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April 30, 2001

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

*WT Docket No. 99-168*

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.

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.

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Honorable Michael K. Powell  
April 30, 2001  
Page 2

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 the 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,



Carlos Alvarez  
Director