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MEMBER ORGANIZATIONS

American Association of State Highway and Transportation Officials
American Radio Relay League
American Red Cross
Association of Public Safety Communications Officials - International
Forestry Conservation Communications Association
International Association of Chiefs of Police
International Association of Emergency Managers
International Association of Fire Chiefs
International Association of Fish and Wildlife Agencies
International Municipal Signal Association
National Association of State Emergency Medical Services Directors
National Association of State Foresters
National Association of State Telecommunications Directors

LIAISON ORGANIZATIONS

Federal Communications Commission
Federal Partnership for Interoperable Communications
Telecommunications Industry Assn
U.S. Dept. of Agriculture
U.S. Dept. of Justice
CommTech Program
U.S. Dept. of Homeland Security
FEMA
Safecom Program
U.S. Department of Interior

EX PARTE – FILED ELECTRONICALLY

October 6, 2004

Ms. Marlene Dortch, Esq.
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: NPSTC Petition For Reconsideration on FCC Docket 00-32

Dear Ms. Dortch,

The National Public Safety Telecommunications Council (NPSTC) respectfully supports the industry consensus recommendation, filed by the Telecommunications Industry Association's Private Radio Section (TIA PRS) on October 6, 2004, for modification of 47 CFR §90.1215 to re-harmonize the power measurement procedure contained in the existing §90.1215 with the power measurement procedure contained in the recently modified 47 CFR §15.407. We, too, believe that the Commission's adoption of this recommendation would expedite the availability of 4.9 GHz MHz products for public safety providers in accordance with the Commission's goals.

As noted by TIA PRS, the Commission, when adopting the newly defined power measurement procedure contained in the modified §15.407, was apparently unaware of the need to adopt complementary modifications to the power measurement procedure in §90.1215 in order to maintain harmonization between these two Commission Rule sections. Therefore, PRS recommended that the Commission adopt the modifications to §90.1215, recommended herein, "on the Commission's own motion." The recommended rules change to be adopted by the Commission should modify the language of §90.1215 to be consistent with the language of §15.407 as this latter section is modified by the Report and Order in 04-165 adopted in July 2004.

NPSTC supports the TIA PRS recommendation and requests that the Commission re-harmonize the language in §15.407 and §90.1215 by adopting changes to §90.1215 "on its own motion."

Respectfully submitted,

Marilyn Ward, Chair
National Public Safety Telecommunications Council

cc: *Mr. John Muleta, Chief, Wireless Telecommunications Bureau*
Mr. Michael Wilhelm, Chief, Public Safety & Critical Infrastructure Division