**Before the**

**Federal Communications Commission**

**Washington, DC 20554**

In the Matter of )

)

Amendment of Part 90 of the Commission’s Rules ) WP Docket No. 07-100

**Comments of the National Regional Planning Council**

The Grundy County Emergency Telephone System Board (ETSB) respectfully files these comments under Docket 07-100. These comments address the Commission’s Sixth Further Notice of Proposed Rulemaking on several alternatives to stimulate expanded use of and investment in the 4.9 GHz band.

**The Grundy County Emergency Telephone System Board**

The Grundy County Emergency Telephone System Board (ETSB) operates a consolidated public safety answering point and provides public safety agencies in and around Grundy with voice and data communications. The 4.9 GHz Band is an area of spectrum utilized by the ETSB in support of our operations.

**Discussion**

The Federal Communications Commission has allocated 50 MHz within the 4.9 GHz band to Public Safety. For various reasons, use of the band by public safety has not reached its full potential. Through this proceeding we encourage the Commission to implement rule changes that foster use of the band by public safety while also implementing rules to protect public safety’s use of the band.

One of the primary issues preventing wider spread use of the band by public safety is the lack of frequency coordination for licensing and use of the band. Public safety by its very nature does what it can to avoid and mitigate risk. Public safety mitigates risk by avoiding uncertainly. The current rules environment where use and licensing of the 4.9 GHz band is not coordinated results in uncertainty. Public safety, and government in general, avoids situations of uncertainty where government cannot safe guard the expenditure of public funds to plan and implement new systems technologies. We encourage the Commission to adopt rules to implement frequency coordination for the 4.9 GHz band and protect the band for public safety.

The Grundy County ETSB supports the National Regional Planning Committee’s comments filed as relate to the Regional Planning under Section E of the document.

The ETSB concurs with the Commission’s belief that the RPC’s have a role in shaping the use of the 4.9 GHz band (para 41). We agree with the Commission to afford the RPC’s the flexibility to file new or amended regional plans or default to an as yet to be announced national plan. For many regions the national plan would likely meet the needs of that region. For other regions, the national plan may be too limiting, or not limiting enough to meet the unique needs of that region. These unique needs would likely be in some of the most urban regions in the country.

The ETSB concurs with the Commission on allowing regions to submit plans that make changes to specific areas of the Commission’s rules (para 42). We concur with the Commission to allow channel aggregation of up to 40 MHz channels (i). We concur with the Commission to allow regions to set aside additional channels for specific specialized use (ii) however, we also recommend that regions be allowed to deviate from rules specifying specific channels for specific use. For a region where large areas of the region does not have aerial resources or robotics, limiting the use of channels 1 through 5 for those uses exclusively in effect eliminates 5 MHz of spectrum from use. Allowing regions the freedom to modify channel limitations without having to request waiver of Commission rules helps the regions meet the unique needs of that region and foster more use of the band. We concur with allowing regions to place limits on the use of point to point links in urban areas (iii) or impose more stringent antenna requirements or technical parameters to allow greater channel utilization and reuse. We also concur with the Commission on codifying in the rules the upper equivalent isotopically radiated power (EIRP) levels (iv). For specific cases where higher EIRP levels are needed, they can be requested through the waiver process.

Allowing the RPC’s the option to submit plans that amend the above topics to meet the unique needs of the region, at little monetary cost, would make the band more attractive to public safety agencies in the region. Rules and requirements that are too restrictive can make the use of the band unattractive in much the same way that too few rules make the band unattractive to public safety. We feel that the Commission’s proposal to allow regions flexibility in developing plans that amend the national plan will foster the goal of increasing public safety use of the band.

Comments from the ETSB addressing items in Section K of the document.

Point-to-Point (P-P) and Point-to-Multi Point (P-MP) usage will require a single monolithic database and coordination approach like what is used in Part 101. An approach such as this, the ETSB feels would better manage the spectrum and allow for shared usage. Regarding shared use of the 4.9 GHz band, would there be a requirement for Critical Infrastructure Industry (CII) users to file spectrum requests with RPCs like public safety users?

There are currently multiple deployment uses and technologies (P-P, P-MP & wireless LAN as an example) and not a single adopted standard method to dynamically manage interference across multiple deployments and licensees. The ETSB feels that the current sharing agreement process needs to remain in place. The ETSB feels that technology available today is not capable of dynamic management of disparate networks in this band. Also, priority and preemption in the 4.9 GHz band would only be possible if all the equipment were sharing the same management core structure. As applied technology advances in other areas of spectrum, the FCC should explore the application of that technology in the 4.9 GHz band. Future technologies could easily increase the ability to share spectrum across public safety and CII allowing for co-primary use and removing the need for sharing agreements in the future as well as increasing the performance and usage of the 4.9 GHz band.

**Summary**

The ETSB fully supports the efforts of the Commission to amend the rules to help foster increased use of the 4.9 band by public safety. The band holds the potential for meeting public safety broadband needs for a number of different purposes however the current rules leave too much uncertainty for public safety to fully embrace its use. Additionally, we feel that the current licensing rules have led to confusion where agencies with jurisdictional licenses have implemented permanent fixed systems, including point to point links, believing that their jurisdictional license granted them that authority. We feel that this licensing confusion has resulted in a licensing record that is not truly reflective of the actual use of the band by public safety. We feel that there are many more systems in use than the record seems to indicate. The proposed rules should help identify these systems and update the commissions licensing record to accurately reflect the actual use of the band.

On the whole the ETSB agrees with the Commission’s proposed rule changes. The ETSB urges the Commission to uphold the current rules that retain the band as a public safety band. To implement rules that add uncertainty in the long term use and viability of the band for public safety uses would be detrimental to promoting increased public safety use, and would likely have the opposite effect. The ETSB thanks the Commission for the opportunity to submit these comments.

Respectfully,

Chris Kindelspire, Director Electronic Operations

Grundy County ETSB

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