



The Honorable Michael Powell, Chairman  
Federal Communications Commission  
445 12th St., SW  
Washington, DC 20554

April 7, 2004

**Subject: 800 MHz Spectrum Realignment – Docket No. WT 02-55**

Dear Mr. Chairman:

We at Consumers Union are encouraged to hear that the FCC is considering a vote on the spectrum realignment plan. We are writing to urge you to support the efficient realignment of the 800 MHz band as proposed by Nextel and the public safety community.

The benefits to public safety agencies, and therefore to consumers, of providing more contiguous spectrum in the 800 MHz band are readily apparent. Law enforcement and public safety officials have made their voices clear—communications systems for emergency services must be free of interference and interoperable. Nextel's proposal, by providing direct payments for public safety migration to new spectrum, will most expeditiously meet this goal.

We hope that the Commission will not be misled by last minute attempts to muddle this deal with unrealistic "solutions" that are neither lawful nor practical. The end result of these red herrings would simply be more delay, more uncertainty, and needless risk to the public due to continued interference problems for public safety. These proposals are nothing more than anti-competitive tactics from companies who seem prepared to thwart competition at virtually any cost, even at the expense of emergency services personnel.

The 1996 Telecommunications Act provides a clear mandate to the Commission to foster competition for local phone service; wireless companies seem to be the brightest hope for robust competition against local telephone monopolies. As more wireless mergers take place—especially Bell acquisitions of wireless companies such as Cingular's bid for AT&T Wireless—incentives for intermodal competition will be greatly diminished. We urge you to protect that competition by adopting Nextel's proposal.

Furthermore, the benefits of this deal are likely to extend to the wireless marketplace as a whole. The net result of this proposal is that Nextel will become a more robust competitor with better capacity to serve its customers, and wireless companies in general will have to compete harder. A company that has shown itself to be a good steward of what was previously thought to be “junk” spectrum at 800 MHz (having developed agile radio technology that can operate within an interleaved band) is likely to be an even better steward of contiguous spectrum. Nextel’s increased capacity will force the wireless industry to lower prices and increase quality of service in order to retain customers. This result would be good for innovation and good for consumers.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Chris Murray". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Chris Murray, Legislative Counsel  
Consumers Union

CC: Commissioner Abernathy  
Commissioner Adelstein  
Commissioner Copps  
Commissioner Martin