

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

In the Matter of)	
)	WT Docket 02-55
Improving Public Safety)	
Communications in the 800 MHz Band)	

**OPPOSITIONS OF THE PUBLIC SAFETY
IMPROVEMENT COALITION**

The Public Safety Improvement Coalition (“PSIC”), a group of local jurisdictions with 800 MHz public safety radio systems, hereby opposes several of the Petitions for Reconsideration of the original and/or supplemental orders in the captioned proceeding.¹ Twelve original members of PSIC filed comments and reply comments early in this proceeding, and several members submitted supplemental or additional views. Five of the seven jurisdictions² joining today’s Oppositions were part of the original coalition.

CTIA CTIA repeats its request that public safety systems complaining of interference supply the following information:

- receiver make and model number,
- minimum measured input signal power, and

¹ Report and Order, FCC 04-168, released August 6, 2004; Supplemental Order, FCC 04-294, released December 22, 2004. Time to submit oppositions and replies to Petitions for Reconsideration of both decisions was extended by WTB staff order DA 05-411, released February 14, 2005. Notice of receipt of Petitions pertaining to the Supplemental Order was published in the Federal Register of April 6, 2005, calling for oppositions or comments by April 21st.

² Anne Arundel County, Maryland; City of Philadelphia, Pennsylvania; City of Phoenix, Arizona; City of San Diego, California; and County of San Diego, California. Also participating in today’s Oppositions are St. Clair County, Illinois and Charles County, Maryland.

- verification that the affected receiver meets the minimum performance requirements identified in Sections 22.970(b) and 90.672 of the Commission's rules.

The Commission refused that request once (Supplemental Order, ¶¶46-50) and should do so again:

The only initial obligation of the interfered-with party pursuant to the *800 MHz R&O* is to report, to a single source for receiving interference reports, the location of interference, the time it occurs, a description of kind and severity of interference, the source (if known), the licensee's licensing information and where it can be contacted. (¶47)

The experience of Anne Arundel County in its seven-year and continuing effort to mitigate interference from Nextel and cellular carriers illustrates why handset specifications are not of first-order importance in every instance of disruption. The County tested STX, MTS, and XTS portable radios for effects of 3rd-order inter-modulation effects and out-of-band noise. All of the listed radios experienced degraded operations when in close proximity to cellular towers. These receivers represent technology from 1985 to the present day. Thus, the question of receiver specification is not something that needs to be addressed by public safety at the outset. Public Safety is the end user of these systems, not the designer or manufacturer.

Moreover, the FCC deliberately places first on the carrier – as typically the more expert party with the necessary technical and financial resources -- the burden of signal input power and receiver performance measurements. We agree with APCO that the information CTIA wishes to make an up-front requirement can be submitted by public safety licensees if and as needed. It goes without saying that if the licensee's delivery of necessary data is such as to push the initiation of corrective action beyond 48 hours, the allegedly interfering carrier should not be held to that deadline. But if the initial burden of technical analysis is placed on the public safety users, then the time to remediation, and the time that first responders are at risk from degraded or failed communications, will be unacceptably extended.

CTIA's further request for suspension of mitigation deadlines if "necessary assistance is not provided" by public safety licensees was sufficiently answered by the Supplemental Order at ¶47: "[T]he interfered-with party is required to cooperate with the involved CMRS licensee(s) in providing such other information and assistance as may be reasonably necessary" to identify and abate unacceptable interference. CTIA's request is an open invitation to CMRS licensees to extend the time for remediation by claims of insufficient cooperation that often will be difficult to refute or resolve. The burden of eliminating interference should be on the interfering party, not the first responders who suffer the interference.

Exelon This energy company classifying itself as a critical infrastructure company wants equal entitlement with public safety to spectrum vacated in the so-called "inter-leaved" portion of the former reconfiguration. The FCC compromised once by reducing the period of public safety preference from five years to three, at the request of energy companies. The FCC clearly considers public safety to have priority in acquisition of this contiguous spectrum, notwithstanding the importance of critical infrastructure operations. The public safety preference period has been reduced by 40% and should not be further eroded. Anne Arundel County notes that sufficient time must be allowed for the licensing of this preferential spectrum to accommodate typical public budget cycles and restricted cash flow. The equal entitlement sought by the energy companies would likely result in public safety losing access to this spectrum by default – clearly not the intent of the Commission in either of its orders in this proceeding.

We note two further reasons to deny the relief Exelon seeks. First, Exelon has not documented ongoing interference problems to justify the requested equal entitlement, while

public safety demonstrably continues to suffer degradation of radio communications caused by CMRS interference. Second, as stated by the FCC in the 800 MHz Supplemental Order, critical infrastructure industries “generally have greater access to funds sufficient to improve signal strength than public safety entities which operate on an appropriated funds basis.”³

APCO APCO, a designated frequency coordinator for public safety licensing, seeks reconsideration of the FCC’s decision (Supplemental Order, ¶¶60-67) that the replacement channels assigned to public safety licensees in the re-banding need not be frequency-coordinated. Its Petition rehearses at length (pages 4-5) the special value that frequency coordination would bring to the process. APCO acknowledges, however, that some jurisdictions will be hiring technical consultants who are fully capable of advising on negotiations with Nextel and in educating the TA as to the necessity and/or benefits of coordination. That option obviously is available to all, as-needed.

The answer to APCO’s concern is to leave frequency coordination voluntary as to re-banding replacement channels. For those licensees who feel more comfortable having a coordinator’s sanction, they remain free to request the service, but should not be required to do so. Presumably, the issue of payment for the service would be bargained between the licensee and Nextel, and it’s likely that public safety will bear the cost, either directly or in the form of concessions on other relocation costs. For those jurisdictions where frequency coordination would be, in the FCC’s terms, “superfluous,” the process should not be mandatory. The Commission has reached the right result and should stick to it.

API/UTC American Petroleum Institute (“API”) and United Telecom Council (“UTC”) jointly ask (Petition, 3-9) that all non-cellular 800 MHz licensees be afforded the

³ Supplemental Order, FCC 04-294, § 43, released December 22, 2004.

“additional interim protections” against commercial interference that were extended “only for public safety licensees” by the Supplemental Order. Alternatively, say API and UTC, parity of interference remediation at least must be granted to Critical Infrastructure Industry (“CII”) licensees at 800 MHz. Lastly, API and UTC contend, an 800 MHz licensee experiencing interference demonstrably so severe that it would be present even if the licensee upgraded its portable or mobile equipment to meet the interim signal thresholds of -85/-88 dBm should not be required to perform the futile upgrade just to be entitled to remediation.

PSIC argued against the more difficult interim standards and we continue to believe that the permanent thresholds of -101/-104 dBm should apply during re-banding and after. We are unable to reinforce our objections with data countering that submitted by Nextel and others. (Supplemental Order, ¶38, notes 78, 79), but we regret as a matter of policy that even interim risks of public safety radio degradation would be tolerated out of concern for transitional “operational restrictions” on commercial carriers.

We take no position on API/UTC’s claims of entitlement to parity with public safety services in the mitigation of commercial interference. While we are concerned that the scarce resources of commercial carrier remediation may be spread too thinly (to public safety’s detriment) if applied to all, or even some, of the non-public safety licensees at 800 MHz, we do not wish to denigrate the importance of the often safety-related services these licensees provide.

Nevertheless, we believe that API/UTC’s point about futile equipment upgrades has merit. By the terms of the Supplemental Order, public safety licensees that can demonstrate signal levels of -101/-104 dBm would be assured that for control channels their receivers maintain a minimum Carrier to Noise plus Interference (C/N+I) ratio of 17dB. For voice channels, the assurance would take the form of “best efforts.” And in the event of failure of

mitigation on voice channels, the public safety licensee would have mandatory mediation or even adjudication to fall back upon. (Supplemental Order, ¶42) What happens, however, if the public safety licensee is unable to meet the -101/-104 dBm thresholds? In the face of overwhelming interference that would render futile equipment changes to bring its system up to those signal levels, mitigation efforts by the commercial carrier(s) responsible should be available immediately.

Respectfully submitted,

PUBLIC SAFETY
IMPROVEMENT COALITION

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ITS ATTORNEY

Certificate of Service

The foregoing "Oppositions" were served by regular mail or e-mail on counsel of record for CTIA, Exelon, APCO and API/UTC.

April 21, 2005

James R. Hobson