



The News Review

Debate Creates Public Safety Risk

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Lingering Spectrum Debate Creates Public Safety Risk

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The FCC's inability to move forward with a decision has created and is prolonging a public safety risk. Interference at 800 MHz is affecting communications services that support prompt emergency response. As a result, police and fire departments, in addition to other emergency care providers, are suffering critical communications problems. The FCC is obligated to manage regulated spectrum and look out for public interest, but it appears to have been somewhat derelict in its duties. Instead of moving forward with re-banding at 800 MHz to resolve the safety threat, the FCC has seemingly allowed infighting among Verizon Wireless, the CTIA and Nextel to delay a resolution for nearly three years. Given the Bush administration's emphasis on homeland security and public safety, the FCC's apparent inability to make a decision on this issue is difficult to justify.

The 800 MHz interference problem has roots in spectrum allocations that took place more than 20 years ago. Allotments to public safety and specialized mobile radio (SMR) were interlaced in parts of the 800 MHz band. Cellular allotments were contiguous and placed at the upper end of the band. There were protests to the FCC's re-organization and re-auction of 800 MHz SMR band in 1997. Nextel won 90%, 76% and 92% of the licenses in the three SMR auctions between 1997 and 2000. The consolidation of spectrum exacerbated the current interference problem, which became magnified after 9-11. There were reports of interference in more than 25 states, and Nextel was thought to be the cause in more than 20. These problems led Nextel to propose a re-banding plan that would move different services to different ranges and eliminate the interference.

Nextel's Offers

Nextel's initial proposal was to realign 700, 800, and 900 MHz bands. This would have doubled the public-safety allotment in 800 MHz and been adjacent to an existing allotment of public safety spectrum at the 700 MHz band. The proposal called for Nextel to receive two 5 MHz allotments at 2.1 GHz (020-2025, 2170-2175), and a 6 MHz allotment adjacent to existing Nextel spectrum in the upper 800 MHz band, while relinquishing 4 MHz at 700 MHz, 8 MHz at 800 MHz, and 4 MHz at 900 MHz. Significantly, the plan called for a Nextel contribution of \$500 million to fund relocation of the both public safety and incumbent licensees. Shortly after submission, this proposal drew criticisms regarding 'hidden benefits' for Nextel.

After a year of regrouping, and with the support of various public safety organizations, the first "consensus plan" was filed with the FCC in August 2002. Nextel would surrender less of its spectrum at 800 MHz and get 5 MHz blocks at both 1.9 and 2.1 GHz. In December 2002, Nextel offered to increase its contribution to \$850 million, but in exchange wanted spectrum at 1.9 GHz instead of 2.1 GHz. The fight went public with opponents - mostly Nextel's competitors - and supporters arguing in the press.

The consensus plan was not without its faults. Certain stipulations of the plan would make it difficult for licensees to be reimbursed. Questions about cost remained. But it was the allotment of contiguous spectrum at 1.9 GHz that has proven the largest stumbling block. Opponents, led by Verizon Wireless and the CTIA, consider the spectrum in the 1.9GHz band to be worth billions.



Lingering Indecision

In December 2003, Congress directed the FCC to settle this issue. By April, reports indicated that the FCC would support Nextel's revised plan. Chairman Powell withdrew his support of the "consensus plan" in May 2003, which led to another month of publicized bickering. In August 2003 the FCC was still working on a decision, but hoped to resolve the 800MHz interference problem by year's end. The FCC has played the central role in every spectrum decision leading to this point, including approval of Nextel's acquisition of Motorola and the initial issuance of 800 MHz SMR licenses to Nextel. Given that much of the conflict surrounds allotment of 1.9 GHz spectrum, 800 MHz re-banding could begin while the rest of the negotiations continue. This would provide an acknowledgement of the public safety risk and would be attendant to the needs of homeland security.