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October 12, 2004

The Honorable Michael Powell
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

RE: Docket 03-103, ex parte communication

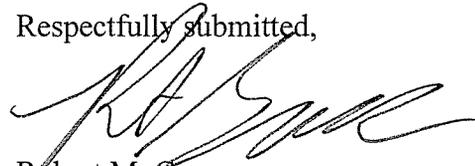
Dear Mr. Chairman:

APCO understands that the Commission may soon adopt an order in the above-referenced proceeding concerning Air-to-Ground (“ATG”) radio communications in the 849-851 and 894-896 MHz bands. The 849-851 MHz band is immediately adjacent to the “downlink” portion of the 806-809.75/851-854.75 MHz band that is currently allocated for a variety of Part 90 private land mobile radio services in the “General Category.” State and local public safety agencies are among the current licensees in that band. Moreover, the Commission recently adopted a Report and Order to reconfigure the “800 MHz band” such that 806-809.75/851-854.75 MHz will be allocated exclusively for public safety communications. *Report and Order in WT Docket 02-55*, FCC 04-168 (released August 6, 2004). The principal purpose of that reconfiguration is to eliminate serious interference to public safety and other licensees.

APCO is very concerned that some of the ATG proposals under review by the Commission could lead to new sources of dangerous interference to both current and future public safety licensees in the 806-809.75/851-854.75 MHz band. It is not clear that either the Commission or the parties in the ATG proceeding have devoted sufficient attention or analysis to this potential adjacent band interference problem. Therefore, APCO urges the Commission

to postpone action until such time as it is satisfied that changes to the 849-851 MHz band will not interfere now or in the future with public safety operations.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Gurs', written over a horizontal line.

Robert M. Gurs
Director, Legal & Government
Affairs

cc: The Honorable Jonathan Adelstein
The Honorable Kathleen Abernathy
The Honorable Kevin Martin
The Honorable Michael Copps
John Muleta, Chief, WTB