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City of Cleveland  
Michael R. White, Mayor

MAY - 3 2001

Division of Police  
Martin L. Flask, Chief  
1300 Ontario Street  
Cleveland, Ohio 44113-1648  
216/623-5005 • FAX 216/623-5584

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

April 16, 2001

The Honorable Michael K. Powell  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

*WT Docket No. 99-168*

Dear Mr. Chairman:

The Major Cities Chiefs Association (MCC) hereby submits its comments in support of the Petition for Reconsideration recently filed by the National Public Safety Telecommunications Council (NPSTC). NPSTC's petition recommends the commission reverse its decision to allow high power commercial base station operations in the 777-792 MHz band, adopt tighter restrictions on errant signals from 700 MHz band commercial operations, and use a "zero tolerance" policy to address interference.

The Major Cities Chiefs Association is a professional association of police executives from the largest cities in the United States and Canada. The association provides a forum for urban police Chiefs, sheriffs, and other law enforcement chief executives to discuss common problems encountered in the effort to protect and serve cities with populations more than 500,000 people.

Interference by commercial carriers to public safety systems is a problem that has recently been increasing throughout the United States. As more and more commercial systems are deployed, the interference to public safety is increasing in direct proportion. Although all parties involved usually work together to attempt to resolve the interference, it takes time and resources away from each party's prime directive - in the case of public safety protecting the health and property of the public.

It seems inconceivable that the Commission would knowingly permit commercial carriers to operate in ways that would result with interference problems. TIA's study, (submitted with NPSTC's petition) demonstrates that if high-power base station operations are permitted in the 777-792 MHz band, interference from those stations to public safety stations on adjacent frequencies is a foregone conclusion. Under the Commission's latest decision, public safety's only recourse in the new 700 MHz band would be to address interference that occurs after the fact on a case by case basis. That is totally unacceptable and defies any logical planning for the effective use of this needed spectrum.

In addition to limiting base stations in the 747-762 MHz portion of the commercial allocation, we support NPSTC's other proposals to eliminate interference in the 700 MHz band. Specifically, we support the "zero tolerance" for any interference by commercial carriers, the recommendations regarding changes to section 27.53 of the rules, as well as the proposal to "limit the aggregate of interference from any number of out-of-band transmitters that raise the noise floor with any 6.25 kHz public safety channel by more than 3dB above thermal noise." While we are not technical experts, we have confidence in TIA's engineering analysis.

Unless public safety can use the new 700 MHz allocation (and other future allocations) without interference, the Commission will have failed to comply with Congress' directive to "ensure that public safety licensees continue to operate free of interference from any new commercial licensees." Furthermore, Congress' direct instructions, that the Commission provides public safety with additional spectrum, will be undercut.

In conclusion for the reasons stated above, the MCC strongly supports NPSTC's Petition for Reconsideration in all aspects and urges the Commission to adopt the proposals outlined therein.

Sincerely,

  
Martin Flaska  
Chief of Police

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W T Doehet No. 99-168,

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

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Dear Sir,

I read with great interest a letter to you from Harold Hurtt, the chief of police, Phoenix. We have heard numerous comments from the chief of police in Honolulu, Texaco Communications and closer to home our SMR customers here in Bakersfield.

They all complain that when a mobile unit is close to a Nextel tower their reception is blocked. The problem is getting worse and the last two commissions looked the other way. The radio users in Bakersfield are just important as the other 800 Mhz users across the 50 states. Nextel's interference has got to stop.

Our businessmen, farmers, oilmen, contractors, ambulance drivers need to hear their calls in all parts of town. This is not just a public safety issue. It is not fair that one company can bully the American public.

Please listen to Chief Hurtt's plea.

Sincerely,



George S. Gillam  
3519 Pinehurst Drive  
Bakersfield CA 93306-3637

**From Harold Hurtt, chief of police, Phoenix**

If police officers were asked to rank the importance of the tools we provide them to do their jobs, a functional police radio would be at or near the top of most lists. Our police radios function as lifelines for our officers and the public we are sworn to protect.

The 800MHz spectrum that my department and several others have converted to has, unfortunately, been seriously compromised by commercial carrier interference, the largest being Nextel. The City of Phoenix has spent nearly \$500,000 on additional infrastructure and other improvements without regaining an acceptable level of performance.

Due to the continuing 800MHz interference problems and our need to obtain additional bandwidth for future applications, we have been anxiously awaiting the availability of the 700MHz spectrum that has been allocated for public safety. We did not anticipate interference being a problem in the 700MHz spectrum because the Balanced Budget Act of 1997 and the accompanying conference report clearly state that "public safety service licensees will operate free of interference from any new commercial licensee."

Recent engineering studies indicate that the emission protection rules currently established by the FCC are inadequate to protect public safety users from commercial carrier interference. The FCC standards established will not be sufficient to protect public safety from third- and fourth-generation commercial digital technologies, including time-division duplex (TDD) applications. Current FCC plans call for auctioning the 700MHz spectrum to commercial services on March 6, 2001.

The National League of Cities' Local State Government Advisory Committee (LSGAC) has summarized the 700MHz issue as follows:

"With the greater and accelerating use of spectrum it is absolutely essential that the 700MHz portion of the spectrum that has been set aside specifically for public safety uses have its complete functionality protected from the beginning. Attempting to fix problems after they occur will impose needless costs on the public and private sectors for litigation and less-than satisfactory retrofits. Public safety needs deserve the highest possible priorities from the commission."

The LSGAC has made the following recommendations:

1. The FCC should remove the TDD digital transmitters from the commercial (CMRS) band adjacent to public safety base station receivers.
2. The out-of-band-emission standard should be reduced from -46 dBm to a lower value of -80 dBm. Trapping noise before it is transmitted benefits all users by keeping the "noise floor" lower in this spectrum.

Please join the City of Phoenix, the Phoenix Police Department and myself in supporting the LSGAC recommendations. Support should be expressed by calling your elected representatives in Washington and by writing the FCC. Since the FCC's rulemaking process for the 700MHz spectrum seems to have run its course, we believe it will take an expression of concern from Congress to get anything changed. We believe it will also be valuable to let the FCC know that we are dealing with an issue of extreme concern to public safety. Please expedite your calls and letters. We must modify the FCC's current position on the 700 spectrum prior to the auction on March 6, 2001.

In my many years in law enforcement, I cannot recall a single issue with greater impact on our ability to do our job. Please lend your support!

Write to:

**The Honorable Michael Powell, Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, D.C. 20554**

*Editor's note: On Jan. 31, the FCC acted to postpone the auction that Chief Hurtt mentions until Sept. 12, 2001. Related information appears on page 20.*



OFFICE OF THE CHIEF OF POLICE  
DEPARTMENT OF POLICE  
(757) 427-4141

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MAY - 3 2001

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

City of Virginia Beach

MUNICIPAL CENTER  
BUILDING 11  
2509 PRINCESS ANNE ROAD  
VIRGINIA BEACH, VIRGINIA 23456-9064

April 11, 2001

*WT Docket No. 99-168*

The Honorable Michael K. Powell  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Dear Mr. Chairman:

The Major Cities Chiefs Association (MCC) hereby submits its comments in support of the Petition for Reconsideration recently filed by the National Public Safety Telecommunications Council (NPSTC). NPSTC's petition recommends the Commission reverse its decision to allow high power commercial base station operations in the 777-792 MHz band, adopt tighter restrictions on errant signals from 700 MHz band commercial operations and use a "zero tolerance" policy to address interference situations that do occur.

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Interference by commercial carriers to public safety systems is a problem that has recently been increasing in scope throughout the United States. As more and more commercial systems are deployed, the interference to public safety is increasing in direct proportion. Although all parties involved in the interference complaints usually work together to attempt to resolve the interference, it takes time and resources away from each party's prime directive – in the case of public safety, protecting the health and property of the public.

It seems inconceivable that the Commission would knowingly permit commercial carriers

The Honorable Michael K. Powell  
April 11, 2001  
Page Two

in the 700 MHz band to operate in ways that would result in introducing interference problems into the new band. TIA's study (submitted with NPSTC's petition) demonstrates that if high-power base station operations are permitted in the 777-792 MHz band, interference from those stations to public safety stations on adjacent frequencies is a foregone conclusion. Under the Commission's latest decision, public safety's only recourse in the new 700 MHz band would be to address interference that occurs after the fact on a case-by-case basis. That is totally unacceptable for critical public safety services and defies any logical planning for the effective use of this needed spectrum.

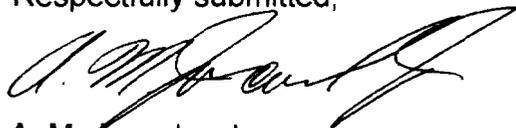
Members of the MCC look forward to using the 700 MHz band in the many areas of the country where it is available today with even greater use planned as TV is cleared from the band. We would like to be able to use the band without encountering the types of interference currently being experienced at 800 MHz. The Commission should craft rules aimed at preventing interference rather than taking a "wait and see if it happens" attitude.

In addition to limiting base stations to the 747-762 MHz portion of the commercial allocation, we support NPSTC's other proposals to eliminate interference in the 700 MHz band. Specifically, we support the concept of "zero tolerance" for any interference by commercial carriers to public safety, the recommendations contained in the NPSTC petition regarding changes to section 27.53 of the rules, as well as the proposal to "limit the aggregate of interference from any number of out-of-band transmitters that raise the noise floor within any 6.25 kHz public safety channel by more than 3 dB above thermal noise." While we are not technical experts, we have confidence in TIA's engineering analyses.

Unless public safety can use the new 700 MHz allocation (and other future spectrum allocations) without experiencing interference, the Commission will have failed to comply with Congress' directive to "ensure that public safety licensees continue to operate free of interference from any new commercial licensees." Furthermore, Congress' direct instructions that the Commission provides public safety with additional spectrum will be undercut.

In conclusion, for the reasons stated above, the MCC vigorously supports NPSTC's Petition for Reconsideration in all aspects and urges the Commission to adopt the proposals outlined therein.

Respectfully submitted,



A. M. Jacocks, Jr.  
Chief of Police

AMJjr/mjw



City of Chicago  
Richard M. Daley, Mayor

Office of Emergency  
Communications (9-1-1/3-1-1)

Gregory B. Bishop  
Executive Director

1411 West Madison Street  
Chicago, Illinois 60607  
(312) 746-9111  
(312) 746-9120 (FAX)  
(312) 746-9911 (TTY)

<http://www.ci.chi.il.us>

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April 20, 2001

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MAY - 3 2001

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

The Honorable Michael K. Powell  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

*WT Docket No. 99-168*

Dear Mr. Chairman:

The Chicago Office of Emergency Communications hereby submits its comments in support of the Petition for Reconsideration recently filed by the National Public Safety Telecommunications Council (NPSTC). NPSTC's petition recommends the Commission reverse its decision to allow high power commercial base station operations in the 777-792 MHz band, adopt tighter restrictions on errant signals from 700 MHz band commercial operations and use a "zero tolerance" policy to address interference situations that do occur.

The Chicago Office of Emergency Communications is the agency that manages and operates the Public Safety Communications systems for the Chicago Police and Fire Departments. These systems support the response to 4.5 million emergency calls each year from a population base of just under 3 million.

Interference by commercial carriers to public safety communications is a problem that has recently been increasing not only in Chicago, Illinois but throughout the United States. As more and more commercial systems are deployed, the parties involved in interference complaints usually work together to attempt to resolve the interference, but it takes time and resources away from each party's prime directive which in the case of public safety is protecting life and property.

We understand that the Commission would not knowingly permit commercial carriers in the 700 MHz band to operate in ways that would result in introducing interference problems into the new band. TIA's study, (submitted with NPSTC's petition) demonstrates that if high-power base station operations are permitted in the 777-792 MHz band, interference from those stations to public safety stations on adjacent frequencies is a foregone conclusion. Under the Commission's latest decision, public safety's only recourse in the new 700 MHz band would be to address interference that occurs after the fact on a case-by-case basis. That is totally unacceptable for critical public safety services and defies any logical planning for the effective use of this needed spectrum.

NEIGHBORHOODS



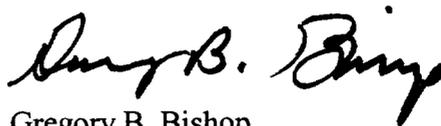
The City of Chicago looks forward to using the 700 MHz band as soon as possible with even greater use planned as TV is cleared from the band. We would like to be able to use the band without encountering the types of interference currently being experienced at 800 MHz. The Commission should draft rules aimed at preventing interference, rather than taking a 'wait and see if it happens' attitude.

In addition to limiting base stations to the 747-762 MHz portion of the commercial allocation, we support NPSTC's other proposals to eliminate interference in the 700 MHz band. Specifically, we support the concept of 'zero tolerance' for any interference by commercial carriers to public safety, the recommendations contained in the NPSTC petition regarding these changes to section 27.53 of the rules, as well as the proposal to "limit the aggregate of interference from any number of out-of-band transmitters that raise noise floor within any 6.25 kHz public safety channel by more than 3 dB above thermal noise." While we are not technical experts, we have confidence in TIA's engineering analyses.

Unless public safety can use the new 700 MHz allocation (and other future spectrum allocations) without experiencing interference, the Commission will have failed to comply with Congress' directive to 'ensure that public safety licensees continue to operate free of interference from any new commercial licensees.' Furthermore, Congress' direct instructions that the Commission provides public safety with additional spectrum will be undercut.

In conclusion for the reasons stated above, the City of Chicago vigorously supports NPSTC's Petition for Reconsideration in all aspects and urges the Commission to adopt the proposals outlined therein.

Respectfully submitted,



Gregory B. Bishop  
Executive Director

cc: Office of the Secretary  
Ms. Magalie Roman Sallas  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554



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MAY - 3 2001

**Bill Campbell**  
Mayor

**CITY OF ATLANTA**

City Hall East – Ninth Floor  
675 Ponce de Leon Avenue NE  
Atlanta, Georgia 30308-1808  
(404) 817-6900  
<http://www.atlantapd.org>

FEDERAL COMMUNICATIONS COMMISSION  
**Atlanta Police Department**  
**Beverly J. Harvard**  
Chief of Police

April 16, 2001

The Honorable Michael K. Powell  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

*WT Product No. 99-168*

Dear Mr. Chairman:

As a member of The Major Cities Chiefs Association (MCC), I hereby submit the organization's comments in support of the petition for Reconsideration recently filed by the National Public Safety Telecommunications Council (NPSTC). NPSTC's petition recommends the Commission reverse its decision to allow high power commercial base station operations in the 777-792 MHz band, adopt tighter restrictions on errant signals from 700 MHz band commercial operations and use a "zero tolerance" policy to address interference situations that do occur.

The Major Cities Chiefs Association is a professional association of police executives from the largest cities in the United States and Canada. The association provides a forum for urban police chiefs, sheriffs, and other law enforcement chief executives to discuss common encounters in the effort to protect and serve cities with populations in excess of 500,000 people.

Interference by commercial carriers to public safety systems is a problem that has recently been increasing in scope throughout the United States. As more and more commercial systems are deployed, the interference to public safety is increasing in direct proportion. Although all parties involved in the interference complaints usually work together to attempt to resolve the interference, it takes time and resources away from each party's prime directive – in the case of public safety protecting the health and property of the public.

It seems inconceivable that the Commission would knowingly permit commercial carriers in the 700 MHz band to operate in ways that would result in introducing

interference problems into the new band. TIA's study, (submitted with NPSTC's petition) demonstrates that if high-power base station operations are permitted in the 777-792 MHz band, interference from those stations to public safety stations on adjacent frequencies is a foregone conclusion. Under the Commission's latest decision, public safety's only recourse in the new 700 MHz band would be to address interference that occurs after the fact on a case-by case basis. That is totally unacceptable for critical public safety services and defies any logical planning for the effective use of this needed spectrum.

Members of the MCC look forward to using the 700 MHz band in the many areas of the country where it is available today with even greater use planned as TV is cleared from the band. We would like to be able to use the band without encountering the types of interference currently being experienced at 80 MHz. The Commission should craft rules aimed at preventing interference, rather than taking a "wait and see if it happens" attitude.

In addition to limiting base stations to the 747-762 MHz portion of the commercial allocation, we support NPSTC's other proposals to eliminate interference in the 700 MHz band. Specifically, we support the concept of "zero tolerance" for any interference by commercial carriers to public safety, the recommendations contained in the NPSTC petition regarding changes to section 27.53 of the rules, as well as the proposal to "limit the aggregate of interference from any number of out-of-band transmitters that raise the noise floor within any 6.25 kHz public safety channel by more than 3 dB above thermal noise. While we are not technical experts, we have confidence in TIA's engineering analyses.

Unless public safety can use the new 700 MHz allocation (and other future spectrum allocations) without experiencing interference, the Commission will have failed to comply with Congress' directive to 'ensure that public safety licensees continue to operate free of interference from any new commercial licensees.' Furthermore, Congress' direct instructions that the Commission provides public safety with additional spectrum will be undercut.

In conclusion, for the reasons stated above, the MCC vigorously supports NPSTC'S Petition for Reconsideration in all aspects and urges the Commission to adopt the proposals outlined therein.

Sincerely,

A handwritten signature in black ink that reads "Beverly J. Harvard". The signature is written in a cursive, flowing style.

Chief of Police

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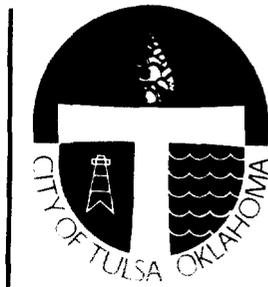
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Tulsa Police Department

600 CIVIC CENTER • TULSA, OKLAHOMA • 74103-3822

OFFICE OF THE  
CHIEF OF POLICE

Phone (918) 596-9328  
Fax (918) 596-9330



www.tulsapolice.org

April 17, 2001

*WT Docket No. 99-168*

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Chairman  
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The Honorable Michael K. Powell

April 17, 2001

Page 2 of 2

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Members of the MCC look forward to using the 700 MHz band in the many areas of the country where it is available today with even greater use planned as TV is cleared from the band. We would like to be able to use the band without encountering the types of interference currently being experienced at 800 MHz. The Commission should craft rules aimed at preventing interference, rather than taking a "wait and see if it happens" attitude.

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In conclusion for the reasons stated above, the MCC vigorously supports NPSTC's Petition for Reconsideration in all aspects and urges the Commission to adopt the proposals outlined therein.

Sincerely,



Ronald Palmer  
Chief of Police

RP:lc

cc: Office of the Secretary  
Ms. Magalie Roman Sallas  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554



The City of  
**OKLAHOMA CITY**  
POLICE DEPARTMENT  
M. T. Berry  
Chief of Police

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FEDERAL COMMUNICATIONS COMMISSION  
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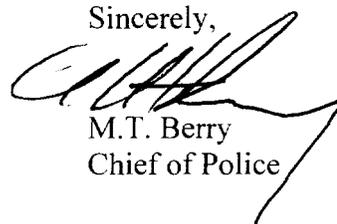
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In conclusion for the reasons stated above, the MCC and I vigorously support NPSTC's Petition for Reconsideration in all aspects and urge the Commission to adopt the proposals outlined therein.

Sincerely,

A handwritten signature in black ink, appearing to read 'M.T. Berry', is written over the typed name and title.

M.T. Berry  
Chief of Police

EX PARTE OR LATE FILED  
THE CITY OF SAN DIEGO

MAY - 3 2001

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY  
IN REPLYING  
PLEASE GIVE  
OUR REF. NO. 1050

April 16, 2001

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

*WT Docket No. 99-168*

Dear Chairman Powell:

This letter is being written in support of a Petition for Reconsideration recently filed by the National Public Safety Telecommunications Council (NPSTC). Their petition is requesting the honorable Chairman and Commission members reconsider their decision to allow high power commercial base station operations in the 777-792 MHz band and to consider adopting tighter restrictions on errant signals from 700 MHz band commercial operations and initiate a "zero tolerance" policy to address interference incidents that do occur.

Interference on public safety communications systems by commercial carriers being allowed to use the same bands has been a problem for years and is increasing in scope throughout the United States. Although all parties involved in the interference complaints usually work together to attempt to resolve each incident, it is a time consuming process and one that does not result in any final resolution of the problem.

In addition to limiting base stations to the 747-762 MHz portion of the commercial allocation, I am also supportive of the other proposals offered by NPSTC for the commission's consideration. By allowing law enforcement and other public safety agencies the use of the 700 MHz allocation without troublesome interference complexities, the Commission will greatly assist law enforcement in providing services to the public of the highest quality while also ensuring the safety of its police officers by providing dedicated and interference-free communication transmissions.

Thank you for your consideration in these matters of mutual concern.

Sincerely,

*D. Bejarano*  
David Bejarano  
Chief of Police

DB:ka



Office of the Chief of Police  
1401 Broadway • San Diego, CA 92101-5729  
Tel (619) 531-2000



EX PARTE OR LATE FILED

CITY OF BUFFALO  
DEPARTMENT OF POLICE



Rocco J. Diina  
Commissioner of Police

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74 Franklin Street  
Buffalo, NY 14202-4099  
Phone: (716) 851-4444

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

April 16, 2001

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Interference by commercial carriers to public safety systems is a problem that has recently been increasing in scope throughout the United States. As more and more commercial systems are deployed, the interference to public safety is increasing in direct proportion. Although all parties involved in the interference complaints usually work together to attempt to resolve the interference, it takes time and resources away from each party's prime directive – in the case of public safety protecting the health and property of the public.

It seems inconceivable that the Commission would knowingly permit commercial carriers in the 700 MHz band to operate in ways that would result in introducing interference problems into the new band. TIA's study, (submitted with NPSTC's petition) demonstrates that if high-power base station operations are permitted in the 777-792 MHz band, interference from those stations to public safety stations on adjacent frequencies is a foregone conclusion. Under the Commission's latest decision,

public safety's only recourse in the new 700 MHz band would be to address interference that occurs after the fact on a case-by case basis. That is totally unacceptable for critical public safety services and defies any logical planning for the effective use of this needed spectrum.

Members of the MCC look forward to using the 700 MHz band in the many areas of the country where it is available today and even greater use planned as TV is cleared from the band. We would like to be able to use the band without encountering the types of interference currently being experienced at 800 MHz. The Commission should craft rules aimed at preventing interference, rather than taking a 'wait and see if it happens' attitude.

In addition to limiting base stations to the 747-762 MHz portion of the commercial allocation, we support NPSTC's other proposals to eliminate interference in the 700 MHz band. Specifically, we support the concept of 'zero tolerance' for any interference by commercial carriers to public safety, the recommendations contained in the NPSTC petition regarding changes to section 27.53 of the rules, as well as the proposal to "limit the aggregate of interference from any number of out-of-band transmitters that raise the noise floor within any 6.25 kHz public safety channel by more than 3 dB above thermal noise." While we are not technical experts, we have confidence in TIA's engineering analyses.

Unless public safety can use the new 700 MHz allocation (and other future spectrum allocations) without experiencing interference, the Commission will have failed to comply with Congress' directive to 'ensure that public safety licensees continue to operate free of interference from any new commercial licensees.' Furthermore, Congress' direct instructions that the Commission provides public safety with additional spectrum will be undercut.

In conclusion for the reasons stated above, the MCC vigorously supports NPSTC's Petition for Reconsideration in all aspects and urges the Commission to adopt the proposals outlined therein.

Respectfully submitted,



Rocco J. DiIra  
Commissioner of Police

RJD/yq

EX PARTE OR LATE FILED

# Newark

Sharpe James  
Mayor

LIA 9-5



Department of Police

31 Green Street  
Newark, New Jersey 07102  
973-733-6007

Joseph J. Santiago  
Police Director

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MAY - 3 2001

April 17, 2001  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

The Honorable Michael K. Powell  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

*WT Doc# No. 99-168*

Dear Mr. Chairman:

The Major Cities Chiefs Association (MCC) hereby submits its comments in support of the Petition for Reconsideration recently filed by the National Public Safety Telecommunications Council (NPSTC). NPSTC's petition recommends the Commission reverse its decision to allow high power commercial base station operations in the 777-792 MHz band, adopt tighter restrictions on errant signals from 700 MHz band commercial operations and use a "zero tolerance" policy to address interference situations that do occur.

The Major Cities Chiefs Association is a professional association of police executives from the largest cities in the United States and Canada. The association provides a forum for urban police chiefs, sheriffs, and other law enforcement chief executives to discuss common problems encountered in the effort to protect and serve cities with populations in excess of 500,000 people.

Interference by commercial carriers to public safety systems is a problem that has recently been increasing in scope throughout the United States. As more and more commercial systems are deployed, the interference to public safety is increasing in direct proportion. Although all parties involved in the interference complaints usually work together to attempt to resolve the interference, it takes time and resources away from each party's prime directive – in the case of public safety protecting the health and property of the public.

It seems inconceivable that the Commission would knowingly permit commercial carriers in the 700 MHz band to operate in ways that would result in introducing interference problems into the new band. TIA's study, (submitted with NPSTC's petition) demonstrates that if high-power base station operations are permitted in the 777-792 MHz band, interference from those stations to public safety stations on adjacent frequencies is a foregone conclusion. Under the Commission's latest decision, public safety's only recourse in the new 700 MHz band would be to address interference that occurs after the fact on a case-by-case basis. That is totally unacceptable for critical public safety services and defies any logical planning for the effective use of this needed spectrum.

Michael K. Powell, Chairman, FCC  
April 17, 2001  
Page 2

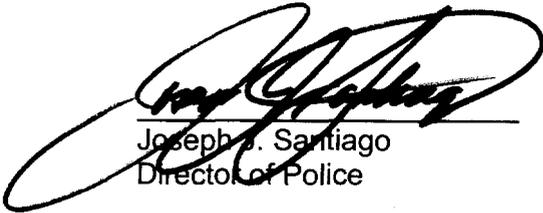
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Unless public safety can use the new 700 MHz allocation (and other future spectrum allocations) without experiencing interference, the Commission will have failed to comply with Congress' directive to 'ensure that public safety licensees continue to operate free of interference from any new commercial licensees'. Furthermore, Congress' direct instructions that the Commission provides public safety with additional spectrum will be undercut.

In conclusion for the reasons stated above, the MCC vigorously supports NPSTC's Petition for Reconsideration in all aspects and urges the Commission to adopt the proposals outlined therein.

Sincerely,



Joseph A. Santiago  
Director of Police

JJS/df

c: Sheriff Jerry Keller, President  
Major Cities Chiefs



**FLORENCE COUNTY**  
**DEPARTMENT OF EMERGENCY MANAGEMENT**  
**EX PARTE OR LATE FILED**

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MAY - 3 2001

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

April 19, 2001

**Before the**  
**Federal Communications Commission**  
**Washington, DC 20554**

In the Matter of

Service Rules for the 746-764 and 776-794 MHz Bands and Revisions to Part 27 of the Commission's Rules

WT Docket No. 99-168

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Petition for Reconsideration by The  
National Public Safety Telecommunications  
Council

Florence County Emergency Management hereby submits comments in full support of the recent petition for reconsideration in this proceeding filed by the National Public Safety Telecommunications Council.

As Assistant Director here in Florence County, I have been watching with interest the Commission's activities responding to Congress' direction to allocate additional spectrum to public safety. In my view, the FCC has no higher priority than supporting public safety communications.

First of all, I would like to commend the Commission on dedicating the new spectrum at 700 MHz to public safety and adopting an interoperability standard to help ensure we can all communicate with one another. Now that these vital decisions have been made, public safety users are one step closer to actual operation in this band.

Unfortunately, I cannot applaud a recent decision by the Commission related to the commercial portion of the 700 MHz band. I was disturbed to discover from a petition filed by the National Public Safety Telecommunications Council (NPSTC) that the Commission had adopted rules which will cause interference to this much needed public safety spectrum. Permitting high power base stations to operate in both portions of the commercial allocation may provide commercial operators some flexibility. However, it is completely contrary to a more pressing public interest—that of the ability of public safety agencies to provide protection to the citizens of every state, county, town, city in this country. Public safety's ability to meet its critical mission has been hampered by the rising incidence of interference to public safety telecommunications systems by the increased deployment of commercial systems throughout the nation. This interference is occurring at 800 MHz. To imagine that service rules in the 700 MHz band could be adopted that would cause the interference dilemma to carry over and even increase into the new band is unimaginable.

***PROFESSIONALLY WE SERVE; PERSONALLY WE CARE!***

The Commission must re-think its decision to permit high power commercial base stations to operate in the 777-792 MHz portion of the band. NPSTC's Petition included a study performed by TIA – an organization comprised of multiple major manufacturers of public safety equipment – which demonstrated that the potential for interference from such stations is a very real threat. This threat must be eliminated from the outset. The Commission's decision to ask public safety and commercial carriers to resolve any instances of interference – which the Commission seemed to feel were remote – on a case-by-case basis is faulty. Our business is saving lives, not resolving interference caused by inadequate rules.

At 800 MHz, cases of interference are being resolved on a case-by-case basis because, at the time the rules for that band were written, no one envisioned the interference that would occur. In the case of 700 MHz, the Commission has the benefit of experience and hindsight and can therefore 'Monday morning quarterback' a better decision in the 700 MHz band. Case-by-case resolutions of interference complaints are costly and time-consuming for both parties. As NPSTC points out in its petition, both parties would prefer to be going about their normal business rather than investing time, energy, materials into investigating and resolving interference. The costs borne by public safety are absorbed by the taxpayer through higher taxes. The costs incurred by the commercial carrier are borne by the consumer – who is also the taxpayer. With case-by-case resolution scenarios, the taxpayer is hit on both sides.

The costs and inconvenience are one side of the story. What to me is the most compelling concern in the interference issue is the inability of public safety officers to communicate with one another, particularly in those times when communication with a fellow officer is of life and death importance. How can the FCC knowingly introduce the capacity for harmful interference into a new band that public safety is looking forward to using to help alleviate existing congestion and interference experienced in its current allocations?

A far better solution would be for the Commission to take steps to limit the potential for interference in the 700 MHz band at the outset. One way to do this is to reinstate the prohibition on high power base stations in the 777-792 MHz portion of the band. Other ways to limit interference to public safety in the 700 MHz band are put forth by NPSTC in its Petition – one being a proposal to use a specific interference threshold to determine the maximum level of interference public safety should receive from commercial carriers; the other being the adoption of a 'zero tolerance' policy on interference from commercial carriers to public safety.

In conclusion, I wholeheartedly support NPSTC's Petition for Reconsideration in all its aspects and ask that the FCC take the necessary steps to eliminate the potential for interference in the new 700 MHz band.

Sincerely,



Thomas F. Sullivan, Asst. Director  
F. C. Emergency Management

cc: Office of the Secretary  
Ms. Magalie Roman Sallas  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554