



**Association of Public-Safety Communications Officials-International  
International Association of Chiefs of Police  
International Association of Fire Chiefs  
National Sheriffs' Association**

April 22, 2004

The Honorable Michael Powell  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

RE: WT Docket 02-55

Dear Mr. Chairman:

We are writing once again to urge the Commission to move quickly to resolve any lingering issues and adopt all of the key elements of the "Consensus Plan" to address the 800 MHz interference problem. This matter has been pending for well over two years, during which time interference problems have continued to threaten the safety of first responders and the public they serve. We must have a solution, and we must have it now.

Opponents of the Consensus Plan, principally some of Nextel's competitors, continue to toss out "new" issues each time the Commission reportedly is close to final action. These are matters that could have been raised much earlier in this proceeding and thus appear to be little more than calculated efforts to postpone and divert a decision. However, the record is complete, the item is ready for action, and the time is ripe to move forward with a solution so that public safety can address the interference problem in a comprehensive fashion.

The Consensus Plan was forged by our public safety organizations, private wireless organizations, and Nextel, as a fully-funded, proactive solution to the interference problem. The key elements of the Consensus Plan are (1) re-banding of 800 MHz to prevent interference, (2) full funding by Nextel of the cost of re-banding, (3) adoption of new interference protection rules ("Appendix F"), (4) provision of additional 800 MHz (and some 700 MHz) band spectrum for public safety to provide "green space" for the transition and to address critical public safety communications requirements, and (5) provision of replacement spectrum stipulated in the Consensus Plan for Nextel in exchange for its loss of spectrum and funding of the re-banding.

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Each of these elements was critical to creating “consensus” and each has been the subject of extensive debate and analysis in the Commission’s record, which now consists of over 1,800 documents.

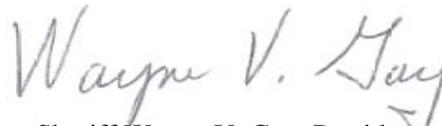
We urge the Commission to reject eleventh-hour efforts to derail adoption of the key elements of the Consensus Plan. We cannot afford for this critical public safety issue to be dragged any further into a slugfest between giant competitors. Regulatory paralysis is not an option. Unless the Commission takes action now, the interference problem will continue without a comprehensive solution in sight, and sooner or later a first responder will be injured or killed because they failed to receive a critical radio message or were unable to call for help in a dangerous situation. Reliance on “best practices” and after-the-fact interference mitigation is simply inadequate to protect our first responders.

We greatly appreciate the hard work of the Commission on this important, complex issue, and its determination to find the right answer for public safety. We believe that the Commission has the right answer before it, in the form of the Consensus Plan, and needs to take the final step toward adoption so we can begin the process of re-banding to solve the interference problem.

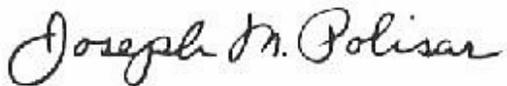
Respectfully,



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cc: The Honorable Kathleen Abernathy  
The Honorable Kevin Martin  
The Honorable Michael Copps  
The Honorable Jonathan Adelstein  
Mr. John Muleta