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July 25, 2002

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
Washington, D.C. 20554

Re: WT Docket 02-100, ex parte communication

Dear Ms. Dortch:

At page 6 of its Reply Comments in the captioned matter, Anne Arundel County explained its critical need to take preventive, rather than merely curative, action to protect its present and future 800 MHz public safety radio systems. The County quoted APCO to the effect that “correcting interference problems only after the fact is unacceptable” and stated:

This is why the County and other local governments are attempting to head off interference to the extent possible and lawful, rather than simply seeking to remedy the problem after it appears.

The Commission recently adopted preventive measures with respect to future public safety spectrum uses at 700 MHz which are pertinent to the issues in the referenced proceeding.

In a Third Memorandum Opinion and Order resolving certain petitions for reconsideration in WT Docket No. 99-168, the FCC wrote:

[W]e establish “mandatory coordination zones” near public safety base stations, within which commercial base station operators will be required to coordinate their operations with

public safety licensees. This will establish an anticipatory, rather than reactive, process for controlling interference to public safety operators in the upper 700 MHz band.<sup>1</sup>

While the action does not extend, by its terms, to commercial interference to public safety radio at 800 MHz, the concept of an “anticipatory process” for interference control is equally applicable to Anne Arundel and other local governments that have been trying to work with wireless carriers to mitigate the threat to life and property protection.

The Commission adopted the “mandatory coordination zones” in the upper 700 MHz band while rejecting petitioners’ calls for a “zero tolerance” approach to commercial interference to public safety. The order hesitated to delegate broadly “to an interested party or parties” the presumption that a “noise floor” increase signified intolerable commercial interference. Nevertheless, the Commission continued:

Although we have not considered whether such an approach comports with the statutory mandates to enable commercial services as well as protect public safety services, such a method for protecting public safety operations may deserve Commission consideration if more thoroughly developed.<sup>2</sup>

The County appreciates the FCC’s openness to change. Taken together, these evolving agency views provide new ideas for the ongoing County-carrier talks and additional reason to defer any preemptive action.

Respectfully submitted,

James R. Hobson  
Counsel for Anne Arundel County

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<sup>1</sup> FCC 02-204, released July 12, 2002, ¶1.

<sup>2</sup> FCC 02-204, ¶27, n.45.