

Covington - Newton County 911 Communications Center

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Mike Smith
Director

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

March 29, 2007

RE: WT Docket 02-55, Request for Limited Waiver of the City of Covington and Newton County, Georgia.

Dear Ms. Dortch:

Pursuant to Sections 1.3 and 1.925(b)(3) of the Commission's Rules, the City of Covington and Newton County, Georgia ("Covington/Newton") respectfully request a limited waiver of Section 90.677 of the Commission's Rules. Specifically, Covington/Newton requests suspension of all frequency reconfiguration planning and negotiations until September 2008 because proceeding with reconfiguration at this time exposes the public safety network to potential interference from Channel 69, Atlanta, Georgia. Covington/Newton considers this an unacceptable risk, and believes the public interest would best be served through postponing reconfiguration implementation until the digital television transition is completed in February 2009.

The City of Covington and Newton County are NPSPAC license holders (WQEN477 & WPHY875). As the director of the Covington-Newton County 9-1-1 Communications Center as well as an officer of the Georgia State Chapter of APCO, I am requesting specific relief for Covington/Newton and proposing a broader approach for addressing the impact of Channel 69 analog television operations on neighboring NPSPAC licensees.

The replacement channel scheme for NPSPAC licensees contemplates moving public safety network communications very near to broadcast operations of analog television Channel 69. As you know, the risk is if a NPSPAC license holder moves to the new frequency assignments and there is interference, it is unclear whether Sprint/Nextel must provide the licensee with a technical solution until the broadcaster vacates its Channel 69 assignment on or before February 17, 2009. There is no reverting back to the original assignments as Sprint/Nextel and Southern Company will hold the transferred licenses. There will be no one to turn to in order to make the NPSPAC license holder whole except for the federal government. The discussions with the FCC are inconclusive and we are awaiting announcement of a course of action.

Requiring Covington/Newton to comply with current deadlines for completing frequency reconfiguration negotiations and planning would undercut the entire purpose of reconfiguration, which is to protect critical public safety communications networks from harmful interference. The 40 dBu contour of each Covington/Newton licensed base station overlaps with the Grade B contour of Channel 69, Atlanta. The Commission has considered this relevant to determinations of interference between UHF television and public safety communications in the context of 700 MHz band public safety use, therefore the Commission should find that for the same reasons, there is a likelihood Covington/Newton will experience harmful interference. *See* 47 C.F.R. § 90.545. The Commission has the option of ordering reconfiguration to proceed, with Sprint reimbursing Covington/Newton for the cost of eliminating interference caused by Channel 69, or suspending negotiations until September 2008, with the goal of implementing reconfiguration after the digital television transition is complete. Covington/Newton believes that the latter course of action best serves the public interest. The expense and disruption of requiring Sprint to fund interference abatement measures that will be in place for a little more than a year outweighs any benefit public safety would realize from the reconfiguration.

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The likelihood of the NPSPAC license holders in the Atlanta metropolitan area to be adversely affected by the high power Channel 69 frequencies are enough that the rebanding effort should not move forward until this issue is resolved. According to the Georgia State Technical Authority there are a number of license holders that will be affected. Preliminary discussions with a subject matter expert (Tom Aliff at ARINC) state that the 806 frequencies look especially susceptible to adjacent channel interference. Our consultant (Stephen Macke at the Georgia Tech Research Institute) has had discussions with Jim York at Dielectric a filter engineer, and the Chief Engineer at Channel 69. both of whom stated that they could not guarantee that there will be no issues once moved to the new frequency assignments. Jim Mollohan of the Georgia State Technical Authority has commissioned a study of the NPSPAC frequencies held by agencies within the counties of Fulton, Dekalb and Cobb.

While Covington/Newton supports suspending reconfiguration until completion of the digital television transition, if the Commission does decide reconfiguration must proceed now, it is important that the Commission make clear that Sprint Nextel must provide NPSPAC licensees with protection from resulting Channel 69 interference as part of its obligation to provide comparable facilities. It is my opinion that all NPSPAC license holders in the Atlanta area not proceed with the rebanding effort until the Georgia State Technical Authority study is completed. This information will allow for a more informed course of action to take.

As a general matter, the Commission will need to determine which NPSPAC licensees could receive harmful interference from Channel 69 analog operations. Covington/Newton proposes that the Commission consider applying the interference protection principles of Section 90.545 of the Commission's Rules, which address a similar situation.

Your prompt attention and guidance to this potential life safety issue would be greatly appreciated.

Respectfully submitted,

A handwritten signature in black ink that reads "Mike Smith". The signature is written in a cursive, slightly slanted style.

Mike Smith,
Director