

**REGION-20 821 MHZ PUBLIC SAFETY REGIONAL PLAN REVIEW COMMITTEE**

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WIRELESS TELECOMMUNICATIONS BUREAU  
PRIVATE WIRELESS DIVISION  
WASHINGTON, D.C. 20554**

In the Matter of	)	
	)	
Philadelphia Metropolitan Area	)	GN Docket No. 89-573
Regional Public Safety Plan	)	
(Region 28)	)	
	)	File No. 9905D125995 (WPIQ-290)
State of Delaware 821 MHz	)	File No. 9905D125938 (WPIQ-294)
Station License Authorizations	)	File No. 9905D125994 (WPIZ-596)

**WRITTEN EX PARTE PRESENTATION:  
LETTER**

Submitted by:

Region-20 821 MHz Public Safety Regional Plan Review Committee  
Legislative/Regulatory Affairs  
Dr. Michael C. Trahos, D.O., NCE, CET - Chairman  
4600 King Street, Suite 6K  
Alexandria, Virginia 22302-1249

August 18, 1999

**REGION-20 821 MHZ PUBLIC SAFETY REGIONAL PLAN REVIEW COMMITTEE**

Region-20 821 MHz Public Safety RPRC  
Mr. Stephen H. Souder - Chairman  
1400 North Uhle Street, Fifth Floor  
Arlington, Virginia 22201-9998

August 18, 1999

STATE OF DELAWARE

Mr. Richard R. Reynolds

Chairman - Region-28 Public Safety Planning Update Committee

Manager - Bandwidth System, State of Delaware

Office of Information Services

Telecommunications Technologies

800 MHz Radio Project

801 Silver Lake Boulevard

Dover, Delaware 19904-2407

RE: Modification of State of Delaware License  
Authorizations WPIQ-290, WPIQ-294 &  
WPIZ-596

Dear Mr. Reynolds,

The following letter is being written to you in your dual capacities as Chairman - Region-28 Public Safety Planning Update Committee (Region-28) and as Manager - Bandwidth System, State of Delaware (Delaware) 821 MHz radio system.

It has come to the attention of the Region-20 821 MHz Public Safety Regional Plan Review Committee (Region-20 821 MHz RPRC or Region-20) that modifications to the Delaware 821 MHz station license authorizations WPIQ-290, WPIQ-294 & WPIZ-596 were submitted to the Federal Communications Commission (FCC) for approval without having properly received prior adjacent *inter-regional* (Region-20) coordination approvals. These license modification

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submissions to the FCC are therefore in apparent violation of the FCC's **ORDER**<sup>1</sup> of December 9, 1996 and the **INTERREGIONAL COORDINATION PROCEDURES AGREEMENT**<sup>2</sup> (**INTERREGIONAL AGREEMENT**) of July 31, 1998, of which Region-28 is a signature party thereto.

Pursuant to our telephone conversation of Wednesday, August 11, 1999, you acknowledged the submission of these license modifications to the FCC without having received prior inter-regional concurrence, stating that it was an Administrative oversight on your part. You further related your feelings that the Region-20 821 MHz RPRC would not have objected to the license modifications, had they been requested for concurrence, since they would result in lower antenna heights and thus address the Delaware system interference into Region-20.

However your letter to APCO dated April 27, 1999, of which the Region-20 821 MHz RPRC was not provided a copy of until August 13, 1999, implies that this lack of having acquired prior Region-20 821 MHz RPRC inter-regional concurrence was not the Administrative oversight as claimed. Considering the protracted discussions between Regions 20 & 28 and pursuant to the **ORDER**, and the mutually executed **INTERREGIONAL AGREEMENT** having been in effect for only nine months as of the date of your above letter to APCO, it is difficult for the Region-20 821 MHz RPRC to understand why that on the first occasion you were required to seek Region-20 inter-regional concurrence you did not do so. This is further especially

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<sup>1</sup> **ORDER**, GN Docket Nos. 90-7 & 89-573, DA 96-2066, December 9, 1996, Paragraphs 10(a) and 11.

<sup>2</sup> **WRITTEN EX PARTE PRESENTATION: RESPONSE STATEMENT**, GN Docket Nos. 90-7 & 89-573, August 21, 1998, Attachment A.

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disconcerting considering the fact, and notwithstanding the above, that the Region-20 821 MHz RPRC filed, and is still pending, with the FCC the **MOTION FOR EMERGENCY INJUNCTIVE STAY**<sup>3</sup> of December 12, 1996 concerning the very issue of the Delaware 821 MHz system *inter*-regional harmful interference into Region-20.

Preliminary review of the license modifications pending/approved by the FCC indicates that with the implementation of the proposed modifications to the Delaware system, there may still be unauthorized harmful interference emissions into Region-20. The Region-20 821 MHz RPRC is in receipt, as of August 13, 1999, of copies of the Delaware license modification applications with attached APCO FDR-3 forms. However, the Delaware system [40 dBu co-channel, 25 dBu adjacent channel & 5 dBu co-channel] contour maps were not included.

Region-20 wants very much to see the conditions giving rise to the **MOTION FOR EMERGENCY INJUNCTIVE STAY** be resolved. However, Region-20 firmly believes that all the conditions within the **MOTION FOR EMERGENCY INJUNCTIVE STAY** must be met for this matter to be completely resolved. To aid in this endeavor, you are requested to submit to the Region-20 821 MHz RPRC the above noted contour maps, the make and model of the proposed directional antennas of each site and any additional information further required pursuant to the **INTERREGIONAL AGREEMENT**. Upon our final analysis of your data, we will notify you and the FCC of our findings and any further actions deemed necessary by the Region-20 821 MHz RPRC in this matter.

Respectfully,

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<sup>3</sup> **MOTION FOR EMERGENCY INJUNCTIVE STAY**, GN Docket No. 89-573, State of Delaware Station Licenses WPIQ-290, WPIQ-294 & WPIZ-596, December 12, 1996.

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-s-     *Stephen H. Souder*

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Mr. Stephen H. Souder - Chairman  
Region-20 821 MHz RPRC

SHS/mct