

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
)	
Improving Public Safety Communications in the 800 MHz Band)	WT Docket No. 02-55
)	
Consolidating the 900 MHz Industrial/Land Transportation and Business Pool Channels)	
)	

REPLY COMMENTS OF

**Aeronautical Radio, Inc. (ARINC);
The American Mobile Telecommunications Association (AMTA);
The American Petroleum Institute (API);
The Association of American Railroads (AAR);
The Association of Public-Safety Communications Officials-International, Inc.
(APCO);
The Forest Industries Telecommunications (FIT);
The Industrial Telecommunications Association, Inc. (ITA);
The International Association of Chiefs of Police (IACP);
The International Association of Fire Chiefs, Inc. (IAFC) and International
Municipal Signal Association (IMSA);
The Major Cities Chiefs Association (MCC);
The Major County Sheriffs' Association (MCSA);
The National Sheriffs' Association (NSA);
Nextel Communications, Inc.;
The Personal Communications Industry Association (PCIA);
The Taxicab, Limousine and Paratransit Association (TLPA)**

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Summary

On November 21, 2001, Nextel Communications, Inc. (Nextel), filed a “White Paper” with the Commission seeking to promote public safety communications and resolve the CMRS—public safety interference problem at 800 MHz. Today, the following entities endorse a Consensus Plan that we believe achieves the objectives sought by the Commission in this proceeding.

- Aeronautical Radio, Inc. (ARINC);
- The American Mobile Telecommunications Association (AMTA);
- The American Petroleum Institute (API);
- The Association of American Railroads (AAR);
- The Association of Public-Safety Communications Officials-International, Inc. (APCO);
- The Forest Industries Telecommunications (FIT);
- The Industrial Telecommunications Association, Inc. (ITA);
- The International Association of Chiefs of Police (IACP);
- The International Association of Fire Chiefs, Inc. (IAFC) and International Municipal Signal Association (IMSA);
- The Major Cities Chiefs Association (MCC);
- The Major County Sheriffs’ Association (MCSA);
- The National Sheriffs’ Association (NSA);
- Nextel Communications, Inc.;
- The Personal Communications Industry Association (PCIA);
- The Taxicab, Limousine and Paratransit Association (TLPA)

These entities (Joint Commenters) represent every type of licensee operating in the 800 MHz band and with this Reply, submit to the Commission a consensus solution to the Commercial Mobile Radio Service (CMRS)—public safety interference problem. Taken together with Nextel, the Joint Commenters or their members hold licenses on over 80% of the impacted spectrum at 800 MHz. These Reply Comments are the result of numerous meetings among the affected parties at 800 MHz since the filing of Nextel’s White Paper. The consensus 800 MHz realignment plan (“Consensus Plan”) set forth herein represents the interests of all the parties above, while also achieving the objectives

sought by the Commission in this proceeding. As will be demonstrated in the Reply, the Joint Commenters believe the Commission should create two blocks of spectrum at 800 MHz: one block for non-cellularized architecture operations and one block for cellular-like architectures.

The Joint Commenters believe the Consensus Plan will substantially mitigate interference experienced by incumbent licensees in the 800 MHz band, with minimal disruption to existing services and while further providing public safety with additional spectrum much quicker than any other proposal before the Commission.

The movement required under the Consensus Plan involves the relocation of NPSPAC to a 3 X 3 MHz block of spectrum at 806-809/851-854 MHz. The Joint Commenters have suggested movement as follows:

- (1) public safety licensees in the 806-809/851-854 MHz block swap on a one-for-one basis with a Nextel channel in the 809-814/854-859 MHz block; public safety licensees in the 814-816/859-861 MHz guard band also have the option to swap on a one-for-one basis with a Nextel channel in the 809-814/854-859 MHz block;
- (2) site-specific B/ILT and traditional SMR licensees in the 806-809/851-854 MHz block (a) move to channels in the 814-816/859-861 MHz guard band that have been vacated by public safety; (b) swap on a one-for-one basis with a Nextel channel in the 814-816/859-861 MHz guard band; or if necessary, (c) swap on a one-for-one basis with a Nextel channel in the 809-814/854-859 MHz block;
- (3) non-Nextel EA licensees will get equivalent blocks of spectrum on the Lower 80 EA licenses or General Category EA channels 125-150 that will be vacated by Nextel;
- (4) NPSPAC licensees in 821-824/866-869 MHz will swap on a system-by-system, Region-by-Region basis with Nextel for equivalent blocks of spectrum in the 806-809/851-854 MHz band;
- (5) after completing NPSPAC relocation, Nextel will clear any remaining channels in the 809-816/854-861 MHz block.

After the completion of the relocation process in a given Region, any remaining Nextel-vacated spectrum in the non-cellularized block will be available exclusively for public safety use for five years. After this five-year period, any channel unclaimed by public safety will become available for B/ILT and high-site SMR eligibles, as well as public safety entities.

The Consensus Plan also offers assurance that the existing proportional allocations in the Mexican and Canadian border regions should be maintained. Moreover, realignment of the 800 MHz band should be implemented by Nextel, the Land Mobile Communications Council, and the NPSPAC Regional Planning Committees, as necessary.

To further promote public safety communications, Nextel will return its 700 MHz and 900 MHz allocations to the Commission, while also contributing 2.5 MHz of spectrum at 800 MHz for realigning non-cellularized systems and \$500 million for the realignment of public safety systems. Nextel's 700 MHz Guard Band holdings will be re-designated for public safety use, and its 900 MHz SMR channels will be re-designated for B/ILT and traditional SMR use. Nextel must be made whole through an alternative spectrum allocation of 10 MHz at 1910-1915/1990-1995 MHz.

The Joint Commenters believe that this plan mitigates the interference problem with the least possible disruption to existing services, while offering additional public safety spectrum based on current market need; offering additional B/ILT and traditional SMR spectrum if public safety does not acquire all vacated channels in the 800 MHz band; and *addressing the immediate needs of all affected parties in the 800 MHz band.*

Finally, the Reply addresses additional public safety spectrum needs. Specifically, legislative efforts are necessary to provide a date-certain for nationwide public safety access to 700 MHz band spectrum already allocated to public safety and to provide public safety with additional Upper 700 MHz spectrum to accommodate a broad scope of federal, state, and local public safety and homeland security activities.