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April 6, 2004

Marlene H. Dortch, Secretary
Federal Communications Commission
Washington, D.C. 20554

Re: WT Docket 02-55, ex parte communication

Dear Ms. Dortch:

As counsel for the City of San Diego and the County of San Diego, this is to advise the Commission about Nextel's return to the bargaining table on the potentially harmful consequences of spectrum realignment in the Mexican border area, with particular reference to San Diego. The previous information on this topic was an ex parte communication of 2/18/04 submitted following a teleconference with WTB and OET staff.

The core message remains as it was stated to FCC staff six weeks ago: The conventional realignment in the so-called "Consensus Parties" plan flatly will not work, because the City and County, and other Mexican border jurisdictions, only have half the amount of spectrum to work with. Success for the realignment in this region will depend on *ad hoc* negotiation, pending reformulation of U.S.-Mexican bilateral agreements on spectrum use. The City and County urge the Commission to condition any Docket 02-55 outcome on the substantial achievement of the goals outlined in the ex parte communication of 2/18/04.

The following summarizes an approach the City ("SDC") and County ("SDSD") are hoping can be followed with Nextel:

1. Creation of SD Task Force - This group will be comprised of representatives from Nextel, SDSD and SDC staff. The purpose of this group is to address issues of interference, co-location, business development and strategic planning. This team must be comprised of management level-staff that can facilitate resolution of outstanding issues.

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2. Joint Mapping & Analysis - Nextel is also doing some analysis of its network v. that of RCS (SDSD). There may be some co-location opportunities available today, in addition to augmentation of services to SDSD users. This will probably involve mapping of the parties' individual networks on separate transparent maps (on the same map scale). The parties will need to map the Mexican side of the border as well, as they review the larger communications environment important to Public Safety in the region.

Sincerely,

James R. Hobson
Counsel for City of San Diego
and County of San Diego

cc: Legal Advisors to all Commissioners; Jim Schlichting, OET; Michael Wilhelm, WTB