



**Association of Public-Safety Communications Officials-International
International Association of Chiefs of Police
International Association of Fire Chiefs
Major Cities Chiefs Association
Major County Sheriffs' Association
National Sheriffs' Association**

April 1, 2004

The Honorable Michael Powell
Chairman
Federal Communications Commission
445 12th St., SW
Washington, DC 20500

RE: Docket WT 02-55 - 800 MHz Public Safety Interference

Dear Chairman Powell:

Our organizations, which represent the leadership of our nation's first responder agencies and the managers and operators of public safety communications systems, remain solidly in support of the Consensus Plan. We believe that it is the only viable solution to the interference problem, which must be resolved before it creates even greater threats to public safety. In that regard, we would like to comment on two recent letters to President Bush, copies of which were submitted to the Commission, from the Grand Lodge of the Fraternal Order of Police (FOP), dated March 24, 2004, and the Federal Law Enforcement Officers Association, dated March 25, 2004. The letters express concern regarding the Consensus Plan. We believe the letters do not accurately describe either the Consensus Plan or the underlying interference problems that it is designed to resolve. This is unfortunate because our sole reason for developing the Consensus Plan has been to protect the safety of our first responders.

First, their characterization of the Consensus Plan as a "reimbursement scheme" that would require state and local governments to pay for equipment replacement and modification before seeking reimbursement is incorrect. In fact, the Plan provides that state and local governments can negotiate an agreement regarding the process of the modifications (and, if needed, acquisition of new equipment), with all costs paid for directly by Nextel (or a fund administrator). There is no requirement for state or local governments to expend funds "up front." It is also important to note that we believe very few radios will need to be replaced and that most can be "retuned" to operate on the substitute frequencies.

Second, we believe the concern expressed that the \$700 million allocated in the Plan for re-tuning or replacing public safety equipment will be inadequate is without merit. That cost estimate was based upon a very extensive study of public safety radio systems and actual experience with similar frequency re-tuning. Moreover, we understand that the proposal before you goes beyond the original Consensus Plan and would require Nextel to provide additional secured funding to reflect the value of the new spectrum that Nextel would receive. The proposal, as we understand it, would provide for the entire cost of the 800 MHz re-banding to be credited against that sum, regardless of the total cost. That would provide more than sufficient funds to cover the cost of re-banding under any circumstance.

Third, the suggestion that the Commission consider solutions that only affect the communities that have reported interference is indicative of a lack of knowledge of the problem. It is important to understand that nearly all 800 MHz public safety radio systems are susceptible to interference from Nextel and other cellular operations in the band. The interference can occur without warning at any location near a cell site, depending upon the specific frequencies being used at any particular moment. Therefore, just because there are no reported instances of interference from a specific agency does not mean that they do not have a problem. Furthermore, the tight frequency assignments within 800 MHz are such that all of the users of the band in a relevant area need to participate in the frequency shifts. For example, if just one agency changes frequencies to correct its problem, that change (absent a comprehensive “re-banding”) is likely to create new interference problems for a neighboring agency.

Many law enforcement officers, firefighters, and others have experienced disruptive interference to their radio communications while in the field and responding to an emergency. Our goal is to prevent such interference from occurring, which requires going to the root cause of the problem, the current 800 MHz frequency allocations. Other proposed solutions would merely provide “tool-kits” for fixing the interference after-the-fact. That would do nothing to protect the police officer or firefighter in the field who experiences the first instance of interference at a particular location and is unable to call for help.

Fourth, the suggestion that the complexity of the Plan will subject it to lengthy litigation is also troubling to us. While Nextel’s competitors have threatened litigation, the alternatives pose even more significant litigation potential. In addition, if each public safety agency must resolve its interference problems one-on-one with Nextel (or other cellular companies causing the interference), there will be thousands of frequency disputes across the nation tying up scarce resources.

Comments also were made about the new spectrum to be provided Nextel under the Consensus Plan. While this has not been our principal concern (our focus is on dealing with the interference problem), we understand that the proposal before you would address the question of the value of the spectrum.

Finally the letters also fail to note that another vital benefit of the Consensus Plan is the provision of additional spectrum for public safety. The 800 MHz band is extremely crowded in much of the nation. Under the Plan, many new public safety channels would become available, allowing for new and expanded radio systems to promote interoperability and improved communications capability.

We continue to urge that the Commission move quickly to resolve this critical problem. The interference is getting worse and every day without a solution is a day that first responders and the public they serve are at risk.

Respectfully,

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