

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of:

Implementing Public Safety Broadband Provisions of the Middle Class Tax Relief and Job Creation Act of 2012	)	PS Docket No. 12-94
	)	
Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band	)	PS Docket No. 06-229
	)	
Service Rules for the 698-746, 747-762 and 777- 792 MHz Bands	)	WT Docket No. 06-150
	)	

**COMMENTS  
of  
THE STATE OF ILLINOIS**

The State of Illinois (the State) respectfully submits these comments in response to the Commission's Request for Comments via Public Notice.<sup>1</sup> These Comments focus on the issue of the relocation of 700 MHz narrowband systems licensees that remain in what has been re-designated as the broadband public safety spectrum. Illinois, one of the licensees to which this relocation would apply, urges the Commission, in consultation with FirstNet, to provide a definitive source of funding appropriate for the complete relocation of the public safety system and a methodology to implement the relocation. The State deployed its 700 narrowband system under valid authority from the Commission and should not be required to bear the cost of the relocation. The cost to relocate the system goes well beyond reprogramming and equipment; the reconstruction of a major public safety land mobile radio network requires significant planning, training, and assessment for which funds have not been budgeted and are not available in the State's financial condition. Finally, that process must not compromise our public safety operations during or after relocation implementation. Illinois is committed to moving our 700 MHz narrowband trunked radio operations out of Band 14 in order for FirstNet to be able to deploy the broadband public safety network. We are committing the resources we currently have available to complete our transition before the July 2017 deadline.

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<sup>1</sup> Public Notice - DA-PS 15-1253; Reference Docket No. 12-94, PS Docket No. 06-229 and WT Docket No. 06-150, released November 16, 2015

Illinois supports the changes to the band plan the Commission made in 2007 to make way for a nationwide public safety system. Illinois looks forward to a broadband system that is designed to meet our first responders' operational requirements for faster data and video applications. That said, the State has made a significant investment since 2002 in radio resources and infrastructure and cannot self-fund the relocation of our narrowband statewide Project 25 system (Starcom21) to comply with the revised band plan. Nor should the State be required to bear the burden of that funding.

Illinois followed the rules in place when planning its system over a decade ago, obtaining its licenses and implementing the system on the designated 700 MHz spectrum during deployment. However, we were at the end of our construction process and very close to our cutover date on the Starcom21 network when the narrowband spectrum we were using was allocated as part of the Band Class 14 broadband spectrum to be used by FirstNet. Illinois had already invested tens of millions of dollars in planning, training, equipment, and outreach to implement the network, and we were following all the terms of the licensing in place at the time.

Once the band plan was reconfigured, the State obtained a waiver from the Commission to continue operation and deployment of its 700 MHz statewide P25 system in the spectrum re-designated for broadband because public safety would have been compromised had the waiver not been granted. Illinois now operates under that waiver (copy of the waivers attached for reference) because switching our spectrum right before a system cutover would have been unduly burdensome and expensive. Currently, the Starcom21 network is operating successfully, providing critical public safety communications to approximately 45,000 users.

Illinois understands the need to vacate the spectrum in a timely manner in order for FirstNet to implement the nationwide broadband network. In fact, we are already working with FirstNet in a good faith effort to make the transition as quick and cost-effective as possible.

Illinois has to be absolutely certain that any changes to our public safety radio system do not adversely affect the users. Any changes that result from this relocation must provide a level of service for critical communications that is the same or better than what the users have now. Our first responsibility is to current users of the Starcom21 network.

In our situation, we first have to retune infrastructure equipment, as well as reprogram some system subscribers, which is a small part of our relocation requirements. The greater issue is with a large number of vehicular repeater units on 700 MHz that the manufacturer has determined cannot be re-

tuned because that particular version is obsolete, making replacement a much more viable option. This fact makes the relocation in Illinois a very large and complicated project.

Illinois believes that the request from FirstNet as written gives FirstNet an unfair advantage in dealing with Band 14 incumbents. There appear to be:

- No provisions for any method for dealing with disagreements over operational or technical issues that affect funding;
- No negotiation process; and
- No arbitration process.

In short, there is nothing that protects the interests of the incumbent users in this project. We are concerned that FirstNet could simply dictate an arbitrary funding amount to each entity that may or may not be adequate to address the issue. FirstNet could withhold their "express consent" unless the agency agrees to a less than adequate solution.

Illinois would suggest that the FCC consider the following solutions:

1. The FCC should not issue a final decision in this matter until after the FirstNet grant program is finalized and all the details of funding amounts, timelines, and other terms of the grant are fully understood by all parties involved.
2. The FCC should publish a timeline that allows for mandatory negotiation periods and neutral arbitration in the event of a disagreement between FirstNet and the agencies that need to vacate Band 14.
3. Input from public safety entities should be considered by the FCC when determining the process for moving the incumbents from FirstNet's Band Class 14 spectrum.

The State of Illinois appreciates the Commission's efforts in this matter, and we look forward to working with the Commission and FirstNet to ensure the Band 14 spectrum relocations are implemented to the benefit of state and local agencies, as well as FirstNet.

Sincerely,



December 9, 2015