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NORTH AMERICAN ELECTRIC RELIABILITY COUNCIL

Princeton Forrestal Village, 116-390 Village Boulevard, Princeton, New Jersey 08540-5731

April 30, 2004

Michael K. Powell, Chairman
Federal Communications Commission
445 Twelfth Street, SW, Eighth Floor
Washington, D.C. 20554

Dear Chairman Powell:

WT Docket No. 02-55 Improving Public Safety Communications in the 800 MHz Band

The North American Electric Reliability Council (NERC) wishes to express its concern over the implications of the FCC's decision in the above-referenced docket on the nation's electric utilities. With hundreds of private internal utility wireless systems operating in the 800 MHz band, NERC believes that the Commission must consider the special needs of critical service providers in deciding the complex issues of this matter. NERC generally supports the position of the United Telecom Council (UTC) as to the resolution of these issues.

NERC's mission is to ensure that the bulk electric system in North America is reliable, adequate, and secure. Since its formation in 1968, NERC has operated successfully as a self-regulatory organization, relying on reciprocity, peer pressure, and the mutual self-interest of all those involved. Through this private sector approach, NERC has helped to make the North American bulk electric system the most reliable in the world.

Should the Commission determine that mandatory rebanding is necessary in the 800 MHz band, NERC urges the FCC to ease the difficulties of this process as much as possible to ensure the continued safe provision of electric service to the general public. Among the issues arising from a rebanding mandate are the potential difficulties for critical infrastructure entities depending on the details of mandated migration, including who determines what costs are reimbursed and who administers the process. Utility resources are limited, and personnel required to carry out this work will necessarily be diverted from other critical projects, such as those designed to maintain reliability and critical infrastructure protection.

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Utility wireless systems must not be “frozen” for any lengthy period of time, nor excluded from access to additional spectrum, as these systems must grow with the electrical infrastructure they support to ensure the safety of crews as well as power networks. NERC also strongly opposes any restriction on electrical utilities from migrating to advanced wireless technology in the 800 MHz band. Many critical infrastructure licensees have already spent tens of millions of dollars to do so, providing the safety and efficiency benefits of better wireless systems to their employees, and thus, to the public as a whole. To prohibit this trend would be to render the frequency band — the most important Private Land Mobile Radio Services band available — useless in future years. NERC is aware of revised technical rules, proposed by interested parties in this proceeding, that would require improved engineering to prevent interference from such systems. Such rules should be implemented to make all parties responsible for preventing interference to all licensees without the need to restrict technological growth.

NERC thanks the Commission for this opportunity to comment in this important proceeding.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael K. Powell", with a long horizontal flourish extending to the right.