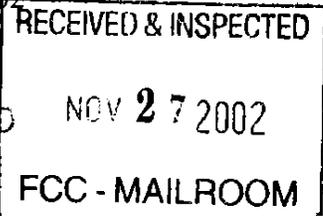


ORIGINAL

Ex Parte Docket 02-55 *W.P.*

October 14, 2002

Federal Communications Commission EX PARTE OR LATE FILED
445 12th Street, SW
Washington, DC 20554



Re: Improving Public Safety Communications in the 800 MHz Band and Consolidating the 900 MHz Industrial/Land Transportation and Business Pool Channels WT Docket No. 02-55 at the Federal Communications Commission

Dear Chairman Powell:

In each industry there are defining moments, benchmarks that can be critical to the progression or regression of an industry. That time has come for businesses using private wireless communications. Last year, Nextel submitted a White Paper to the Federal Communications Commission (Commission) to realign the 700 MHz, 800 MHz, 900 MHz, and 2.1 GHz bands to promote public safety communications.¹ The ultimate goal, we agree is noble, especially in light of the events of September 11th and is of the utmost importance to our nation's homeland security. The promotion of public safety communications, however, should not come at the cost of America's business sector when better solutions exist.

On March 12, 2002, the Commission released a *Notice of Proposed Rulemaking* (NPRM) incorporating the goals of the Nextel White Paper of promoting public safety communications and mitigating interference to public safety operations.² Since the release of the NPRM, nine private wireless organizations, seven public safety organizations, and Nextel have come together and crafted an industry-wide Consensus Plan, that achieves the Commission's goals with the least amount of disruptions to all entities involved in the 800 MHz band.³ The signatories of the Consensus Plan represent every type of licensee operating in the 800 MHz band and either they, or their members hold over 80% of the impacted spectrum at 800 MHz. The Industrial

¹ See, "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," filed by Nextel Communications, Inc., on November 21, 2001 (White Paper).

² See. Improving Public Safety Communications in the 800 MHz Band and Consolidating the 900 MHz Industrial/Land Transportation and Business Pool Channels. *Notice of Proposed Rulemaking*, WT Docket No. 02-55 (rel. Mar. 15 2002) (NPRM).

³ See Improving Public Safety Communications in the 800 MHz Band and 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 (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) filed on August 7, 2002, WT Docket No. 02-55 (Consensus Plan); See letter to Chairman Powell from the National Sand, Stone and Gravel Association (NSSGA) and ITA, officially adding NSSGA to the list of signatories, (rel. Aug. 15, 2002).

Telecommunications Association, Inc., through the auspices of the Private Wireless Coalition, has represented our interests.

I am a provider of private wireless communications equipment and a licensee in the 800 MHz band in the General Category pool. Since I operate in the affected spectral region, this issue of great importance to me, as well as my customers and their employees. Private, internal communication is not the nature of many businesses, but it is crucial to operations. The ability to communicate effectively and efficiently not only leads to the continued vitality of many businesses, but also the continued safety of their employees. We are fully aware of all the possible outcomes of this proceeding and know any final result could be time consuming and disruptive. The Consensus Plan will require a retuning process for my radio system, but the alternative of relocating out of the 800 MHz band would be devastating to my business and customers. Even understanding that retuning is required, in my opinion the Consensus Plan is the best way to minimize disruptions for all licensees in the 800 MHz band without any wholesale evictions of any one group of users in the band to foreign spectrum, while still meeting the objective of this proceeding – promoting public safety communications.

We urge the Commission to adopt the Consensus Plan. We understand public safety entities being the priority of this proceeding and the Consensus Plan finally balances the delicate effects of this proceeding, after the downturn in the economy, with public safety's critical needs. Simply put, the Consensus Plan will mitigate interference to public safety at 800 MHz, without sacrificing the success of businesses, such as mine. The current proceeding at the Commission regarding public safety interference in the 800 MHz band has the potential to be another hurdle overcome by American businesses or it has the potential to be a detriment to the strength and growth of the national economy. Please promote both the public safety community and the business sector by supporting the adoption of the Consensus Plan at 800 MHz.

Sincerely,



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