

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of )  
 )  
Improving Public Safety Communications ) WT Docket No. 02-55  
in the 800 MHz Band )

**PETITION FOR RECONSIDERATION**

CTIA – The Wireless Association™ (“CTIA”),<sup>1</sup> pursuant to section 1.429 of the Commission’s rules, 47 C.F.R. § 1.429, hereby petitions the Commission to reconsider certain aspects of the *Report and Order* adopted July 8, 2004 in the above-captioned proceeding.<sup>2</sup> The *Report and Order* includes a framework for the abatement of interference, setting forth detailed obligations for 800 MHz cellular and ESMR carriers to follow in the event of a complaint by non-cellular 800 MHz licensees regarding potential unacceptable interference. CTIA previously requested that the Commission modify certain aspects of the interference abatement framework, including the interference resolution procedures and the interference protection standards that apply during the transition to band reconfiguration.<sup>3</sup> CTIA reiterates its belief that these modifications

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<sup>1</sup> CTIA – The Wireless Association™ (formally known as the Cellular Telecommunications & Internet Association) is the international organization of the wireless communications industry for both wireless carriers and manufacturers. Membership in the organization includes Commercial Mobile Radio Service (“CMRS”) providers and manufacturers, including cellular, broadband PCS, and ESMR, as well as providers and manufacturers of wireless data services and products.

<sup>2</sup> *Improving Public Safety Communications in the 800 MHz Band*, WT Docket No. 02-55, *Report and Order*, FCC 04-168 (rel. Aug. 6, 2004) (“*Report and Order*”).

<sup>3</sup> See CTIA Letter of Oct. 13, 2004, WT Docket No. 02-55; Comments of CTIA, FCC 04-253, WT Docket No. 02-55 (Dec. 2, 2004).

will serve the public interest by enabling cellular and ESMR carriers to effectuate 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.<sup>4</sup> 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).<sup>5</sup> 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 contact for the entity suffering interference.<sup>6</sup> The Commission should require additional threshold information in order to facilitate an appropriate response and remediation effort within the extremely short timeframes established in the rules. Specifically, a non-

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<sup>4</sup> 47 C.F.R. §§ 90.674(a) & 22.972(a).

<sup>5</sup> 47 C.F.R. §§ 22.972(a)(3) & (b), 90.674(a)(3) & (b).

<sup>6</sup> 47 C.F.R. § 90.674(a)(1); *see also id.* § 22.972(a).

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”<sup>7</sup> of an interference incident, the affected entity should provide the longitude and latitude, including the minutes and seconds, 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.

In a December 2, 2004 filing with the Commission, the Association of Public-Safety Communications Officials-International, Inc. (“APCO”), together with the International Association of Chiefs of Police, International Association of Fire Chiefs, Major Cities Chiefs Association, Major County Sheriffs’ Association, and National Sheriffs’ Association, observed that “the information sought by CTIA may well be needed in many cases” and “it is not unreasonable for public safety licensees to provide such information.”<sup>8</sup> APCO, however, did not support inclusion of this material in the initial notification but instead suggested that such information be provided within a reasonable time after initial notification.<sup>9</sup> As noted above, the *Report and Order* requires cellular and ESMR licensees to respond to a notification within 24 hours *and* complete an interference analysis and initiate corrective action within 48 hours of an initial

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<sup>7</sup> 47 C.F.R. § 90.674(a)(1)(i); *see also id.* § 22.972(a).

<sup>8</sup> Comments of APCO *et al.*, FCC 04-253, WT Docket No. 02-55, at 2 (Dec. 2, 2004).

<sup>9</sup> *See id.*

notification by a public safety or CII licensee. This further information is critical to enabling cellular and ESMR carriers to understand the interference incident, to analyze the interference concern, and to initiate corrective action within these very short timeframes. If the Commission concludes that Public Safety need only provide the information requested above in a “reasonable” time frame, CTIA requests that the 48 hour period to initiate corrective action be tolled until the information is provided.

Second, the *Report and Order* states that, as part of the ongoing 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.”<sup>10</sup> This partnership approach 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.<sup>11</sup> The rule requires that this system be operational no later than 30 days after the effective date of the

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<sup>10</sup> *Report and Order* at ¶ 138.

<sup>11</sup> 47 C.F.R. §§ 22.972(a)(2) & 90.674(a)(2).

*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 hosted an all-day meeting for the industry to work through these issues. A significant part of that meeting focused on reviewing options for the development of an electronic notification system, 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 is investigating several elements of such a system, including the cost of development and ongoing hosting, as well as possibly the creation of a limited liability company. 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.

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.<sup>12</sup> CTIA notes further that APCO stated that it has no objection to the proposal.<sup>13</sup>

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 this petition to enable cellular and ESMR carriers to implement a targeted, efficient, and meaningful interference abatement program.

Respectfully submitted,

/s/ Christopher Guttman-McCabe

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<sup>12</sup> See Nextel Letter of Sept. 28, 2004, WT Docket No. 02-55.

<sup>13</sup> See APCO Letter of Oct. 5, 2004, WT Docket No. 02-55.