June 16, 2004

Via Electronic Filing

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: *Improving Public Safety Communications in the 800 MHz Band; Consolidating the 900 MHz Industrial/Land Transportation and Business Pool Channels*, WT Docket No. 02-55
Ex Parte Presentation

Dear Ms. Dortch:

On June 15, 2004, Lawrence R. Krevor, Vice President – Government Affairs, Nextel Communications, Inc. ("Nextel"), spoke by telephone with Aaron Goldberger, Legal Advisor, Office of the Bureau Chief, Wireless Telecommunications Bureau, regarding the above-referenced proceeding. Mr. Krevor and Mr. Goldberger discussed the following topics: (1) Nextel's June 14, 2004 *ex parte* letter regarding accommodation of EA licensees in the realigned 800 MHz band;[1] and (2) Nextel's June 9, 2004 *ex parte* letter offering to contribute an additional 2 MHz to the Consensus Plan for 800 MHz realignment.[2] Mr. Krevor discussed with Mr. Goldberger certain improvements to the interference protection criteria for this additional 2 MHz, thereby providing increased interference protection for 816-817/861-862 MHz licensees.

Under the enhanced Consensus Plan, licensees in the 816-817/861-862 MHz portion of the expanded 14.5 MHz non-cellular, high-site block will be directly adjacent to the reduced, 14 MHz cellular, low-site channel block. In its June 9 *Ex Parte* Letter, Nextel proposed that a licensee in the 816-817/861-862 MHz band would need a signal strength of at least -65 dBm in the affected area for the licensee to hold adjacent cellular

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[1] *See* Letter from James B. Goldstein, Nextel, to Michael Wilhelm, FCC (June 14, 2004). (Unless otherwise indicated, all *ex parte* letters cited herein were filed in WT Docket No. 02-55.)

[2] *See* Letter from Robert S. Foosaner, Nextel, to Marlene Dortch, FCC Secretary (June 9, 2004) ("Nextel June 9 *Ex Parte* Letter").

operators responsible for curing commercial mobile radio service ("CMRS") – public safety interference.[3]

Nextel now proposes that the Commission provide greater CMRS – public safety interference protection for 816-817/861-862 MHz licensees by adopting a sliding scale providing greater interference protection for the channels further away from the cellular, low-site channel block. Licensees at 816.00/861.00 MHz would be protected to a signal strength of –101 dBm for portables and –104 dBm for mobiles; the interference protection would be reduced to –80/–83 dBm, respectively, at 816.500/861.500 MHz; and ultimately to –65 dBm for both portables and mobiles at 817.00/862.00 MHz.[4] Thus, if a non-cellular block licensee operating on 861.00 MHz experiences CMRS – public safety interference, the interference-contributing CMRS licensees would be required to eliminate the interference, so long as the victim licensee's signal strength is at least equal to –101 dBm or –104 dBm, as appropriate, in the area of interference; *i.e.,* such licensees would enjoy full Appendix F interference protection. At 817.00/862.00 MHz, the non-cellular licensee would have to have a signal strength of at least –65 dBm to receive CMRS – public safety interference protection. The attached chart depicts the proposed interference protection sliding scale proposed herein.

This sliding scale will give licensees operating in the 816-817/861-862 MHz band greater flexibility in designing and deploying systems, and enable a wider variety of system designs to operate in this band. Licenses using 861.00 to 861.35 MHz would have the same interference protection as all licensees below 861 MHz under the Consensus Plan and would be able to deploy the same type of system designs. From 861.35 to 861.50 MHz, the required signal strength level would increase to -80/-83 dBm for portable and mobile stations, respectively; these levels are quite common for many non-cellular systems operating today. From 861.50 to 861.60 MHz, the required signal strength levels for both portable and mobile stations would increase to a single value of -70 dBm, and from 861.60-862.00 MHz to a single level of -65 dBm. These channels will be best suited for cellular-type low site deployments (including non-Nextel EA licensees), campus-type limited range systems, certain mobile data systems, in-building

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[3] *Id.* at 6.

[4] Although the 816-817/861-862 MHz band would now be part of the non-cellular block and the minimum signal strength sliding scale would apply to licensees in this band, all other portions of the interference safeguards and technical rules set forth in "Appendix F" as proposed by the Consensus Parties would continue to apply to the realigned 800 MHz band as modified by the enhanced Consensus Plan. *See Ex Parte* Submission of the Consensus Parties, Attachment 1 (Aug. 7, 2003).

systems, and other users operating in a relatively small area with higher signal strength, as discussed in Nextel's June 9 *Ex Parte* Letter.[5]

Nextel offers this enhancement in the same spirit that has guided its efforts for more than two years to work cooperatively with the Commission, the public safety and private wireless communities, and all affected licensees. In doing so, Nextel's goal has been to help craft an effective and fair resolution in this proceeding that will achieve all of the Commission's goals: remedy the 800 MHz interference problem, provide additional spectrum for public safety communications, and minimize disruption to incumbent licensees.

In a June 14, 2004 *ex parte* letter to Chairman Powell, the public safety community endorsed the additional 2 MHz enhancement of the Consensus Plan – *without the improved interference protection described herein* – and urged the Commission to move swiftly in issuing a decision adopting the Consensus Plan.[6] Nextel joins the public safety parties in this request.

Pursuant to section 1.1206(b)(2) of the Commission's rules, 47 C.F.R. § 1.1206(b)(2), this letter is being filed electronically for inclusion in the public record of the above-referenced proceeding.

Respectfully submitted,

/s/ Lawrence R. Krevor

Lawrence R. Krevor
Vice President – Government Affairs

2001 Edmund Halley Drive
Reston, VA 20191
(703) 433-4141

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[5] As discussed in Nextel's June 9 *Ex Parte* Letter, at 7-8, the 40 channels in the additional 2 MHz offer a particularly suitable location for retuning non-Nextel EA licensees that desire to implement cellular-like, mixed high-site and low-site infrastructure, thereby helping to free up lower channels for public safety use.

[6] Letter from Vincent Stile, Association of Public-Safety Communications Officials-International; Chief Ernest Mitchell, International Association of Fire Chiefs; Chief Joseph Polisar, International Association of Chiefs of Police; Chief Harold Hurtt, Major Cities Chiefs Association; Sheriff Wayne Gay, National Sheriffs' Association; and Sheriff Margo Frasier, Major County Sheriffs' Association, to Chairman Michael Powell, FCC (June 14, 2004).

cc: Bryan Tramont
Jennifer Manner
Samuel Feder
John B. Muleta
David Furth
Walter Strack
Michael Wilhelm
Sheryl Wilkerson
Paul Margie
Barry Ohlson
Catherine W. Seidel
Aaron Goldberger
D'wana Terry