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MCDERMOTT, WILL & EMERY

June 13, 2003

Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: Notice of *Ex Parte* Meeting: Improving Public Safety Communications in the
800 MHz Band, WT Docket No. 02-55

Dear Ms. Dortch:

Pursuant to Section 1.1206(b)(2) of the Commission's Rules, this is to notify you that John Procario, Vice President and Chief Operating Officer of Cinergy Services, Inc., Gary Caldwell, General Manager of Information Technology for Cinergy Corp., Grant Powell, Manager, Network and Telecom Services, for Cinergy Corp., Edward Cunningham, Technology Engineer, Network and Telecom Services, for Cinergy Corp., and Shirley Fujimoto and Jeffrey Sheldon, counsel to Cinergy Corp., met yesterday with Commissioner Adelstein and Barry Ohlson, of Commissioner Adelstein's office, to discuss the issues in the above-referenced docket.

We discussed the positions advanced by Cinergy its written comments and reply comments in this proceeding. Cinergy noted that it is an energy utility serving approximately 1.5 million electric customers and 500,000 gas customers in portions of Ohio, Indiana, and Kentucky. As previously reported in its comments in this proceeding, Cinergy operates two distinct radio systems at 800 MHz: a conventional system supporting its utility operations in Indiana and a trunked system supporting its Ohio and Kentucky operations. These systems collectively consist of 87 base stations serving more than 2,300 mobile units. Cinergy explained that its 800 MHz system is used to provide mission-critical communications necessary to protect safety of life, health, and property, but that Cinergy also uses commercial mobile radio services, where available, for administrative communications.

Marlene H. Dortch
June 13, 2003
Page Two

Cinergy noted its opposition to Nextel's "Consensus Plan" due to the severe disruption that would be created by the complex rebanding process, which would further complicate a previously planned upgrade of Cinergy's radio system. Cinergy also described its concern with Nextel's proposal to relocate utility licensees from 851-854 MHz to a "guard band" at 859-861 MHz where they would be subject to increased potential for interference from Nextel's operations and with only minimal regulatory protections from such interference. Moreover, because of Consensus Parties' proposal to "freeze" Business/ILT licensing in the 800 MHz band, such licensees would be prohibited from improving coverage or adding additional repeater sites to overcome interference for at least 7-9 years after commencement of the rebanding process. As discussed in Cinergy's Supplemental Comments, filed February 10, 2003 (at pp. 10-12), Cinergy recommends that if a guard band is adopted it should be located in the "cellular" portion of the band, as was done in the 700 MHz band. Cinergy also opposes Nextel's proposal to prohibit "cellularized" operations below 861 MHz due to the impact this could have on Cinergy's ability to deploy advanced technologies in its radio system upgrade.

Cinergy reiterated its support for the "Balanced Approach" filed by the 800 MHz User Coalition on May 29, 2003, because it offers the opportunity for immediate, pro-active measures to mitigate interference at far less cost and disruption.

Pursuant to the Commission's Rules, one copy of this notice is being filed electronically with the Commission. If there are any questions concerning this matter, please let me know.

Very truly yours,

/s/ Shirley S. Fujimoto

Shirley S. Fujimoto

cc: Commissioner Adelstein
Barry Ohlson