Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, NW
Washington, DC 20554

RE: WT Docket 02-55

Dear Ms. Dortch:

On January 27, 2010, Sprint Nextel filed a petition for waiver of the Commission?s current requirement that Sprint Nextel make all remaining, non-border, 800 MHz interleaved channels available for new public safety applications as of March 30, 2010. The Association of Public-Safety Communications Officials (APCO), the International Association of Chiefs of Police (IACP), and the International Association of Fire Chiefs (IAFC) opposed the waiver request on February 3, 2010.

For over one-half century, I have been heavily involved in radio interference reduction (electromagnetic compatibility), radio spectrum management (both Federal and non-Federal spectrum) and Public Safety Communication consulting. During my career I have learned that the most important use that the radio spectrum supports involves safety of live services such as Federal (air traffic control, defense, homeland security) and non Federal public safety (Police, Fire, emergency medical, etc.). The use of the spectrum to support such services far outweighs the use for casual conversations, messaging, social networking and other services provided by commercial entities.

The problem that rebanding was adopted to resolve was that the cellular ESMR signals near a low-site transmitter tower were to close in frequency and had to much aggregated power to interfere with and/or desensitize public safety mobile receivers. Nextel (now Sprint Nextel) initially estimated that the costs of relocating (rebanding) public safety equipment, SMR and B/ILT users was $850 million.

Concepts To Operations, Inc. (CTO) prepared a report on the ?probable costs? of rebanding under the ?Consensus Plan?, submitted October 31, 2003. CTO concluded that the cost of rebanding would be $3.36 billion. After a period of time the Commission required Sprint Nextel to agree to cover rebanding costs that were close to the CTO estimate.

The 800 MHz rebanding rules, as affirmed by the U.S. Court of Appeals, required Sprint Nextel to vacate the interleaved channels by June 26, 2008, to accomplish ?important public interest objectives by reducing the potential for interference and increasing the amount of 800MHz spectrum available to

public safety use.? Sprint Nextel sought a waiver of the June 26, 2008, deadline, and proposed instead a phased release of channels linked to rebanding progress in each region. APCO, IACP and IAFC then informed the Commission that they did not object to the phased approach, but urged that there be a firm date of no later than July 1, 2009, by which time Sprint must make all non-border interleaved channels available upon 60 day notice that the channels are needed for public safety operations. On October 29, 2008, the commission granted Sprint?s waiver request, but adopted a firm deadline of March 30, 2010, to release channels, which the Commission said ?will provide public safety with certainty regarding when such spectrum will become available to meet public safety demand, and will increase the spectral separation between Sprint and public safety.?

Seconds count in providing safety of live services. When a first responder, using 800MHz equipment, is in an area near a cell site that has not been rebanded, harmful interference and/or desensitization of his or her receiver may occur and a dispatch message concerning safety of life or other important public safety messages may not be heard.

Allowing such conditions to continue by granting repeated waivers which Sprint has requested can only prolong the possibility of serious incidents not being handled in a prompt manner.

I have investigated several alternatives by which this problem can be mitigated and none that I have considered can be implemented in a short period of time. I, therefore, strongly support the position stated in the fore-mentioned APCO, IACP, and IAFC opposition of another extension of time waiver by Sprint. Further, Sprint should be required to immediately terminate the use of frequencies in the 806?817MHz/851?862MHz portion of band in order to protect the safety of life services in areas not yet rebanded that are subject to interference and desensitization from Sprint operations.

Respectfully submitted,

Stanley I. Cohn
Executive Vice President
Concepts To Operations, Inc.