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August 7, 2018

**VIA ECFS**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, DC 20554

**Re: The Colorado Public Safety Broadband Governing Body Request for Federal Communications Commission's ("FCC/Commission") Clarification on Guidelines for Commercial Network Interoperability for the Nationwide Public Safety Broadband Network, PS Docket No. 16-269; 12-94; 06-229; and 06-150.**

Ms. Dortch:

Southern Linc, an Atlanta-based regional wireless carrier with network coverage throughout Alabama, Georgia, southeast Mississippi and the Florida panhandle, supports the requests of the Colorado Public Safety Broadband Governing Body ("CPSBGB") and Cellular South, Inc. d/b/a C Spire ("C Spire") that the Commission ensure interoperability for the nationwide public safety broadband network ("NPSBN") as required under the Spectrum Act.<sup>1</sup>

Like CPSBGB, Southern Linc remains concerned that AT&T and FirstNet have begun to establish new barriers to interoperability between public safety communications systems and other wireless networks in the United States. The ability to exchange information between applications, databases, and systems will save lives and property and protect first responders. Erecting artificial impediments to interoperability through silence and inaction will not.

Recent statements by AT&T and FirstNet demonstrate no intent to establish standards or agreements with other commercial carriers to ensure prioritized interoperability for critical public safety applications.<sup>2</sup> Failing to provide any form of interoperability guidance to commercial operators

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<sup>1</sup> *The Colorado Public Safety Broadband Governing Body's Request for Commission Clarification on Guidelines for Commercial Network Interoperability for the Nationwide Public Safety Broadband Network (NPSBN)*, Comments and Request, PS Docket Nos. 16-269, 12-94, 06-229, 06-150 (filed July 6, 2018) ("CPSBGB Request"); C Spire Letter in Support of Colorado Petition, PS Docket No. 16-269 (filed July 26, 2018) ("C Spire Request"); see also, *See Middle Class Tax Relief and Job Creation Act of 2012*, Pub. L. No. 112-96, 126 Stat. 156 §§ 6001-6303, 6413 (codified at 47 U.S.C. §§ 1401-1443, 1457) ("Spectrum Act").

<sup>2</sup> *Id.* at 3 (citing Donny Jackson, *AT&T exec discusses core-to-core interoperability, Verizon proposal, FirstNet differentiators*, URGENT COMMUNICATIONS (Aug. 17, 2017), <http://urgentcomm.com/public-safety-broadbandfirstnet/att-exec-discusses-core-core-interoperability-verizon-proposal-first>).

will re-create the very interoperability risks that prompted the creation of FirstNet more than six years ago.<sup>3</sup>

In its request, CPSBGB asks the Commission to clarify that ensuring interoperability is a fundamental responsibility of FirstNet. CPSBGB also asks FirstNet to support interoperability at all levels including network services, applications, and devices.<sup>4</sup> Southern Linc strongly supports CPSBGB's requests.

Under the Spectrum Act, FirstNet must be a "nationwide, *interoperable* public safety broadband network."<sup>5</sup> The Spectrum Act adds that an essential duty of FirstNet is to work with the Commission and other stakeholders to ensure "nationwide standards for use and access to the network" and to promote competition by requiring that equipment for use on the network be "built to open, non-proprietary, commercially available standards" and be "capable of being used by any public safety entity and by multiple vendors across all public safety broadband networks operating in the 700 MHz band."<sup>6</sup> The lack of prioritized interoperability will prevent first responders whose public safety organizations have chosen not to subscribe to AT&T's FirstNet implementation from readily communicating with members of public safety organizations that have subscribed to FirstNet. When the Spectrum Act was passed, Congress fully anticipated public safety entities would continue to use an array of commercial carriers to carry out their mission-critical operations, and therefore, required that the FirstNet network be backward compatible with existing commercial networks as necessary and granted FirstNet the authority to enter roaming agreements with commercial network providers to ensure seamless interoperability between vendors.<sup>7</sup> The Commission, under its broad licensing authority and oversight role to FirstNet, should ensure that FirstNet satisfies its various duties and responsibilities under the Act, including ensuring interoperability with commercial carriers.<sup>8</sup>

CPSBGB singles out Mission Critical Push-To-Talk ("MCPTT") as one of the most important areas in need of oversight by the Federal Communications Commission.<sup>9</sup> CPSBGB submits a report by Signals Analytics, an independent technical consultant tasked with overseeing the planning and implementation of the NPSBN in Colorado, that analyzes the possible implementation of MCPTT within the state and concludes that the implementation of Push-To-Talk ("PTT") and MCPTT in the FirstNet network would likely lead to interoperability issues.<sup>10</sup> According to CPSBGB's filing, any incident where multiple jurisdictions respond will require public safety communications to occur across multiple commercial carriers' networks.<sup>11</sup> Therefore, CPSBGB asks the Commission to

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<sup>3</sup> CPSBGB Request at 6.

<sup>4</sup> CPSBGB Request at 8-9.

<sup>5</sup> Spectrum Act, 47 U.S.C. § 1422(a) (emphasis added).

<sup>6</sup> Spectrum Act, 47 U.S.C. §§ 1426(b)(1)(A), 1426(b)(2)(B)(i)-(ii).

<sup>7</sup> As CPSBGB points out, there is no mandate in the Spectrum Act for any local/state jurisdiction to utilize the FirstNet network. See CPSBGB Request at 6 n.15. See also, Spectrum Act, 47 U.S.C. §§ 1426(b)(2)(iii), 1426(b)(5).

<sup>8</sup> Spectrum Act, 47 U.S.C. §§ 1421, 1426(b)(1); see also *Procedures for Commission Review of State Opt-Out Requests from the FirstNet Radio Access Network et al.*, Report and Order and Notice of Proposed Rulemaking, 31 FCC Rcd. 10253, 10268 (recognizing the FCC's "need to oversee FirstNet's performance").

<sup>9</sup> *Id.* at 2.

<sup>10</sup> *Id.* See also, *Mission Critical Push-To-Talk (MCPTT) Implementation for Colorado*, Signal Analytics LLC (Dec. 2017) (submitted as part of the CPSBGB Request).

<sup>11</sup> *Id.* at 5.

establish rules to ensure public safety interoperability for all roaming arrangements, including rules to accommodate the bi-directional nature of such roaming arrangements.<sup>12</sup>

Southern Linc is a wireless broadband communications service provider that offers an array of mission-critical services, including PTT, voice, and data services, throughout its service areas. Southern Linc is currently launching a mission-critical LTE network, called CriticalLinc™, that features redundant power systems in 99 percent of its cell sites, 24/7 network monitoring, and advanced PTT functionality such as call priority and preemption.<sup>13</sup> But without clear interoperability standards imposed on AT&T and FirstNet, first responders will be unable to securely and directly communicate with other jurisdictions in the way they expect, and as is currently available on many existing, interoperable statewide LMR networks.<sup>14</sup> This very predictable scenario will leave first responders worse off under FirstNet than under the status quo.

Clarifying that AT&T and FirstNet must ensure interoperability with commercial carriers is supported at all levels, including sharing priority and preemption protocols, applications, local control, non-mission critical and mission-critical PTT communications, and off-air device-to-device communications is not only life-saving public policy, but also required under the Spectrum Act. Placing CPBGB's petition on Public Notice will allow other interested parties and our nation's public safety agencies to provide their input on this important aspect of public safety interoperability. If the Commission fails to take action now, the result will be piecemeal interoperability, if any, across the country, which will jeopardize public safety.

In accordance with Section 1.1206(b)(2) of the Commission's rules, this letter is being filed electronically with your office. Please contact the undersigned with any questions in connection with this filing.

Respectfully submitted,

*/s/ Michael D. Rosenthal*

Michael D. Rosenthal  
Director, Legal & External Affairs  
Southern Linc

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<sup>12</sup> *Id.* at 9.

<sup>13</sup> *CriticalLinc News: A customer update on LTE network progress*, Southern Linc, <https://www.southernlinc.com/newsletter/> (last visited July 30, 2018).

<sup>14</sup> CPBGB Request at 6.