

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

In the Matter of)
)
Improving Public Safety Communications in the) WT Docket No. 02-55
800 MHz Band)
)
New 800 MHz Band Plan for U.S. – Mexico)
Sharing Zone)

**REPLY COMMENTS
OF
THE 800 MHZ PUBLIC SAFETY BORDER AREA LICENSEES**

Los Angeles County, California (“L.A. County”), San Bernardino County, California (“San Bernardino”), the City of Phoenix, Arizona (“Phoenix”), the City of Mesa, Arizona (“Mesa”), the Los Angeles Unified School District (“LAUSD”) and the J. Paul Getty Trust (“Getty”)(jointly the “800 MHz Public Safety Border Area Licensees” or the “Licensees”), through counsel and pursuant to Section 1.415 of the Commission’s Rules, 47 C.F.R. §1.415, respectfully submits the following Reply Comments in response to certain Comments filed regarding the Commission’s Fourth Notice of Proposed Rule Making (“Fourth NPRM”) in the above-captioned matter.¹

A. Channel Plan In Non-Sharing Zone

In their Comments, Sprint Nextel requests that the Commission change the presumption that public safety licensees in the Expansion Band will be relocated (unless the entity makes an affirmative decision to stay). Since each of these licensees may make a choice, it is unclear what is accomplished by this change. However, the Public Safety Licensees believe that such a

¹ 77 FR 52633 (August 30, 2012).

change will result in a significantly more difficult rebanding situation in those geographic areas. Specifically, if the Transition Administrator assumes that such licensees are not moving, it will not make accommodations in frequency assignments for such moves. Then, if a public safety licensee elects to move, the entire frequency plan for the region will have to be reviewed, as the domino effect of one licensee's move has repercussions for many other licensees.² The assumption for planning purposes should remain the same, with public safety licensees being able to make the decision not to move, post receipt of frequency plans from the TA.

B. Secondary Usage Of Mexican Primary Channels

Previously, the Public Safety Licensees addressed the issue of Sprint Nextel continuing to use Mexican Primary channels on a secondary basis. Upon reflection, it would seem that such usage increases the potential of interference to public safety licensees. Specifically, as Sprint Nextel's broadband usage would be within the passband of all public safety radios, the interference potential rises dramatically. Further, as Sprint Nextel points out on page 5 of its Comments, where broadband vs. narrowband usage differs in the adjoining geographic region, problems can occur. Thus, the plans should be consistent to the maximum extent possible, post-rebanding.

² For example, the State of Washington has spent months with the Transition Administrator (and other licensees in the region) working on frequency changes necessitated by technological issues.

WHEREFORE, the premises considered, it is respectfully requested that the Commission act in accordance with the views expressed herein.

Respectfully submitted,

Los Angeles County, California
San Bernardino County, California
City of Phoenix, Arizona
City of Mesa, Arizona
Los Angeles Unified School District
J. Paul Getty Trust

By: Alan S. Tilles, Esquire

Their Attorney

Shulman Rogers Gandal Pordy & Ecker, P.A.
12505 Park Potomac Ave., Sixth Floor
Potomac, MD 20854
(301) 230-5200

Date: October 15, 2012