PUBLIC NOTICE

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WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON "SUPPLEMENTAL COMMENTS OF THE CONSENSUS PARTIES" FILED IN THE 800 MHZ PUBLIC SAFETY INTERFERENCE PROCEEDING - WT DOCKET NO. 02-55

Comment Date February 3, 2003
Reply Comment Date February 18, 2003

On December 24, 2002, a group of sixteen parties[1] filed "Supplemental Comments of the Consensus Parties" [2] in WT Docket 02-55, Improving Public Safety Communications in the 800 MHz Band – Consolidating the 900 MHz Industrial/Land Transportation and Business Pool Channels.[3] In these comments, the parties provide additional details concerning the "Consensus Plan" for addressing interference issues in the 800 MHz band. In order to develop a full and complete record, the Wireless Telecommunications Bureau issues this public notice seeking comment on the Supplemental Comments

[1] The Supplemental Comments of the Consensus Parties were filed by Aeronautical Radio, Inc., the American Mobile Telecommunications Association, the American Petroleum Institute, the Association of Public Safety Communications Officials – International, Inc., Forest Industries Telecommunications, the Industrial Telecommunications Association, Inc., the International Association of Chiefs of Police, the International Association of Fire Chiefs, Inc. and International Municipal Signal Association, the Major Cities Chiefs Association, the Major County Sheriffs' Association, the National Sheriffs' Association, National Stone, Sand and Gravel Association, Nextel Communications, Inc., the Personal Communications Industry Association, and the Taxicab, Limousine and Paratransit Association. The Association of American Railroads, a signatory to the initial Consensus Plan, submitted August 7, 2002, became a signatory to the supplemental comments on December 31, 2002. *See* Letter from Jeremy Denton, Director, Government Affairs, Industrial Telecommunications Association, Inc. and Denis J. Starks, Senior Commerce Counsel, Law, Regulatory & Legislative Affairs, Association of American Railroads, to Marlene H. Dortch, Secretary, Federal Communications Commission, dated Dec. 31, 2002.

[2] The "Consensus Plan" was submitted on August 7, 2002, during the reply comment cycle of this rule making proceeding. The Wireless Telecommunications Bureau (Bureau) sought comment on the Consensus Plan. *See* Wireless Telecommunications Bureau Seeks Comment on "Consensus Plan" filed in the 800 MHz Public Safety Interference Proceeding, *Public Notice*, 17 FCC Rcd 16755 (WTB 2002). Subsequently, the Bureau clarified the notice to explicitly state that comments could address other band plans or proposals advanced in reply comments. *See* Wireless Telecommunications Bureau Clarifies Scope of Comments Sought in 800 MHz Public Safety Proceeding (WT Docket No. 02-55), *Public Notice,* 17 FCC Rcd 17226 (WTB 2002). In their reply comments, the Consensus Parties stated that there would be a follow-on filing addressing Canadian and Mexican border issues and the funding for relocation of public safety and other systems as necessary to implement the Consensus Plan. *See* Consensus Parties Reply Comments, August 7, 2002, at 16, 21 n.60.

[3] Although the parties style themselves the "Consensus Parties," it should be recognized that "consensus" in the context used here merely denotes that the signatories have reached consensus on the contents of their filing. The filing does not represent a consensus reached by all parties participating in the WT Docket 02-55 proceeding.

of the Consensus Parties (Supplemental Comments). The Commission will accept comments on the Supplemental Comments on or before **February 3, 2003**; and reply comments on or before **February 18, 2003.**

The Supplemental Comments primarily address four issues: (1) funding for the Consensus Plan; (2) procedures and processes for relocating 800 MHz incumbents; (3) post-realignment interference protection standards; and (4) border area realignment plans.[4]

Interested parties may view the "Supplemental Comments of the Consensus Parties" on the Commission's Electronic Comment Filing System (ECFS) using the following steps: (1) access ECFS at http://www.fcc.gov/e-file/ecfs.html. (2) In the introductory screen, click on "Search for Filed Comments." (3) In the "Proceeding" box, enter "02-55." (4) In the "Filed on Behalf of" box, enter "Consensus Parties." (5) In the "Date Submitted" box, enter "12/24/2002." In addition, the Supplemental Comments of the Consensus Parties will be available for inspection and duplication during regular business hours in the FCC Reference Information Center (RIC) of the Consumer and Governmental Affairs Bureau, Federal Communications Commission, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. Copies of the Supplemental Comments of the Consensus Parties also may be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, (202) 863-2893, facsimile (202) 863-2898, or via e-mail qualexint@aol.com. For further information regarding the public reference file for this Public Notice, contact Maria Ringold, Chief, Wireless Branch, RIC, (202) 418-1355, with reference to the DA number of this *Public Notice*.

Comments may be filed using the ECFS or by filing paper copies. *See* Electronic Filing of Documents in Rule Making Proceedings, 63 Fed. Reg. 24121 (1988). Comments filed through the ECFS can be sent as an electronic file via the Internet to http://www.fcc.gov/e-file/ecfs.html. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the docket number "02-55."

Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message: "get form <your e-mail address>." A sample form and directions will be sent in reply. Parties who choose to file by paper must file an original and four copies of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. The Commission's contractor, Vistronix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Ave., N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail or Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

Action by Deputy Chief, Wireless Telecommunications Bureau.

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[4] The Consensus Plan also contains a proposal for relocating SMR licensees, such as Southern Linc, from the 806-809 MHz/851-854 MHz band segment which, under the Consensus Plan, would exclusively be used by public safety systems.