

parte presentation on behalf of 800 MHz carriers, and requested that the Commission modify certain aspects of the abatement program to facilitate carrier’s ability to meet the Commission’s goal of eliminating unacceptable interference. CTIA reiterates that the modifications identified in its October 13th *ex parte* will enable cellular and ESMR carriers to implement a targeted, efficient, and meaningful interference abatement program. The requested changes are as follows:

Interference Resolution Procedures. New Sections 22.972 and 90.674 governing cellular and ESMR carriers respectively set forth an initial notification procedure in which a non-cellular 800 MHz licensee that “reasonably believes” it is receiving harmful interference may initiate an interference resolution procedure involving all cellular and ESMR licensees who operate base stations within 5,000 feet of the interference incident.⁵ Cellular and ESMR carriers must respond to the notification within 24 hours and must complete an interference analysis and initiate corrective action within 48 hours of a complaint by a public safety or critical infrastructure industry (“CII”) licensee (these response times may be extended to 48- and 96-hours, respectively, in response to complaints by other non-cellular 800 MHz licensees).⁶ CTIA urges the Commission to address the following points.

First, with respect to the information required as part of the initial notification, the rules direct a Part 90 non-cellular licensee to provide the geographic location and time(s) at which interference occurred, a description of the scope and severity of the incident(s) and the source of interference if known, FCC licensing information and a single point of

⁵ 47 C.F.R. §§ 90.674(a) & 22.972(a).

⁶ 47 C.F.R. §§ 22.972(a)(3) & (b), 90.674(a)(3) & (b).

contact for the entity suffering interference.⁷ The Commission should require additional threshold information in order to facilitate an appropriate response and remediation effort within the extremely short timeframe established in the rules. Specifically, a non-cellular 800 MHz licensee submitting a notification should include the following relevant information regarding its system: (i) make and model number of affected receiver(s); (ii) minimum measured input signal power; and (iii) verification that the affected receiver(s) meet the minimum performance requirements identified in sections 22.970 and 90.672. In addition, the Commission should clarify that, as part of the requirement to provide the “specific geographic location”⁸ of an interference incident, the affected entity should provide the longitude and latitude of that location. Together, this information will enable cellular and ESMR licensees to begin an immediate assessment of the nature and scope of the interference and possible abatement efforts and actions.

Second, as noted above, cellular and ESMR licensees must respond to a notification within 24 hours and complete an interference analysis and initiate corrective action within 48 hours of an initial notification by a public safety or CII licensee (and within 48- and 96-hours, respectively, for other non-cellular 800 MHz licensees). The *Report and Order* states that, as part of the interference analysis, public safety, CII, and other non-cellular 800 MHz licensees “are bound by the good-faith obligation to exhibit the utmost cooperation with the ESMR and cellular telephone representatives, including, without limitation, the obligation to timely meet appointments and provide whatever technical assistance is appropriate under the circumstances.”⁹ This partnership approach

⁷ 47 C.F.R. § 90.674(a)(1); *see also id.* § 22.972(a).

⁸ 47 C.F.R. § 90.674(a)(1)(i); *see also id.* § 22.972(a).

is essential to a timely response to an interference notification, and CTIA urges the Commission to clarify that, in the event that the necessary assistance is not provided, cellular and ESMR carriers are not held to the 24-, 48- or 96-hour response and corrective action requirements. As the Commission recognizes in the *Report and Order*, the cooperation of public safety or CII licensees is essential, and meeting the extremely tight deadlines would likely be impossible without that cooperation.

Third, Sections 22.972(a)(2) and 90.674(a)(2) direct cellular and ESMR carriers to establish a common, unified electronic means for the initial notification.¹⁰ The rule requires that this system be operational no later than 30 days after the effective date of the *Report and Order*. Immediately following release of the text of the *Report and Order*, the industry recognized the need to develop a single interface, as well as the creation of standard processes and protocols for providing a timely response. To that end, CTIA has convened calls and scheduled an all-day meeting for the industry to work through these issues. A significant part of that meeting will focus on reviewing options for the development of electronic notification, including how the system will be established, who will run it, how carriers will be notified of a complaint, and how carriers should assign the responsibility of initially accepting and logging any notifications. CTIA and the carriers also will address issues regarding the development of standard processes for response to an interference notification, including the timing of an initial meeting of each of the parties involved, the representatives who should attend the meeting, and the equipment that should be brought to the site to assess the potential interference.

⁹ *Report and Order* at ¶ 138.

¹⁰ 47 C.F.R. §§ 22.972(a)(2) & 90.674(a)(2).

In addition to the establishment of processes and protocols, time is needed for testing and documentation of the interface and standard processes and protocols. Even on an expedited basis, this work will require more than the 30 days the Commission has provided. CTIA requests that the Commission extend the operational date to 60 days from the effective date of the *Report and Order*.

Interference Protection Standards During Transition. CTIA also shares the concerns raised by Nextel regarding the interference protection standards during the transition period and supports Nextel's proposed transition period interference protection standard.¹¹ CTIA notes further that APCO stated that it has no objection to the proposal.¹²

¹¹ See Nextel Letter of Sept. 28, 2004, WT Docket No. 02-55.

¹² See APCO Letter of Oct. 5, 2004, WT Docket No. 02-55.

For the reasons set forth above, CTIA urges the Commission to modify the interference abatement program established in the *Report and Order* as described in these comments to enable cellular and ESMR carriers to implement a targeted, efficient, and meaningful interference abatement program.

Respectfully submitted,

/s/ Diane J. Cornell

CTIA – THE WIRELESS ASSOCIATION™

1400 16th Street, NW Suite 600
Washington, D.C. 20036
(202) 785-0081

Diane J. Cornell
Vice President, Regulatory Policy

Christopher Guttman-McCabe
Assistant Vice President, Regulatory Policy &
Homeland Security

Its Attorneys

December 2, 2004