

EX PARTE OR LATE FILED

RECEIVED

From: "Sam Nelson" <snelson@kay-com.com>
To: <msalas@fcc.gov>
Date: 1/2/02 12:34PM
Subject: kaycom letter to FCC.doc

JAN - 8 2002

ORIGINAL

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

RECEIVED

JAN - 8 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

January 2, 2002

- > Magalie Roman Salas
- > Secretary, Federal Communications Commission
- > 445 12th Street, SW, Room TW-325
- > Washington, DC 20554

Re: Nextel's White Paper on 800 MHz Reconfiguration

02,555

Dear Mr. Chairman:

On November 21, 2001, Nextel, Inc. submitted to the Commission a white paper which proposes to realign 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." [1] Several interested private land mobile representatives subsequently filed a letter with the Commission outlining the impact of this proposal on business and industrial land transportation (B/ILT) users. [2] This letter serves to support the views of the aforementioned parties in this letter by elaborating on the damage that our particular business will suffer as a result of Nextel's proposal.

Nextel's proposed solution includes relocating B/ILT licensees at their own cost to 700 MHz or 900 MHz spectrum; recommending that they otherwise become secondary to public safety on a non-interference basis. Kay Communications operates several B/ILT channels under two different call signs in the South West Louisiana area. Among our customers are small town police and fire departments that cannot afford their own systems. Also included in our customer base are large industrial and manufacturing companies in the petroleum and chemical industries.

Our initial costs estimates for relocation indicate that such a transition would cost our business more than a million dollars if we were to provide our customers with replacement subscriber units, which we cannot afford to do and would be forced to go out of business thereby eliminating jobs. Were we to pass the cost of replacement units on to our customer base, most of those customers would discontinue their service causing the same scenario, the end of my company. Moreover, the proposed relocation spectrum either has no equipment available yet (700 MHz) or is already overcrowded (900 MHz). And these possibilities are the * best case scenario,¶ since Nextel's current licensing assignments in these bands are not available on a nationwide basis.

We urge the Commission to reject Nextel's proposal, as it is currently

No. of Copies rec'd 1
List ABCDE

drafted. This action will be detrimental to the American business community; specifically, our nation's daily business communications. It is easy to see that acceptance of this proposal would have an adverse effect on the daily business that Congress and the White House are seeking to support to keep the economy alive. The private wireless industry is fully committed to working with the Commission to find a way to minimize public safety interference. We just ask that the solution not result in the wholesale eviction of private wireless systems from the 800 MHz band.

Sincerely,

Sam J. Nelson, GM

Kay Communications, Inc.

3307 E. Napoleon St.

Sulphur, LA. 70663

cc: Commissioner Kathleen Q. Abernathy
Commissioner Kevin J. Martin
Commissioner Michael J. Copps
Magalie Roman Salas, Secretary

[1] 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, submitted to the Federal Communications Commission by Nextel Communications, Inc., on November 21, 2001.

[2] Letter from Aeronautical Radio, Inc. (ARINC), American Association of Railroads (AAR), American Petroleum Institute (API), Forest Industries Telecommunications (FIT), Industrial Telecommunications Association, Inc. (ITA), MRFAC, Inc. (MRFAC), and United Telecom Council (UTC) to Michael K. Powell, Chairman, Federal Communications Commission, dated December 20, 2001.