

April 5, 2004

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

RE: In the Matter of Improving Public Safety Communications in the 800 MHz Band;
WT Docket No. 02-55 (Ex Parte)

Dear Secretary Dortch:

I am troubled to hear that the work of our nation's emergency response personnel is sometimes impaired by interference, and I urge you to support the Balanced Approach Plan, which provides a fast-acting solution to this problem. Nextel causes the vast majority of this interference, but it supports a different program to reduce interference that takes over three years to complete. Our first responders shouldn't have to wait that long.

The Balanced Approach Plan aims to eliminate interference, by targeting and fixing the problem at the specific locations where it occurs, and prevents future instances of interference. This plan requires interference to be resolved within 60 days of it being reported, at the expense of the interfering party. The Balanced Approach Plan also creates a pro-active method of testing new communications facilities to ensure that future developments do not create interference. Not only will the Balanced Approach Plan solve the problem of interference, it will resolve it in a quick and efficient manner at no cost to our nation's first responders.

In contrast, the so-called "Consensus Plan" aims to eliminate some interference by completely reshuffling Public Safety's airwave assignments, even relocating Public Safety radio assignments when there is no interference at all. Experts estimate the reshuffling of assignments and retuning of radios required under this plan could cost upwards of \$2 billion. Nextel, the financial backer of the "Consensus Plan," has pledged only \$700 million to cover those expenses. What will happen if the money runs out? Equally worrisome is the fact that this plan takes over three years to complete. The Consensus Plan is simply too uncertain, too costly, too time consuming and too complicated!

Due to the potential problems the Consensus Plan may create, I ask the FCC to adopt the Balanced Approach Plan to resolve communications interference. Our nation's first responders deserve an immediate solution to this pressing problem, which only the Balanced Approach Plan provides.

Sincerely,

James M Ruggiero Jr
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