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ONE HUNDRED EIGHTH CONGRESS

U.S. House of Representatives
Committee on Energy and Commerce
Washington, DC 20515-6115

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April 28, 2004

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BUD ALBRIGHT, STAFF DIRECTOR

The Honorable Michael Powell
Chairman
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Dear Chairman Powell:

I understand that the Federal Communications Commission is currently considering a proposal to mitigate interference to public safety communications in the 800 MHz band. There are many large and controversial issues associated with this matter, but the Commission should not lose sight of mutual aid channels located in this band. As you are aware, the United States and Canada share five mutual aid channels, established by the *Arrangement Between the Department of Communications of Canada and the Federal Communications Commission of the United States of America Concerning the Use of the Bands 821 to 824 MHz and 866 to 869 MHz Along the United States-Canada Border*. The 821 and 866 MHz bands are used on both sides of the border for domestic public safety communications, and the mutual aid channels, which are critical to cross-border coordination, particularly in emergencies, are located within such bands. It is important that the use of such channels for public safety not be disrupted by any rebanding of the 800 MHz band that may be required by the Commission.

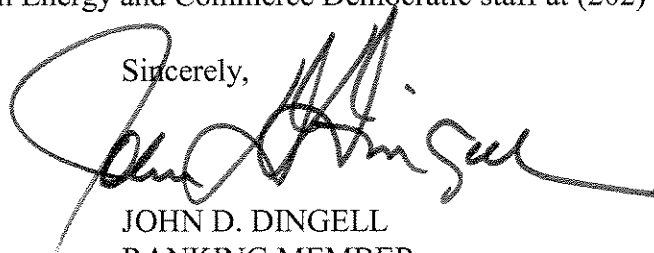
It is my understanding that to utilize mutual aid channels, public safety officials on both sides of the border must operate in the same spectrum bands. If adopted, the Commission's proposed 800 MHz rebanding plan would require U.S. public safety officials to relocate to the lower 800 MHz band. The Canadian government, however, appears unlikely to make a similar relocation of its public safety bands due to the incumbent users in the lower 800 MHz band and a lack of financing for such a rebanding. The consequence of the Commission requiring a relocation of U.S. public safety users without a similar move by the Canadian government will be the loss of ability on both sides of the border to communicate with each other via current mutual aid channels.

The value of the mutual channels to the public's safety and security is clear, especially during this time of increased threats of terrorism. I believe that every effort should be made to guarantee that U.S. and Canadian public safety officials have the ability to communicate via such channels and any Commission-approved 800 MHz rebanding must be done with this in mind. Accordingly, I would appreciate answers to the following questions by no later than Thursday, May 6, 2004:

1. Is it correct that current U.S.-Canadian mutual aid channels would need to be relocated if the Commission approves the 800 MHz rebanding plan presently being contemplated by the Commission? If so, would the U.S. and Canada need to renegotiate the *Arrangement* concerning the 821 to 866 MHz bands in order to relocate such channels? When would such negotiations begin? What resources will the Commission allocate to ensure that this important issue is resolved as expeditiously as possible? When does the Commission estimate that such negotiations will be concluded?
2. How would the Commission protect the ability of U.S. public safety officials to continue to communicate with their Canadian counterparts without any disruption during any negotiation and transition period?
3. If current mutual aid channels are not relocated, how would the Commission protect such channels from interference under a new 800 MHz band plan?

It is imperative that the Commission act quickly and thoughtfully to resolve the present interference problems in the 800 MHz band. Any solution, however, must not negatively affect the ability of U.S. and Canadian public safety officials to communicate across the border. If there are further questions regarding this request, please have your staff contact Gregg Rothschild or Pete Filon with the Committee on Energy and Commerce Democratic staff at (202) 226-3400.

Sincerely,



JOHN D. DINGELL
RANKING MEMBER

cc: The Honorable Joe Barton, Chairman
Committee on Energy and Commerce

The Honorable Fred Upton, Chairman
Subcommittee on Telecommunications and the Internet

The Honorable Edward J. Markey, Ranking Member
Subcommittee on Telecommunications and the Internet