

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)	
)	
Letter of Georgia Technology Authority, Interference to 800 MHz Public Safety Licensees from WUPA(TV), Atlanta, Georgia (analog Channel 69))	WT Docket No. 02-55

To: Chief, Public Safety and Homeland Security Bureau

**OPPOSITION OF 800 MHz PUBLIC SAFETY LICENSEES,
METROPOLITAN ATLANTA AREA**

Pursuant to Section 1.45(b) of the Commission's Rules, 47 C.F.R. § 1.45(b), the undersigned 800 MHz public safety licensees ("Public Safety Licensees") oppose the Georgia Technology Authority Letter of April 19, 2007 ("GTA Letter"), and respectfully request that the Commission suspend their Wave 3, Stage 2 negotiations until September 2008, assuming that WUPA(TV), Atlanta will cease its analog operations on February 17, 2009.¹ GTA's arguments for proceeding with Stage 2 rebanding are without merit and should be given no further consideration.

The GTA Letter does not dispute that WUPA(TV) will cause harmful interference to 800 MHz public safety licensees that move to their replacement channels while WUPA(TV) is still broadcasting on UHF Channel 69. Nonetheless, GTA contends that Stage 2 rebanding should proceed for three reasons: 1) too many consultants, attorneys and other personnel are already being paid for rebanding work and if the work is delayed, all these personnel must continue to be paid by Sprint to remain in place until rebanding can resume; 2) public safety

¹ In the event that WUPA(TV) decides to vacate Channel 69 prior to February 17, 2009, the public safety licensees are amenable to an earlier start date for Wave 3, Stage 2 negotiations.

systems are so dynamic that if Stage 2 planning were restarted a year from now, all the planning would need to be redone at Sprint's expense; and 3) delaying rebanding in the Atlanta area would cause severe interoperability problems throughout the state. GTA believes that the better course of action would be to conduct a technical survey to identify where the interference is most problematic and explore the feasibility of "corrective action."

For the Public Safety Licensees, the public interest objective of primary importance is to ensure that everything possible be done to minimize the chance of increasing harmful interference from WUPA(TV). GTA acknowledges that today WUPA(TV) is causing harmful interference to certain 800 MHz public safety systems, and that has been the case for many years. Apparently no effective resolution to that interference has been found. Yet, GTE believes it is advisable to conduct an extensive technical survey that may yield possibilities for resolving that interference. A technical survey of this type will likely take months to complete and even then, there is no assurance that any potential solutions will be identified, much less solutions that carry with them any measure of certainty that they will ultimately succeed.

The decision to be made is clear: does public safety suspend Stage 2 negotiations for a year until the date when WUPA(TV) must stop broadcasting is near, or does public safety spend the next year participating in a testing regime that is unlikely to yield risk-free solutions? Even if such a "risk-free" resolution of harmful interference from WUPA(TV) is discovered, by that time WUPA(TV) will be preparing to cease broadcasting on Channel 69. Clearly the only reasonable course of action is to postpone Stage 2 negotiations until September 2008.

GTA's concerns about higher costs and risks associated with a brief suspension of Stage 2 negotiations are based on mistaken assumptions. The burden is on GTA to prove that the costs of rebanding are reasonable, prudent and the minimum necessary.² GTA fails to explain how or why it would ever be reasonable, prudent and necessary to reimburse consultants, attorneys and personnel for providing no rebanding services, but instead, merely maintaining themselves in a "hold" position nor is there any Commission precedent to suggest otherwise.

It is also unclear why suspending rebanding negotiations for a year would require GTA to repeat a substantial portion of its planning. Public safety systems are certainly dynamic but budgetary cycles are planned far in advance. The likelihood of a dramatic change in the GTA networks during the coming year that did not figure already into GTA's rebanding planning is highly unlikely.

Finally, GTA's concern about postponement of rebanding in the Atlanta area disrupting statewide interoperability is misplaced. Sprint maintains the five national mutual aid channels until all rebanding within a particular planning region is complete.

In sum, the Public Safety Licensees believe that the only reasonable and risk-free means of maintaining the integrity of mission-critical operations in the Atlanta area is to postpone

² See, *Improving Public Safety Communications In the 800 MHz Band*, Report and Order, Fifth Report and Order, Fourth Memorandum Opinion and Order, and Order, 19 FCC Rcd 14969, at 15074 (2004); *Improving Public Safety Communications in the 800 MHz Band*, Supplemental Order and Order on Reconsideration, 19 FCC Rcd 25120 at 25152 (2004).

rebanding negotiations until September 2008. For all the reasons stated herein, the Public Safety Licensees respectfully request that the Commission deny the relief requested in the GTA Letter and provide relief consistent with that sought by the Public Safety Licensees.

Respectfully submitted,

/s/ Mike Smith
Mike Smith, Director
Covington-Newton County 911 Communications

/s/ Carolyn Hunter
Carolyn Hunter, Director
Rockdale County 911 Communications

/s/ Wendra Williams
Wendra Williams, Director
Walton County 911 Communications

/s/ Eddie Freeman
Eddie Freeman, Chairman
Spalding County Board of Commissioners

May 3, 2007

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of May, 2007, a true copy of the foregoing was served electronically upon:

Peter Tannenwald
Counsel to Georgia Technology Authority
ptannenwald@ictpc.com

A handwritten signature in black ink that reads "Mike Smith". The signature is written in a cursive style with a horizontal line underneath it.

Mike Smith
Director, Covington/Newton 911

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