As directed by Section 1 of the Communications Act of 1934, the FCC “promotes safety of life and property through the use of wire and radio communication.” The “Consensus Plan” would greatly advance this vital objective. The FCC began its public safety spectrum proceeding over sixteen months ago and the Consensus Plan was submitted over one year ago. Now would be an ideal time for the FCC to proceed on accepting the Plan. I would urge the FCC to help the public safety community expeditiously and adopt the full terms of the Consensus Plan.

Should you have any further questions or concerns, please do not hesitate to contact me.

Sincerely,

New York State Assemblyman David Koon
135th District

Cc: The Honorable Charles Schumer, Member, U.S. Senate
The Honorable Hillary Rodham Clinton, Member U.S. Senate
The Honorable James Walsh, Member, US House of Representatives
The Honorable Thomas Reynolds, Member, US House of Representatives
The Honorable Louise Slaughter, Member, US House of Representatives
The Honorable Amory Houghton, Jr. , Member, US House of Representatives