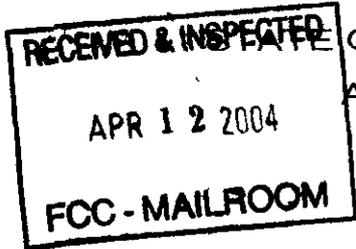




RoAnn M. Destito
Member of Assembly
116th District



THE ASSEMBLY
OF NEW YORK
ALBANY

ORIGINAL

Monday, April 5, 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*, W1 Docket
No. 02-55

Dear Ms. Dortch:

New York operates an 800 MHz trunked radio system providing critical public safety communications for police, fire and emergency personnel. We are actively following this vital proceeding for public safety and request that our views be considered.

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 phones. As cellular usage increases, the risk of garbled or blocked police, fire and other public safety communications increases. First responders also urgently need more 800 MHz spectrum to have "interoperable" communications among police and firefighters and among neighboring jurisdictions. Fortunately, a solution is available.

The Federal Communications Commission 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. We support the Consensus Plan along with the Association of Public Safety Communications Officials International, Inc., the International Association of Fire Chiefs, Inc., the 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. The FCC must adopt the Consensus Plan expeditiously in its public safety spectrum rulemaking, WT Docket No. 02-55

The Consensus Plan offers the only real, near-term solution to existing public safety radio problems. The Plan 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 a result of the Plan, and ensures that all affected licensees receives equivalent, replacement spectrum as part of the spectrum swaps called for by the Consensus Plan.

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Marlene H. Dortch, Secretary

Other proposals that have been made to the FCC fall far short and must be rejected. The UTC/cellular "plan" ignores the problems faced by public safety communicators and suggests that case-by-case, after-the-fact solutions could be found once interference manifests itself. Responding only after-the-fact to the problems affecting time critical public safety services is not acceptable, since a single interference incident can jeopardize the lives of emergency personnel and the citizens they serve.

Section 1 of the Communications Act of 1934, provides that the FCC is to "promote safety and life and property through the use of wire and radio communication." The Consensus Plan would greatly advance this vital objective. It has been over sixteen months since the FCC began its public safety spectrum proceedings and over one year since the Consensus Plan was submitted. Supporters of the Consensus Plan have recently addressed the remaining implementation details associated with the Plan. There is no reason for the FCC to postpone action any further.

We urge the FCC to resolve the issues facing the public safety community expeditiously and adopt in full the terms of the Consensus Plan.

Thank you for allowing me to share this important information with you.

Sincerely,

A handwritten signature in black ink, reading "Roann M. Destito". The signature is written in a cursive style with a large initial "R".

ROANN M. DESTITO
Member of Assembly, 116 A.D.

cc: The Honorable Charles Schumer, Member of U.S. Senate
The Honorable Hillary Rodham Clinton, Member of U.S. Senate
The Honorable Sherwood Boehlert, Member of U.S. House of Representatives
The Honorable James Walsh, Member of U.S. House of Representatives