

**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 800 and 900 MHz Industrial/Land Transportation and Business Pool Channels)	

REPLY COMMENTS OF NEXTEL COMMUNICATIONS, INC.

Nextel Communications, Inc. (“Nextel”) hereby files this reply to the comments of Consumers Energy Company (“Consumers”) regarding the petitions for reconsideration in this proceeding.¹ In its comments, Consumers argues that the Commission should reinstate the full interference abatement rules adopted in the Report and Order (“R&O”)² during the band reconfiguration process, or grant Critical Infrastructure Industry (“CII”) licensees the same interference protection as public safety licensees.³ Nextel urges the Commission to reject these requests.

¹ Comments of Consumers in Support of Petitions for Reconsideration (April 21, 2005) (“Consumers Comments”). Mobile Relay Associates and Skitronics, LLC filed an opposition to Nextel’s petition for reconsideration. This opposition is moot because Nextel has withdrawn its reconsideration petition except for one issue (extension of mandatory negotiation deadlines relating to Broadcast Auxiliary Service licensees) that MRA and Skitronics have not contested. *See* Letter from James B. Goldstein, Nextel, to Marlene Dortch, FCC Secretary (April 21, 2005). (Unless otherwise indicated, all filings referenced herein were filed in WT Docket No. 02-55.)

² *Improving Public Safety Communications in the 800 MHz Band; Consolidating the 800 and 900 MHz Industrial/Land Transportation and Business Pool Channels*, Report and Order, Fifth Report and Order, Fourth Memorandum Opinion and Order, and Order, 19 FCC Rcd 14969 (2004) (“R&O”).

³ Consumers Comments at 2.

As CTIA – The Wireless Association™ (“CTIA”) has stated, the “interim protection standards of -85/-88 dBm provide a balanced and reasonable approach to interference mitigation during the interim period before rebanding.”⁴ In adopting these interim standards in the *Supplemental Order*, the Commission reasoned that “the thresholds established in the *800 MHz R&O* could impose substantial operational restrictions on [Enhanced Specialized Mobile Radio Service] carriers operating in the interleaved channels prior to completion of band reconfiguration,” and that the interim standards would provide meaningful interference protection during the transition.⁵ The Commission further noted that the interim standards are similar to the Telecommunications Industry Association’s minimum signal contour recommendation for public safety systems operating in urban environments where interference is more likely to occur than in suburban or rural areas.⁶

Consumers offers no data or analysis to justify reconsideration of these Commission findings and the interim protection standards. Nor does it provide any basis for the Commission to grant CII licensees the same rights as public safety licensees. As public safety parties have noted,⁷ CII licensees have not documented that they have been subject to the same level of interference in the 800 MHz band as public safety licensees. In addition, as the Commission has found, CII licensees “generally have greater access to

⁴ CTIA Opposition to Petitions for Reconsideration at 9 (April 21, 2005).

⁵ Supplemental Order and Order on Reconsideration, 19 FCC Rcd 25120, ¶ 38 (2004) (“*Supplemental Order*”).

⁶ *Id.* ¶ 40.

⁷ Oppositions of the Public Safety Improvement Coalition at 3-4 (April 21, 2005).

funds sufficient to improve signal strength than public safety entities which operate on an appropriated funds basis.”⁸ While public safety licensees warrant special treatment because of their limited budgets and the vital governmental purpose they serve in protecting life and property, CII licensees operate commercial businesses and have the resources to construct and maintain more robust radio communications systems. CII licensees should consequently be expected to take on greater responsibility in remedying the 800 MHz interference problem.

Nextel and other CMRS licensees are doing their part. For example, as required by the *R&O*, CMRS carriers have established an internet-based automated system to provide public safety and CII licensees a central place to notify carriers of potential 800 MHz interference; CTIA recently hosted a forum to demonstrate this new system to Commission staff and 800 MHz licensees.⁹ In response to interference complaints, Commercial Mobile Radio Service (“CMRS”) carriers are required to provide the *R&O*’s interference protection measures where CII licensees meet the interim signal strength standards. Even where CII licensees do not meet these standards, Nextel has stated and affirms herein that it will continue to apply Best Practices during the band transition in order to protect CII and other private wireless licensees from interference.¹⁰ Consumers has not demonstrated that these measures will be insufficient to protect CII systems during this interval, which in most areas promises to be shorter than the Commission’s three year reconfiguration plan. Following 800 MHz band reconfiguration, CII licensees

⁸ *Supplemental Order* ¶ 43.

⁹ See CTIA Press Release (April 26, 2005), available at < http://www.ctia.org/news_media/press/body.cfm?record_id=1518 >.

¹⁰ Opposition and Comments of Nextel Communications, Inc. Regarding Petitions for Reconsideration at 17 (April 21, 2005).

will have virtually the same level of interference protection as their public safety counterparts.

The Commission should affirm its 800 MHz reconfiguration decision, including its interim interference protection standards. These standards strike the appropriate balance in protecting public safety and other licensees against interference without imposing unreasonable burdens on Nextel and cellular carriers.

Respectfully submitted,

NEXTEL COMMUNICATIONS, INC.

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Certificate of Service

I, Charles W. Logan, hereby certify that on this 2nd day of May, 2005, copies of the foregoing Reply Comments of Nextel Communications, Inc. were sent by electronic mail to the following parties:

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