

to ensure fair, efficient, and effective implementation of procedures to eliminate interference.

The Public Safety Organizations support the Commission's decision to adopt two separate freezes in each NPSPAC region during the 800 MHz band reconfiguration, the first for non-NPSPAC licensees, and the second for NPSPAC licensees. The *Public Notice* indicates that the first of those freezes, for non-NPSPAC licensees in a given region, "affects only the band segment 806-817/851-862 MHz." Unfortunately, the *Public Notice* does not indicate that Public Safety Category channels are excluded.

The band plan adopted in the *Report and Order* has a direct impact on the NPSPAC channels (821-824/866-869 MHz) and General Category channels (806-809.75/851-854.75 MHz). There is also an impact on channels in the Business Category, Industrial and Land Transportation Category, and SMR Category of the current interleaved portion of the band (809.75-816/854.75-861 MHz). Nextel currently holds licenses for many of the channels in those categories, and will be vacating those channels to allow current General Category and certain other non-Nextel licensees to move to those channels as part of the overall band reconfiguration. Thus, freezing applications on those channels during the band reconfiguration within each region is necessary and appropriate.

However, there is no such impact on the channels in the Public Safety Category, at least in the 809.75-815/851.75-860 MHz band segment.² Nextel does not hold licenses in the Public Safety Category, and current licensees on those channels will not be switching frequencies as part of the band reconfiguration. Therefore, there is no need to

² Public Safety Category channels in 815-816/860-861 MHz segment are part of the "Expansion Band" and are given the option to move to lower frequencies currently occupied by Nextel.

freeze applications in the Public Safety Category below 815/860 MHz. A freeze would create unnecessary and potentially dangerous constraints on the ability of public safety system agencies to deploy and modify critical radio communications operations.

CONCLUSION

Therefore, the Public Safety Organizations urge the Commission to clarify or, if necessary, reconsider the *Public Notice* to exclude Public Safety Category channels in the 809.75-815/851.75-860 MHz band segment from the application freeze otherwise applying to non-NPSPAC channels.

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