Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Improving Public Safety Communications in the 800 MHz Band	)	
	)	WT Docket No. 02-55
Consolidating the 900 MHz Industrial/ Land Transportation and Business Pool Channels	)	

COMMENTS IN RESPONSE TO *EX PARTE* SUBMISSIONS

The Association of Public-Safety Communications Officials-International, Inc., International Association of Chiefs of Police, International Association of Fire Chiefs, Inc., Major Cities Chiefs Association, Major County Sheriffs' Association, and National Sheriffs' Association (hereinafter "Public Safety Organizations") hereby submit the following comments in response to the Commission's *Public Notice*, 04-253, released October 22, 2004, seeking comments regarding *ex parte* submissions from Nextel and other parties. These comments will be limited to issues raised in *ex parte* submissions that have a direct impact on public safety licensees.

On October 13, 2004, CTIA submitted a letter to the Commission proposing revisions to the Enhanced Best Practices requirements established in the *Report and Order*. In particular, CTIA recommends that public safety licensees experiencing

interference be required to submit extensive information to wireless carriers *before* carriers are required to take *any* steps to mitigate the problem.[1]

We strongly oppose that recommendation as it will add substantial delay before carriers are even notified of the problem, thus allowing life-threatening interference to continue unabated. The information sought by CTIA may well be needed in many cases for final resolution of interference problems, and it is not unreasonable for public safety licensees to provide such information within a reasonable time period *after* initial notification. However, once a public safety system receives interference that the licensee has reason to believe may be caused by a cellular provider, it should be able to notify relevant carriers immediately, and expect prompt efforts to help identify and eliminate the problem before lives are placed in danger. Licensees should not have to conduct field tests and gather potentially voluminous information before it even notifies the carrier of the potential problem. Nor should carriers be permitted to ignore reported problems until such data is provided.

On November 8, the firm of Shulman, Rogers submitted comments proposing several clarifications to the *Report and Order*. We agree with those comments with regard to funding issues and frequency advisory committee authority.[2] On the latter issue, the Commission needs to clarify that the public safety frequency coordinators are eligible to process and submit applications submitted by public safety licensees for

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[1] CTIA proposes that the initial notification of an interference problem include "(i) receiver make and model number; (ii) minimum measured input signal power; and (iii) verification whether the affected receivers meet the minimum performance requirements identified in sections 22.970(b) and 90.672."

[2] Comments of Shulman Rogers, at 5-12.

modifications required by the *Report and Order*.[3] The clarification is needed as the frequencies to which public safety licensees will be moving are not channels for which public safety coordinators are currently eligible to coordinate. Public safety entities need to know that their representative public safety coordinators will be able to process their applications, and thus validate their new frequency assignments. This has been a key concern of public safety licensees throughout this proceeding.

We also take this opportunity to note that the Commission will need to establish procedures for effective and efficient licensing of new public safety channels created as a result of the band reconfiguration.[4] Since that spectrum will not be available until later in the process, these issues need not be fully resolved prior to the effective date of the *Report and Order*.

Finally, we note that we have already indicated our agreement with certain revisions to the transition period interference abatement procedures proposed by Nextel.[5]

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[3] *See ex parte* letter from APCO International , August 31, 2004. This will most likely require at least a "notification" process to inform all relevant coordinators of pending applications.

[4] For example, at what point will applications be accepted for such frequencies? Should new licenses be issued on a first-come, first-served basis, or should there be some form of "regional planning" to ensure efficient and effective distribution of the new spectrum among public safety agencies?

[5] *See ex parte* letter from APCO International , October 5, 2004.

CONCLUSION

The Public Safety Organizations urge the Commission to move quickly to clarify and revise the *Report and Order* so that all parties can proceed to implement 800 MHz band reconfiguration and address dangerous interference problems facing public safety agencies.

Respectfully submitted,

ASSOCIATION OF PUBLIC-SAFETY COMMUNICATIONS OFFICIALS-INTERNATIONAL, INC.

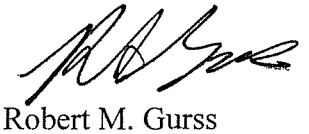
INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE

INTERNATIONAL ASSOCIATION OF FIRE CHIEFS, INC.

MAJOR CITIES CHIEFS ASSOCIATION

MAJOR COUNTY SHERIFFS' ASSOCIATION

NATIONAL SHERIFFS' ASSOCIATION

By: 

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