

SEPARATE STATEMENT OF COMMISSIONER KATHLEEN Q. ABERNATHY

*Re: Improving Public Safety Communications in the 800 MHz band,
WT Docket No. 02-55 , FCC 04-XX (adopted July 8,, 2004)*

For three years we have struggled to identify the best way to resolve public safety interference problems in the 800 MHz band. After reviewing the voluminous record it became clear to me that: 1) the adoption of enhanced best practices alone would be inadequate to protect critical public safety communications; and 2) any rebanding solution would be costly, complex and controversial. I embrace today's decision because it puts public safety's interests first. While I recognize that the rebanding plan is costly, complex and, in some respects, controversial, it is the only the solution that adequately addresses the needs of public safety while realigning other uses of the 800 MHz band.

When we initiated this proceeding, I stated that there were four key considerations which would likely guide my analysis. First, the plan must aggressively attack the public safety interference issues. Second, our approach should strive to minimize costs. Third, if possible, we should attempt to minimize the disruption to other bands. And fourth, if we were to consolidate public safety into a contiguous band and there is a demonstrated need in the record, we should identify additional interoperability channels for public safety. Today's order addresses each of these considerations.

As an initial step we adopt mandatory best practices that will diminish, but not eliminate, the potential for harmful interference to public safety. Over the longer term, we are implementing a rebanding plan that completely eliminates harmful interference and provides additional spectrum for public safety. Rebanding will be paid for by Nextel, thus ensuring that public safety does not incur any new costs, and the processes we have adopted will minimize service disruptions.

Because of the importance of achieving a workable solution for public safety and the American public, and the complex technical issues, this has not been an easy proceeding to resolve. I believe, however, that the plan we are adopting is the best mechanism available to us to solve the public safety interference problem in the 800 MHz band and I appreciate all of the time, effort and brain power devoted to this proceeding by public safety, industry and the FCC staff.