



EX PARTE OR LATE FILED

**THE ASSEMBLY
STATE OF NEW YORK
ALBANY**

CHAIRMAN
Subcommittee on Wildlife Management

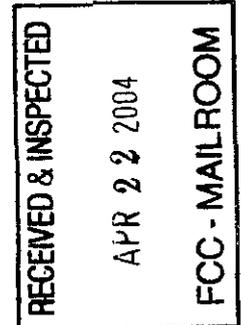
COMMITTEES
Agriculture
Environmental Conservation
Local Governments
Small Business
Transportation

RICHARD A. SMITH
Member of Assembly
146th District

ORIGINAL

SECRETARY
Majority Conference

April 14, 2004



Ms. 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 #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. We are actively following this vital proceeding for public safety and request our views be considered.

First responders in New York and across the country 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 neighborhood 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 many other fire/police associations across the state and country. 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 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 Consensus Plan.

No. of Copies rec'd _____
List ABCDE _____

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 is not acceptable, since a single interference incident can jeopardize the lives of emergency personnel and the citizens they serve.

I would like to take this opportunity to urge the FCC to resolve the issues facing the public safety community and adopt in full terms the consensus plan.

Sincerely,



Richard A. Smith
MEMBER OF ASSEMBLY

RAS:mjg

Cc: Senator Hillary Rodham Clinton
Senator Charles Schumer
Congressman Jack Quinn
Congresswoman Louise Slaughter
Ms. Margaret Vandervort