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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

October 4, 2002

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

EX PARTE OR LATE FILED

Re: WT Docket 02-100, ex parte communication

Dear Ms. Dortch:

On October 3, 2002, Anne Arundel County Attorney Linda Schuett, Communications Director Jay Cuccia, Telecommunications Director Bill DeHoff and undersigned counsel met with Jeff Steinberg and Gary Oshinsky to update them on the status of mitigation efforts at each of 61 sites where commercial wireless interference to public safety radio communications has been identified. A table and spreadsheet on the subject are attached as Exhibit A. We also discussed applications under, and enforcement of, the telecommunications facilities siting ordinance which is the subject of challenge by Cingular Wireless in the referenced docket. Handouts on this topic are appended as Exhibit B. They include a list of certifications received from several carriers.

We noted that recent ex parte communications from Cingular and its allies had complained of the County's refusal to enter into a "standstill agreement" that would effectively stay enforcement of the ordinance. We explained that the request was made to County staff, which does not have authority to rewrite the legislative acts of the County Council. Additionally, as demonstrated by Exhibit B, there are no pending enforcement actions or stalled applications of any kind. We suggested that, given the good-faith mitigation efforts continuing with the two interfering carriers, Cingular and Nextel, there ought to be a way to move forward on any new sites they need without compromising their principles or the County's legislative authority. A beginning would be the filing of certifications under protest, fully reserving the carriers' rights. At this

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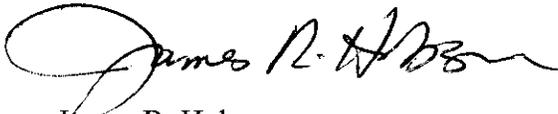
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point, however, despite the assertions of urgency, there are no applications for the County to consider acting upon.

Finally, the County Attorney stated the opinion that the ex parte process as a whole denies the County the ability to know what allegations are being made during the ex parte contacts and, therefore, denies the County any effective means of rebutting those allegations. In particular, the County took exception to the paucity of information in the ex parte communications recently filed jointly by Cingular and its carrier allies. For example, a letter of October 1, 2002, merely lists the participants in an FCC meeting on that date. Several other communications are almost as terse. We expressed the belief that such cryptic notice violates the letter and the spirit of Section 1.1206 of the Rules.

Please direct any questions to the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read "James R. Hobson". The signature is fluid and cursive, with a large initial "J" and "H".

James R. Hobson
Counsel for Anne Arundel County, Maryland

cc: Jeff Steinberg, Gary Oshinsky

**Anne Arundel County, Maryland
CRMS Interference Status Update**

Staus as of testing completed August 21, 2002

STATUS	Nextel	Cingular	CO-LOC	TOTAL
Resolved	25	8	0	33
Unresolved	12	3	7	22
Partial	2	0	4	6
TOTAL	39	11	11	61

SUMMARY OF INTERFERENCE SITES—REVISION 20—8/26/02

SITE NO.	CARRIER	SITE NAME	STX	XTS	COMMENTS	STATUS	PRIORITY
1	Nextel	737 Jewel	Very distorted and intermittent in Sector 2 at various locations	Loud and Clear in all three sectors	Testing in Lyon Creek Mobile Home Park. Frequent police calls. Tested on 3/16/02. Could not reproduce previous problems in S1 and S2. Found problem at Southern States/Access Road intersection; solution required 6 dB reduction in S2 to resolve. Nextel to determine best resolution technique to use. Possible ant change and d/t mod	MITIGATED 8/5/02 (resolved by re-tuning)	2
2	Nextel	2416 Mayo	Very distorted and intermittent	Slightly noisy	Testing along RT 214 on main road just in front of pole	NEXT TO CHANGE ANTENNAS-RETEST IN LATE AUG; CING TO CONSIDER PWR REDUX AFTER RE-TESTING	1
	Cingular		Dead	Very intermittent	TEST LOCATION IS AT MAIN ROAD AND ENTRANCE ROAD AWAITING DATA FROM CINGULAR SUBSEQUENT TESTING FOUND NEW CINGULAR SITE HERE		
3	Nextel	Collisons Corner	Very intermittent	Slightly noisy	SITE ADDED BACK IN SINCE NEXTEL INSTALLED CO-LO SITE MITIGATED ON 2/27 WITH POWER REDUCTIONS	MITIGATED	1
4	Nextel	949 South River			Well documented site. Nextel executed mitigation techniques. Nextel still has problems.	CING SWAP ANT AND REMOVE DT IN PROGRESS; TEST PLANNED FOR 8/20/02	1
	Cingular	Woodlander II			Need to test Cingular with all chs on-air (only normal traffic tested at this location)/		
6	Nextel	645 Edgewater	Extremely erratic Totally unreliable	Audio occasionally intermittent	5-16 re-visit; bad in Knights of Pithicus parking lot; low CL; elevated test location	NEXTEL CANNOT FURTHER REDUCE PWR CANDIDATE FOR LOW NOISE EXCITER; AWAIT TEST PILOT RESULTS	2
7	Nextel	City Docks	Frequently dead	Noisy in these areas Occasional drop out	Entire city docks locations unreliable for all radios. Requires MTS enhancements to city radios and new rxvrs for county to completely resolve. CING COMPLETED PERMANENT ANT SWAP 7/11/02	PARTIAL MITIGATION 8/14/02 NEXTEL IS PRIMARY SOURCE OF PROBLEM	1
	Cingular	Academy			Vicinity of Main St/Compromise St still unreliable; all other areas have been resolved. IMD is the primary source. Problem areas are slightly further aggravated with Cingular activated.		
8	Nextel	271 Birdsville	Slightly noisy and intermittent near RT2 and South River Clubhouse Rd	Loud and clear	Two guyed towers co-located here. Nextel measurements taken at the base of towers, not at intersection where problems are experienced.	MITIGATED 8/5/02 (resolved by re-tuning)	3
9	Cingular	Birdsville	Very distorted and intermittent along the site approach driveway	Loud and clear	Verizon is co-located here.	CING CHANGING ANT AND REMOVING D/T SCHEDULED FOR 8/6/02 TEST	3
11	Nextel	624 Harwood	Very intermittent in the nearby school parking lot Could not reproduce original symptoms; incr noise but usable STX	Loud and clear Loud and Clear	No CRMS RSL levels. Channel assignments did not match database provided. Special sector configuration. TESTS IN EAST CORNER OF PARKING LOT Checked entire area in all known problem locations.	MITIGATED	1
20	Nextel	451 Davidsonville	Dead in vicinity of facility	Audio occasionally intermittent	Site No. 21 Cingular located within 250 ft on another monopole located in the parking lot	NEXTEL AWAITING CING MITIGATION EFFORTS ON SITE # 21	2
21	Cingular	Double Gate	Dead in vicinity of facility	Audio occasionally intermittent	Site No. 20 Nextel located within 250 ft on another monopole located in the parking lot.	CING SWAPPING ANT AND REDUCING POWER SCHEDULED FOR 8/27/02 TEST DATE	2
22	Nextel	2426 Staples Corner	Very intermittent in the nearby parking lots	Loud and clear	Voicestream, Cingular, Nextel, Verizon, AT&T co-located here.	CING ANT SWAP AND PWR REDUX DONE AWAITING NEXTEL ANT SWAP TO BE SCHEDULE IN LATE AUGUST	2
	Cingular	Crofton	Very intermittent in the nearby parking lots	Loud and clear	Voicestream, Cingular, Nextel, Verizon, AT&T co-located here. Nearby park has no radio problems.		
23	Nextel	951 Priest Bridge	Dead	Very intermittent in the nearby shopping center and main intersection	Not a three sector site. 5/9 S3 experimental EMS antenna works. Antennas in other sectors to be replaced.	NEXTEL TO SWAP ANT IN S2 AND S3 AND RE-TEST; POSSIBLE CAND FOR LN EXCITER	1
27B	Nextel	288 Fairview	Very noisy along RT 50 in the general vicinity	Loud and clear	27B is on electric pole furthest from highway 27A is Sprint site in the area Retuning resolved problems.	MITIGATED on 6-16	2

28	Nextel	646 Amberfield	Dead without power reduction, noisy even if sector power reduced to 5 W	Dead without power reduction Loud and clear with 5W power	Recent Nextel activation; Initial configuration was set to 20W all sectors. Site left at 5W per sector. Amberfield-Crofton Post Office	MITIGATED	2
33	Nextel	2342 Sunrise Beach	Dead	Noisy but usable	Not a full sector site. 5-16 STX still dead on street -28 dBm in S2; SA13-86 antennas	NF TO HIGH AT -100 dBm NEXT TO TRY LN EXCITER	3
36	Cingular	Lakeland	OK FOR NOW	LOUD AND CLEAR	Nextel has been added; expect to activate in 1-2 months. WILL NEED TO RE-CHECK ON ACTIVATION Checked 2/27 request by Nextel-new activation; problems now STX intermittent; XTS L&C; AAC -81; Sector 3 reduced to 5W with no improvement SITE REQUIRES JOINT TESTING AND ISOLATION	REDUCTION IN DT DONE BY CINGULAR; SCHEDULED FOR NIGHT TESTING ON 7/25/02 RE-TESTED ON 7/25 AND FOUND NEXTEL TO BE PRIMARY SOURCE-NEXTEL TO DEVELOP SOLUTION	2
36A	Nextel	642 Severna Park	Dead	Breaks up intermittently	Many 860 channels in line-up; Not IM-free sectors Problems along RT 2 and Professional Center 815 Ritchie Hwy 7/10 NF IS -95 dBm 861.8875 IS -29 dBm. EACH SECTOR IS IM-FREE; CANDIDATE FOR LN EXCITER	NEXTEL TO SCHEDULE NEW LN EXCITER	2
40	Nextel	235 Arnold	Very noisy and intermittently dropping out	Loud and Clear	Defective operation in nearby park 2 out of 3 chs contributing to majority of IM problems	TESTED ON 8/21/02 NEXTEL TO DETERMINE RESOLUTION ACTION	2
42	Nextel	216 Annapolis	Very noisy and intermittent	Noisy but usable	STX still noisy but usable; Cingular to be activated here soon. Problem will then be more severe. AAC has -63 dBm.	MITIGATED on 5/16/02	2
44	Nextel	2743 Forest Drive	Very noisy and intermittent	Loud and clear	Verizon is co-located on structure 5-22 Re-tuning resolved problems.	MITIGATED on 5/22/02	1
46	Cingular	Eastport	Very noisy and intermittent	Loud and clear	Causing problems in Forest Hills NEED TO MEASURE REMAINING CHLS 5-22 Network power down contributed to resolution?	MITIGATED on 5/22/02	1
48	Nextel	Ridgely	Very noisy and intermittent	Loud and Clear	Problems at intersection of Riverview and Weems Creek and Along RT 50/Ridgely Road Tested 3/15; found STX problems in sectors; located in hole with higher elevations in all three sectors. 5-9 Retuning resolved problem areas.	MITIGATED on 5/9/02	1
53	Nextel	649 St. Margarets	Noisy but usable	Loud and clear	5-16 S3 is not IM-free; 858 channel in S3; Nextel to re-tune first Re-tuning resolved problems.	MITIGATED	3
55	Nextel	289 Cape St. Claire	Very noisy and intermittent	Loud and clear	5-16-02 5 deg elec dft contributing-needs antenna change 7/10 Site is IM free, NF is -97 dBm	NEXTEL TO ORDER LN EXCITER FOR THIS SITE	3
61	Nextel	328 Mt. Carmel	Dead	Very noisy and intermittent		CING HAS ANT SWAP AND D/T REDUX IN PROGRESS; NEXTEL ORDERED ANT FOR SWAP IN LATE AUGUST	1
	Cingular	Lake Shore					
65	Nextel	258 Lake Shore	Loud and Clear	Loud and clear	Re-tuning resolved the problems.	MITIGATED ON 6/5/02	3
66	Cingular	Foreman	Loud and Clear	Loud and clear	Across the street from Site No. 72 Nextel re-tuning resolved the problems for this site and nearby Nextel #72	MITIGATED ON 6/5/02	2
67	Cingular	Hawkins Point	Dead	Very noisy and intermittent	Site is inside Baltimore City-not in databases	CING HAS ANT SWAP AND D/T REDUX IN PROGRESS SCHEDULED FOR 8/13 RE-TEST	1
	Nextel	204 Curtis Bay			READY TO MEASURE CRMS LEVELS-NEXTEL		
72	Nextel	313 Ft. Smallwood	Loud and Clear	Loud and clear	Across street from Site No. 66 Re-tuning resolved the problems. Nextel indicated that they are trying to raise the CL to improve performance anyway. Testing also cleared nearby Cingular site #66.	MITIGATED 6/5/02	2
74	Nextel	242 Pasadena	Loud and Clear	Loud and Clear	Nextel modified sector towards fire house. Problems still exist along Magothy Bridge Rd; post office parking lot Earleigh Heights Site Re-tuning resolved the problems in all sectors	MITIGATED 6/5/02	2

75	Cingular	Marley	Slightly noisy under all channels in sector and nominal traffic in other sectors ON.	Loud and clear	Cingular mitigated contribution with reduction in ERP, elimination of antenna down-tilt. Nextel still contributing in area from Site No. 76 Subsequent testing mitigated interference.	MITIGATED	1
76	Nextel	309 Harandale	Dead	Noisy but useable	Nextel testing proposed 1/8/02 to mitigate contribution Site in close proximity of Site No. 75 Subsequent testing mitigated interference.	MITIGATED	1
80	Nextel	2265 Gaylor Meadows	Loud and Clear	Loud and Clear	Re-tuning resolved the problems	MITIGATED 5/6/02	1
83	Cingular	Brklyn Pk	Dead	Very noisy and intermittent		MITIGATED 8/5/02	1
84	Nextel	312 Ordinance Rd	Very noisy and intermittent	Loud and clear	Retuning resolved problems.	MITIGATED on 5/17/02	2
85	Cingular	Ferdale	Very noisy	Loud and clear	5-20 all sectors on air for testing; no longer shows symptoms for STX; network power down in Feb constituted?	MITIGATED on 5-20	2
86	Nextel	352 Furrance Br	Loud and Clear	Loud and clear	Re-tuning resolved the problems	MITIGATED 5/3/02	2
87	Nextel	308 Ferdale	Dead	Dead	Notice while coming off of 695 onto 97 Not in Nextel database 5/17 All radios dead on 695 along RT 97 ramp exit Highly elevated test location	NEXTEL TO DETERMINE MOST APPROPRIATE SOLUTION	2
89	Nextel	2346 Grove Ridge	FOUND DEAD	FOUND DEAD	NOT ON AIR YET BUT ANTICIPATE IT WILL INTERFERE MAJOR PROBLEMS TO BOTH XTS AND STX; VERY LOW CL 70 FT? FV9012 INVERTED; NO D/T; BR SET TO 5W WITH ADDITIONAL 15 dB insertion loss to mitigate; Sector 3 left off	MITIGATED	1
90	Nextel	297 Brooklyn Park	Very noisy and intermittent	Loud and clear	5/17 S2 has two channels in close at 856 MHz and is not IM free Nextel to try re-channelizing before considering ant change Low antenna height and elevated test location 30 dB q/s on Charles St	NEXTEL TO DETERMINE MOST APPROPRIATE SOLUTION	2
94	Nextel	263 Harmans	Very noisy and intermittent	Loud and clear	Fire House #21 positioned in middle of S2 and S3; loaded with IM hits, mech d/t of 6 deg; S2 hot with 32W Both sectors contributing to interference ESCALATED PRIORITY DUE TO LOCATION	NEXTEL TO DETERMINE THE MOST APPROPRIATE SOLUTION	1
95	Nextel	2337 Parkway Cntr	Loud and Clear	Loud and clear	Re-tuning resolved the problems.	MITIGATED ON 6/5/02	2
99	Nextel	324 Airport Square	Very noisy and intermittent	Loud and clear	Re-tuning resolved problems	MITIGATED on 5/17	2
100	Cingular	BVM	Loud and Clear	Loud and clear	Checked on 2/27 request by Cingular. 24 dB D/S AAC -76 George provides new CHLS 1- 872.100 -59; 2- 871.59 -30; 3- 871.080 -46 STX NOISY; XTS L&C Tested 3/13; Could not reproduce problems; 9/22 chls in sector on air at time; Need to re-sched for busy time or night testing to force up all channels. Subsequent site power redux since initial testing; may be contributing to improvement. Could not reproduce with all channels in all sectors active.	CONSIDERED MITIGATED 5/6/02	2
102	Nextel	2768 Maritime Museum	Very noisy and intermittent	Loud and clear	Checked on 2/27 and confirmed problems in parking lot and suspect problems near adjacent building. 5/17 S1 and S3 need d/t removed and possible antenna swap	NEXTEL HAS ELIMINATION OF DT UNDERWAY	2
103	Nextel	2347 N. Linthicum	Very noisy and intermittent FOUND DEAD	Loud and clear FOUND DEAD	RV9012 changed in Sector 1 to FV901200DAL2; TX power was at 20W; Set to 10W with additional 7 dB insert loss; removed all downlink; IM free in Sector 2 with exception of one chl. Still need IM hit on 857.4125 with new March re-tune	PARTIAL MITIGATION	2
105	Cingular	Pumphrey	Very noisy and intermittent	Loud and clear	Checked on 2/27 request by Cingular. AAC -84 13 dB D/S Entrance to Office Mover's backparking lot corner STX drop out; XTS L&C Much worse conditions than found before; problems along RT 695, 19 chls in S2	CING CONSIDERING ANTENNA UPTILT AFTER REVIEW OF SPEEDWAY MODS VERIZON CONSIDERING SIGNAL REDUCTION READY TO TEST WITH VERIZON MODIFICATIONS	1

106	Nextel	208 BVM	Very noisy and intermittent	Loud and clear	Checked on 2/27 Site has significant problems in surrounding areas near Linthicum Brooklyn School; train crossing nearby intersection, school parking lot SITE REQUIRES JOINT TESTING AND ISOLATION	CINGULAR TO MAKE PERMANENT PWR REDUX IN S2 4 Db	1
	Cingular	McPherson			Nextel swapped antennas. Cingular eliminated down tilt. S2 can be mitigated with Cingular 4 dB power reduction. S3 cannot be resolved. Both carriers at -32 dBm; location splits Cingular's S2/S3 and Nextel's S2; 38 radios-excessive IM hits	PARTIAL MITIGATION	
116	Nextel	218 Bensfield	Loud and Clear	Loud and Clear	Re-tuning resolved the problems.	MITIGATED 5/6/02	1
120	Nextel	2790 Fl. Meade Hts	Dead	Drops out on direct hit on 860.3875	Checked 1/8/02 S2 not used at site. S1 had two direct 860 hits and 4 adj chl hits 5 deg dt on S3. Nextel to look at channel plan.	NEXTEL IS CURRENTLY RETUNING THE SITE COUNTY TO RE-TEST FOR CURRENT STATUS	2
124	Nextel	238 Odenton	Intermittently dead	Slightly noisy	Located at Morgan and Odenton Rd. Location is higher than average terrain-higher into antenna main lobe. Site located in hole	CING REMOVED DT NEXTEL PLANNING ANT SWAPS IN LATE	1
	Cingular	Meadedale					
127	Cingular	Speedway	DEAD	Frequent Intermittant	Problems in nearby parking lot 800 ft away near main road Parked in corner of parking lot and main road, near sign Verizon co-located but does not contribute. 88 IM hits with Cing and Nextel on air, all AAC chls had direct hits Numerous adj chl hits.	CING PLANNING DT MODIFICATIONS	1
	Nextel	2348 Conoways			Similar to other A-band/Nextel co-locations, cannot be entirely mitigated without other actions such as chl swap, new rcvrs enhanced AAC signal levels.		
128	Nextel	2408 Vaugh Chapel	Very noisy and intermittently dead	Slightly noisy	There are four S2 IM hits to be resolved with March re-tune. Requires antenna change or inversion, possible power reduction Site mistaken for #129 Chapel Gate; All three sectors require improvements; One channel is 125 kHz from AAC 858 5375 Do not anticipate Cingular is contributing here. Will re-check after Nextel makes antenna changes.	CING PLANNING ANT SWAP AND DT REMOVED NEXTEL PLANNING AN ANTENNA SWAP IN LATE AUGUST	1
	Cingular	Millersville					
129	Nextel	2410 Chapel Gate	Loud and Clear	Loud And Clear	Re-tuning resolved the problems.	MITIGATED 5/6/02	1
132	Nextel	843 Stuart Level	Intermittently dead	Loud and Clear	Tested on 3/18/02. No problems for STX except in S2 across street; Even 9 dB down still had problems No IMs on audio chl, only three other voice chls to be elim with re-tune. 858 4125 was clear of IMs but continually dropping out. Recommend IM analysis with Verizon channel interactions. 5-16 Retuning solved the problems	MITIGATED on 5/16/02	1
133	Cingular	Rutland	Intermittently dead	Very noisy		MITIGATED 8/5/02	1
134	Nextel	648 Millersville	Dead	Very noisy and intermittent	Tested 5-16; 86 ft CL; tri-pole antenna configuration	MITIGATED on 5/16/02	1
135	Cingular	Quarterfield			Cingular under construction at time of site visit. 7/16 First test since activation of site. No interference observed.	CONSIDERED MITIGATED 7/16/02	4
137	Nextel	785 Racetrack	Either dead or extremely noisy	Dead in S2 on RR station Very noisy in other locations	Tested on 3/18/02. Identified necessary power reductions req'd with current antennas and d/t of 6 degrees all sectors. Major problems at this site. S3 resolved for STX with 6 dB redux; S1 XTS was dead at RR station; 4 WERP required; S2 in similar situation; requires 6 dB redux. Recommend consideration for antenna change and elim d/t; re-test. Revisited S1 testing on 3/27 after Nextel removed d/t on S1. STX and XTS still bad on elevated RR track station. Removed BR5 altogether and reduced four remaining BRs to 16W from 32 W. STX is now noisy but usable; XTS is L&C. Nextel scheduling replacement of antennas with inverted DAL2 models in all sectors.	PARTIAL MITIGATION CANNOT BE FURTHER CLEARED WITHOUT ENHANCED SITE AT MD CITY AND NEW RCVRS	1
139	Nextel	2819 Evation	Loud and Clear	Loud and clear	Test location in long private driveway Re-tuning resolved the problems	MITIGATED ON 6/5/02	2
141	Nextel	TBD			New site in planning-anticipated to be a problem Low CL at 56 ft and Cingular is nearby on a monopole. Await Nextel activation. Cingular does not cause problems in the area	FUTURE ACTIVATION in 2002	

Notes

1. Measured to simulate RSL at receiver port w/ext. antenna with 3 dB pad to spectrum analyzer
2. Standard receiver desense test on XTS receiver. STX usually experiences XTS value + 20 dB
3. Tests executed with normal CRMS traffic. Further degradation is likely under CRMS busy periods.

EXHIBIT B

*Ex parte communication
Anne Arundel County
WT 02-100, 10/3/02*

STATUS OF RECENT PROCEEDINGS
ANNE ARUNDEL COUNTY BILL 93-01

A Telecommunications Facilities Siting Ordinance

Amended 8/19/02, Bill 64-01

Effective 9/11/02, as amended

List of certifications received, attached hereto

Nextel letter of 9/11/02 says it will not certify.

A similar non-certification intent was expressed orally by Cingular, through counsel.

To date, the County has not rejected any engineer certifying under Section 10-125(J) or (K).

To the County's knowledge, no pending telecommunications facilities applications are being held up by disputes over certification.

There are no enforcement actions pending.

Efforts to mitigate interference continue (Review by County technical representatives).

Telecommunication Facility Certificates

American Tower – Thompson Ave.
Teague Rd

AT & T Wireless – Jumpers Hole Rd
Ritchie Hwy(335), Severna Park
Hammonds Ferry Rd
Oregon Rd
Davidsonville
Odenton Rd
Marley Station Mall
Recreation Area, Hanover
Ritchie Hwy, Glen Burnie
Concourse Dr
Ritchie Hwy(840), Severna Park
Ferguson Rd
Cranson Blvd
Davidsonville Rd
Najoles Rd
Thompson Ave
Riverview Ave
Whitehall RD
Old Davidsonville RD
Bacon Ridge Rd
Transmission Line, Crofton
New Waugh Chapel Rd (2)
Cecil Ave

Red Clay Water Tank

Baltimore Gas & Electric – Camp Meade Rd
Herald Harbor Rd

Bechtel Telecomm – New Waugh Chapel Rd

Sprint – Linthicum
Jumpers Hole Rd
Teague Rd
Thompson Rd
Winterson Rd
Jumpers Hole Water Tank
Herald Harbor Rd

Verizon Wireless – Crain Hwy
Buschs Frontage Rd

Waterworks – Defense Hwy