

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Improving Public Safety Communications in the) WT Docket No. 02-55
800 MHz Band)
)
Consolidating the 900 MHz Industrial/Land)
Transportation and Business Pool Channels)

To: The Commission

EX PARTE COMMENTS

The cities of Aventura, Florida (“Aventura”) and North Miami Beach, Florida (“NMB”), through counsel, hereby submit the following Ex Parte Comments in response to the Ex Parte presentation by Nextel Communications, Inc. (“Nextel”) on June 4, 2004 in the above-captioned proceeding.

I. BACKGROUND

Aventura is located in northern Miami-Dade County near the coast of the Atlantic Ocean. The population of Aventura varies from 20,000 in the summer to 30,000 in the winter season, and is continuing to grow. The continued growth of the community has placed an ever-increasing burden on the city’s police staff. North Miami Beach is also located in northern Miami-Dade County, with a similar size population.

Prior to 1999, Aventura and NMB shared the Miami-Dade twenty channel 800 MHz trunked radio system with other municipalities in the area. Do to overcrowding on the system, Aventura and NMB sought alternative spectrum. However, due to Aventura and NMB’s proximity to Miami and West Palm Beach, the cities were unable to locate alternative spectrum. Therefore, Aventura and

NMB filed a request for a waiver of the Commission's Rules to utilize frequencies "offset" from regular 800 MHz channels by 12.5 kHz. The waivers were granted in 2000.

Since implementation of the new system, Aventura and NMB have been extremely careful management of their systems in order to avoid interference to adjacent channel licensees. Of course, the utilization of offset channels has had the dual impact of limiting Aventura and NMB's ability to fully utilize their systems, as well as limiting the ability of adjacent channel licensees to add transmitter sites which are closer to Aventura or NMB.

Aventura and NMB have experienced interference on their shared system. Immediately upon discovery, the licensees contacted Nextel, whom Aventura and NMB suspected was the cause of the interference. Nextel personnel were extremely cooperative in helping Aventura and NMB locate the source of the interference, which turned out not to be Nextel, but rather a local public safety agency which had initiated unlicensed operations on adjacent frequencies at transmitter site close to the site operated by Aventura and NMB.

II. COMMENTS

To date, Aventura and NMB have not filed individual comments in this proceeding. Rather, Aventura and NMB have relied on their representative trade associations, including the Association of Public-Safety Communications Officials, International ("APCO") and the International Association of Chiefs of Police ("IACP"). Aventura and NMB are supportive in the efforts of these associations in helping to reach a resolution in this proceeding which will provide interference resolution for public safety agencies.

On June 4, 2004, Nextel made an Ex Parte presentation to the Commission, during which time Nextel offered an additional 2 MHz of 800 MHz spectrum for public safety use. Because of

their current utilization of offset channels, Aventura and NMB wish to take this opportunity to comment separately from APCO and IACP, and emphasize the importance of this proposal.

Under the current Consensus Plan, it is possible that Aventura and NMB may be able to move to non-offset channels as the result of re-banding in South Florida. To Aventura, NMB, and those agencies utilizing spectrum adjacent to Aventura and NMB's authorization, this would be a tremendous benefit of re-banding, as the excess spectrum which might result from re-banding might permit Aventura and NMB to utilize standard spaced channels. However, such an outcome is not guaranteed. Rather, it is dependent upon the amount of spectrum which remains after all licensees that need to move out of the General Category channels can be accommodated.

The additional 2 MHz offered by Nextel virtually ensures that Aventura and NMB will be able to move to non-offset channels when South Florida is re-banded. Even after allocation to Aventura and NMB of "regular" channels, there will be a number of channels available to help relieve congestion on the currently crowded 800 MHz public safety systems in the area.¹

III. CONCLUSION

Aventura and North Miami Beach support the goals and proposals in the Consensus Plan. The proposal will have a two-fold impact on Aventura and North Miami Beach: (1) resolving interference; and (2) providing additional public safety spectrum for much needed uses. Aventura and North Miami Beach urge the Commission to act expeditiously in this matter. The proceeding has taken far too long, and it is time for a decision to be rendered.

¹ The proposal will most likely have a similar, positive impact for the County of Pasco, Florida, licensee of FCC Call Sign KIB662, which also utilizes a channel 12.5 kHz offset from regularly assigned channels.

WHEREFORE, the premises considered, it is respectfully requested that the Commission act in accordance with the views expressed herein.

Respectfully submitted,

CITY OF AVENTURA, FLORIDA
CITY OF NORTH MIAMI BEACH, FLORIDA

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