ORIGINAL

LAWLER, METZGER & MILKMAN, LLC

1909 K STREET, NW
SUITE 820
WASHINGTON, D.C. 20006

REGINA M. KEENEY
PHONE (202) 777-7720

PHONE (202) 777-7700
FACSIMILE (202) 777-7763

EX PARTE OR LATE FILED

RECEIVED

NOV 28 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

November 28, 2001

BY HAND

Magalie Roman Salas, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: ET Docket Nos. 00-258 and 95-18
IB Docket No. 99-81
WT Docket No. 99-87
Ex Parte Presentation

Dear Ms. Salas:

On November 27, 2001, Robert Foosaner, Senior Vice President and Chief Regulatory Officer, and Lawrence Krevor, Vice President - Government Affairs of Nextel Communications, Inc. ("Nextel"), and I met with Catherine Seidel, Associate Chief, Wireless Telecommunications Bureau; Roger Noel, Chief, Licensing and Technical Analysis Branch of the Wireless Telecommunications Bureau; Kathleen O'Brien Ham, Deputy Chief, Wireless Telecommunications Bureau; Barry Ohlson, Legal Advisor, Wireless Telecommunications Bureau; Michael Wilhelm, Attorney Advisor, Wireless Telecommunications Bureau; and Thomas Sugrue, Chief of the Wireless Telecommunications Bureau regarding a White Paper that Nextel filed with the Commission on November 21, 2001. During our meeting, we summarized the proposals set forth in the White Paper, which is entitled "Promoting Public Safety Communications: Realigning the 800 MHz Land Mobile Radio Band to Rectify Commercial Mobile Radio – Public Safety Interference and Allocate Additional Spectrum to Meet Critical Public Safety Needs." Copies of this White Paper have already been submitted for inclusion in the record of above-referenced proceedings. We also distributed at the meeting the attached letter (dated November 21, 2001) in support of the White Paper from various public safety agencies.

Pursuant to section 1.1206(b)(2) of the Commission's rules, 47 C.F.R. § 1.1206(b)(2), an original and one copy of this letter are being provided to you for inclusion in the public record of the above-referenced proceedings.

Sincerely,

Regina M. Keeney

Regina M. Keeney

Attachment

cc: Catherine Seidel
Roger Noel
Kathleen O'Brien Ham
Barry Ohlson
Michael Wilhelm
Thomas Sugrue

ASSOCIATION OF PUBLIC-SAFETY COMMUNICATIONS OFFICIALS-INTERNATIONAL, INC.
INTERNATIONAL ASSOCIATION OF FIRE CHIEFS
INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE
MAJOR CITIES CHIEFS ASSOCIATION
NATIONAL SHERIFFS' ASSOCIATION
MAJOR COUNTY SHERIFFS' ASSOCIATION
NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS COUNCIL

November 21, 2001

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

Dear Chairman Powell:

Public safety agencies represented by the above-named organizations are facing rapidly increasing demands on their operations and communications systems, compounded by the aftermath of the September 11 terrorist attacks on the United States. Yet, as the Commission is well-aware, public safety agencies in many areas lack sufficient radio spectrum and are often without effective interoperable radio communications. At the same time, existing public safety radio systems in the 800 MHz band are also increasingly facing interference from commercial mobile radio systems (CMRS) in the same band.

Nextel Communications Inc. (Nextel) has proposed a substantial reallocation of the 800 MHz band in an effort to address some of these and other complex issues. The Nextel proposal would shift all 800 MHz public safety operations to a contiguous block of spectrum at 806-816/851-861, and all 800 MHz digital SMR operations to 816-824/861-869 MHz. The current interleaving of channels used for public safety and CMRS would be eliminated, and the potential for CMRS interference to public safety systems would be substantially reduced. Importantly, the plan would also yield an additional 10.5 MHz for public safety communications. However, the plan also requires all existing public safety operations in the 821-824/866-869 MHz band (the "NPSPAC" channels) to relocate to frequencies below 816/861 MHz. Nextel's proposal includes a substantial financial commitment intended to offset the cost of this relocation. Finally, to accomplish the proposed reallocations, Nextel would relinquish licenses for 10 MHz of spectrum that it holds in portions of the 700, 800 and 900 MHz bands, in exchange for which Nextel would receive licenses for 10 MHz of spectrum in the 2 GHz Mobile Satellite Service band for terrestrial commercial service.

The technical details and other aspects of this proposal are complex, and many of its elements require further development and analysis. Implementing the proposal will also impose

substantial, undetermined costs on some public safety licensees, especially those now operating in the NPSPAC channels. Nevertheless, we believe that the basic elements of this proposal, as set forth above, have the potential to substantially improve the quality and quantity of public safety communications. The proposal, therefore, should be given serious and expedited consideration by the Commission through a Notice of Proposed Rulemaking. We emphasize, however, that our support for this or any similar approach will be contingent upon adequate funds being put forward to cover all of the implementation costs imposed on existing public safety licensees. It will be incumbent upon the commercial entities who will benefit from this proposal to bear the full amount of the costs incurred. These costs are unknown at this time, and should not be subject to an arbitrary aggregate ceiling.

We stand ready to work with the Commission and the CMRS industry in addressing and resolving the difficult issues facing the 800 MHz band. The Nextel proposal is a major step in the right direction.

Respectfully submitted,

Glen Nash, President
Association of Public-Safety Communications
Officials-International, Inc.
351 N. Williamson Blvd.
Daytona Beach, FL 32114
888-272-6911

Garry L. Briese, CAE
Executive Director
International Association of Fire Chiefs
4025 Fair Ridge Drive
Fairfax, VA 22033
703-273-0911

William B. Berger, President
International Association of Chiefs of Police
515 N. Washington St.
Alexandria, VA 22314-2357
703-836-6767

Jerry Keller, Chairman
Major Cities Chiefs Association
c/o Las Vegas Metro Police Dept.
400 Stewart Avenue
Las Vegas, NV 89101
702-229-3231

John Cary Bittick, President
National Sheriffs' Association
1450 Duke Street
Alexandria, VA 22314-3490
703-836-7827

Patrick D. McGowan, President
Major County Sheriffs' Association
c/o Hennepin County Sheriff's Office
Room 6, Courthouse
350 South Fifth Street
Minneapolis, MN 55415
612-348-3740

Marilyn Ward, Chair
National Public Safety Telecommunications Council
2050 E. Iliff Ave. - BW
Denver, CO 80208
303-871-4190

cc: The Honorable Kathleen Abernathy
The Honorable Michael Copps
The Honorable Kevin Martin
Mr. Thomas Sugrue
Mr. Robert Pepper