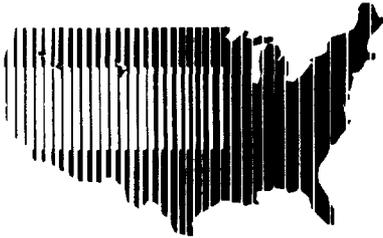


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LAND MOBILE COMMUNICATIONS COUNCIL



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July 27, 2001

The Honorable Michael K. Powell
Chairman, Federal Communications Commission
445 12th Street, SW, Room 8-B201
Washington, DC 20554

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JUL 27 2001

Re: ET Docket No. 00-221

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Dear Chairman Powell:

This letter serves to reiterate the position of the Land Mobile Communications Council (LMCC) in the above-referenced proceeding.

The LMCC has filed comments and several ex partes in this proceeding supporting the first option proposed in the Notice of Proposed Rule Making. Specifically, the LMCC urges the Commission to create the Land Mobile Communications Service (LMCS) they identified in an earlier Policy Statement1 by pairing 1392-1395 MHz with 1432-1435 MHz for auction limited to band managers only, and by pairing 1390-1392 MHz with 1427-1429 MHz using site specific licensing.

As noted in the June 7th letter from 8 Members of Congress, "Congress has expressed a clear preference for spectrum sharing whenever possible."2 The creation of an LMCS will certainly promote spectrum sharing. An LMCS allocation at 1.4 GHz will continue to advance efficient spectrum usage by allowing thousands of land mobile users to share the spectrum in ways tailored to their specific communications needs, including low power data systems. Furthermore, by pairing 1390-1392 MHz with 1427-1429 MHz through site specific licensing, these systems and those of government incumbents can be protected from harmful interference.

The LMCC further urges that the Commission initiate an auction, with participation limited to band managers, for a 1392-1395 MHz and 1432-1435 MHz paired block. Allowing large commercial providers to bid for this spectrum inherently negates the concept of a land mobile communications

1 See Principles for Reallocation of Spectrum to Encourage the Development of Telecommunications Technologies for the New Millennium, Policy Statement, FCC 99-354, (rel. Nov. 22, 1999) at p. 11-12 and n. 17. See also, An Allocation of Spectrum for the Private Mobile Radio Services, Petition for Rule Making Submitted by the Land Mobile Communications Council, RM-9267, (Apr. 22, 1998).

2 Tauzin Letter at p. 1.

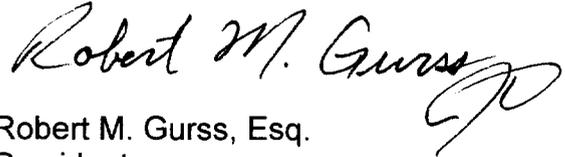
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Chairman Michael K. Powell
July 27, 2001
Page 2

service as proposed in the *Policy Statement*. Furthermore, a band manager auction offers the only competitive bidding scenario that will permit private land mobile users to acquire the spectrum for their private, internal communications needs.

If there is anything the LMCC may do to assist the Commission in this matter, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink that reads "Robert M. Gurss". The signature is written in a cursive style with a large, stylized initial "R" and "G".

Robert M. Gurss, Esq.
President

cc: Office of Commissioner Tristani
Office of Commissioner Abernathy
Office of Commissioner Copps
Office of Commissioner Martin