

SEPARATE STATEMENT OF COMMISSIONER KATHLEEN ABERNATHY

In re: Improving Public Safety Communications in the 800 MHz; Consolidating the 900 MHz Industrial/Land Transportation and Business Pool Channels, Docket No. (March 14, 2002).

I welcome today's decision to initiate a rulemaking to examine the difficult sharing issues presented in the 800 MHz band. There are two known facts here: (1) interference affecting public safety in this band is a problem and it is getting worse; and (2) our current processes are not sufficient to resolve the problems. Long ago, the Commission crafted a band plan at 800 MHz that interleaved public safety wireless licensees with private and commercial wireless operations. The Commission also added adjacent cellular operations. Although adequate at the time, that band plan did not anticipate changes in SMR and cellular technology that greatly increased the potential for interference from those services. Consequently, public safety operations are at times jeopardized by interference, particularly when operating in close proximity to commercial base station cell sites. Nonetheless, both licensees are operating within the confines of our rules. For almost two years, the Commission staff has been diligently working with the public safety and commercial wireless communities to come up with solutions to the 800 MHz interference problem. In addition, APCO has launched its Project 39 initiative to explore possible solutions. Although these collaborative efforts produced a "Best Practices Guide" and other progress, these efforts alone have not resolved the systemic interference.

Public safety licensees simply must be able to operate free from harmful interference. Nextel deserves significant credit for coming forward with a proposal to address this dilemma. Nextel's proposal is a welcome beginning of a dialog on how best to move us from where we are – to where we need to be. Indeed, absent Nextel's initiative, it is not clear that today's NPRM would have happened. Subsequent to Nextel's initiative, other parties have offered alternative proposals and I hope and fully expect additional ideas will be generated in response to this Notice. I look forward to a vigorous and informed debate.

In evaluating various proposals, a few key considerations are likely to guide my analysis. First, the plan we adopt must aggressively attack the public safety interference issues. Second, our approach should strive to minimize costs. I am very reluctant to force parties to move at their own expense unless there is some inherent benefit in the new assignment. Third, we should attempt to minimize the disruption to other bands, to the extent feasible. Fourth, if we consolidate public safety into a contiguous band and there is a demonstrated need in the record, we should not pass up an opportunity to identify additional interoperability channels for public safety.

There has already been significant public attention focused on these issues. I hope that this public attention will translate into a full and constructive record on how to proceed.