

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

FEB 25 2003

In the Matter of)
Improving Public Safety Communications in the)
800 MHz Band)
Consolidating the 900 MHz Industrial/Land)
Transportation and Business Pool Channels)

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

WT Docket No. 02-55

To: The Commission

REPLY COMMENTS ON SUPPLEMENTAL FILING BY THE CONSENSUS PARTIES

The California State Automobile Association (Cal State), by its attorneys and pursuant to the Federal Communications Commission's Public Notice entitled, "Wireless Telecommunications Bureau Seeks Comment on 'Supplemental Comments of the Consensus Parties' filed in the 800 MHz Public Safety Interference Proceeding," January 3, 2003 (DA-03-19) (Public Notice), hereby submits the foregoing reply comments in the above-captioned proceeding. Cal State's reply comments address one particular issue, namely ensuring that incumbent Business/Industrial Land Transportation (B/ILT) licensees are fully protected, financially and otherwise, in any spectrum relocation scheme that might be adopted by the Commission pursuant to the Revised Plan offered by the Consensus Parties. As stated in its previously filed comments, Cal State supports the Commission's goal of finding a permanent solution to the interference issues being experienced by public safety systems in the 800 MHz band. However, as a recognized "quasi-public safety entity" that depends on its 800 MHz system, Cal State is concerned that any plan to reband the 800 MHz band must (a) maintain the primary status of Business - Industrial/Land Transportation Service (B/ILT) licensees and (b)

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fully compensate B/ILT licensees that are forced to relocate for the sake of public safety protection

Cal State is a not-foi-profit organization that has been providing emergency road services for over ninety years. Cal State has over 4 million members in northern California, Nevada and Utah, and responds to well over 3 million emergency road service calls per year from motorists facing a wide variety of problems, many of which endanger the safety of drivers and their passengers. Relying on the efficient use of its radios, including those in the conventional 800 MHz band, Cal State quickly dispatches towing operations to the scene of motor vehicle accidents or breakdowns, so that road hazards can be cleared before secondary collisions can occur. Cal State also assists motorists who are stranded or involved in accidents, and transports them from roadways where they may otherwise be vulnerable to harm from high-speed vehicles or crime. Without question, Cal State's prompt response to roadside emergencies saves lives and property. Congress has previously highlighted the need for prompt emergency roadside assistance, citing a study that shows that "while deaths from motor vehicle crashes have been declining in recent years, deaths at the scene prior to the arrival of emergency medical care have more than doubled in the past 20 years, totaling more than 20,000 [deaths] per year." Another report prepared by Shell Oil Company, in cooperation with the American Red Cross, the Federal Highway Administration, the National Crime Prevention Council and the National Institute for Automotive Service Excellence, indicates that nearly 3,000 people die each year while waiting for help on roadway shoulders and medians.¹ These findings demonstrate that the public has a compelling need for reliable automobile emergency services provided by Cal State and other AAA affiliated auto clubs.

¹ See H. R. Report No. 105-768, pt. 1 at 10 (1998).

State and local public safety agencies also rely on the emergency road services performed by Cal State. Police departments, 911 operators and other public service agencies regularly call upon Cal State for assistance because they know that it can respond quickly in potentially hazardous situations. To facilitate these communications, the telephone numbers of Cal State's dispatch centers have been programmed into many public safety and highway patrol databases and speed dialing systems. If the services provided by Cal State were not available, these government agencies would be compelled to devote their own resources to rescuing motorists and clearing automotive hazards. In heavily populated areas, a single vehicle breakdown can also create severe traffic jams that paralyze commuters, wasting thousands of man-hours that the work-force must spend sitting in traffic. Such traffic jams also contribute to air pollution, a problem that is particularly acute in certain portions of the state.

With these points in mind, Cal State supports the Revised Plan inasmuch as it does not propose to (a) eliminate the primary "protected" status of incumbent B/ILT conventional 800 MHz licensees and (b) force incumbent B/ILT licensees to relocate out of the 800 MHz band to inferior spectrum in the 900 MHz band. Further, Cal State also supports Revised Plan's proposal to earmark \$150 million of the \$850 million proffered by Nextel to pay for the relocation of incumbent I/BLT licensees. As Cal State understands the Revised Plan, the rebanding of the 800 MHz band would occur on a National Public Safety Planning Advisory Committee (NPSPAC) regional basis, so that there will be no relocations to other spectrum unless and until there is sufficient funding to cover all relocation expenses within the particular NPSPAC region. Revised Plan at 7. Because Nextel has proffered two separate buckets of money to accomplish the rebanding of the 800 MHz band, Cal State is concerned about what will happen in the event

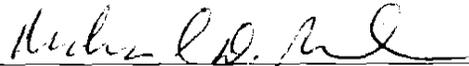
- Shell Oil Company. Breakdown, <http://www.countonshell.com> 1(1999)

that the \$150 million allocated for relocation of incumbent B/ILT licensees is exhausted while there is still sufficient funding to relocate public safety licensees. Cal State raises this concern because (a) other commenters in this proceeding have suggested that the \$150 million proposed by the Revised Plan could be insufficient to relocate all incumbent B/ILT licensees (see Comments of Ameren Corporation at 5 – 6, Supplemental Comments of Consumers Energy Company at 19, Comments of Preferred Communication Systems, Inc. at 8, 10); and (b) the Revised Plan is not crystal clear on this contingency

For the foregoing reasons, Cal State urges the Commission to ensure that any rebanding plan fully protects incumbent B/ILT licensees, including Cal State and its affiliated AAA automobile club emergency road services

Respectfully submitted,

**CALIFORNIA STATE AUTOMOBILE
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Certificate of Service

I, Althea Pierce, an employee of the law **firm** of Blooston, Mordkofsky, Dickens, Duffy & Prendergast, do hereby certify that on Tuesday, February 25, 2003, the foregoing Reply Comments on Supplemental Filing by the Consensus Parties were mailed to the following via First Class, United States Mail, postage prepaid, unless otherwise noted

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