

February 23, 2009

Via Electronic Filing

Acting Chairman Michael Copps
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: ***Ex Parte* Communication, Revisions to Rules Authorizing the Operation of Low Power Auxiliary Stations in the 698-806 MHz Band, WT Docket No. 08-166; Public Interest Spectrum Coalition, Petition for Rulemaking Regarding Low Power Auxiliary Stations, Including Wireless Microphones, and the Digital Television Transition, WT Docket No. 08-167**

Dear Acting Chairman Copps:

You have made it clear that you believe we can do no less than our best in ensuring that our public safety and first response communications systems are of the highest quality and reliability. CTIA – The Wireless Association®, the National Emergency Number Association (“NENA”), The Association of Public-Safety Communications Officials – International (“APCO”), and the National Public Safety Telecommunications Council (“NPSTC”) want to bring a growing public safety issue to your attention. Harmful interference from unauthorized low-power devices operating in the 700 MHz band threatens to prevent licensees from realizing the benefits to public safety that the 700 MHz band promises. We understand that there is an item currently before the Commission to address low-power devices in the 700 MHz band and urge you to take action to curb the harmful use of these low-power devices.

It is of critical importance that low-power auxiliary devices do not cause harmful interference to critical communications – and the commercial communications that enable ordinary Americans to reach public safety in their moments of need. As both public safety and commercial licensees begin to utilize spectrum from broadcasters who have completed their digital transition, we ask that the Commission take action to clear the 700 MHz band of unauthorized low-power auxiliary users. By clarifying in an Order that low-power auxiliary devices must not interfere with authorized public safety and commercial licensees, and that those devices must accept all interference from licensed users, the Commission sends a strong signal to all users of these devices that the public safety benefits of the 700 MHz spectrum outweigh any – licensed or unauthorized – use of the band.

In order to curb the potential for additional interfering systems, the Commission should take action to prevent the introduction of additional unauthorized devices by prohibiting the manufacture, import, shipment, domestic display, marketing, offer for sale, and sale of low-power auxiliary devices capable of operating in the 700 MHz band. Delay in action by the Commission only will make this situation worse. By acting now, the Commission can limit the scope of unauthorized users that must be relocated, and prevent unwitting consumers from purchasing products that ultimately will be unusable. Swift Commission action in this area is

critical, as delay or inaction will cause the interference concerns to become more acute as public safety and commercial users begin deploying systems in the 700 MHz band and must face additional unauthorized users.

Finally, we urge the Commission to require that operation of all low-power auxiliary devices in the 700 MHz band cease no later than one year from the adoption of an Order and issue a Consumer Advisory informing the public. Additionally, in order to speed the deployment of public safety and commercial systems in the 700 MHz band, the Commission should require low-power users to cease operation within 60 days of notice that a licensee intends to initiate or change its wireless operations such that the low-power devices will likely cause interference. These dates-certain, coupled with Commission notice to the public of the changes to their acceptable use of low-power devices, will provide public safety and commercial licensees the ability to plan deployment of new systems independent of the DTV Transition date and free from interference concerns to their critical communications.

Decisive Commission action to halt additional unauthorized users will ensure that critical public safety systems and the commercial systems that carry emergency calls are unhindered by interference. We urge the Commission to promptly adopt such an Order and issue a Consumer Advisory. Pursuant to Section 1.1206 of the Commission's rules, a copy of this letter is being filed via ECFS with the FCC Secretary's Office.

Sincerely,

/s/ Steve Largent

Steve Largent

President and CEO

CTIA – The Wireless Association®

/s/ Dr. Brian Fontes

Executive Director

National Emergency Number Association

/s/ Chris Fischer

President

The Association of Public-Safety Communications Officials – International

/s/ Ralph A. Haller

Chair

National Public Safety Telecommunications Council

cc: Commissioner Jonathan Adelstein

Commissioner Robert McDowell