

April 21, 2016

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

Re: WP Docket No. 07-100, PS Docket No. 06-229 and WT Docket No. 06-150

Dear Ms. Dortch:

The National Public Safety Telecommunications Council (NPSTC) is a federation of public safety organizations whose mission is to improve public safety communications and interoperability through collaborative leadership. NPSTC pursues the role of resource and advocate for public safety organizations in the United States on matters relating to public safety telecommunications. Accordingly, NPSTC provides guidance on issues that can either negatively impact or benefit the operation of public safety communications. NPSTC responds to the Ex Parte filing submitted by Presidential Partners Consulting in the above-captioned proceeding concerning the 4.9 GHz spectrum allocated to public safety services.¹ NPSTC disagrees with a number of the claims made in the Presidential Partners Consulting filing.²

¹ Presidential Partners Consulting Ex Parte filing, WP Docket No. 07-100, PS Docket No. 06-229 and WT Docket No. 06-150, March 5, 2016.

² The Association of Public-Safety Communications Officials (APCO) International and the National Emergency Number Association (NENA) abstained from voting on this NPSTC Ex Parte filing.

Presidential Partners Consulting (hereinafter “PPC”) misrepresents the public safety community and its use of the 4.9 GHz spectrum. In its filing, PPC states the following opinion:

It is our firm belief that public safety will not use 4.9 GHz to its fullest potential because of the large number of other commercial options...The simple fact remains that if public safety had a high demand and need for this spectrum they would have found ways to deploy it.

NPSTC believes PPC’s opinion is unwarranted. There is ample evidence in the record in this proceeding that indicates public safety has significant deployments using the 4.9 GHz band. In developing its 4.9 GHz National Plan Recommendations, NPSTC included information of public safety operations in the band, and the growth of those operations over time.³ Similarly, in its subsequent 4.9 GHz Task Force Report, APCO International detailed sample public safety use cases that jurisdictions from around the country are supporting in the 4.9 GHz band.⁴ The Task Force Report also included updated summary information for both permanent fixed and geographic public safety licenses in the 4.9 GHz band. Finally, the FCC record in this proceeding includes information from various jurisdictions and regions delineating their respective use of the 4.9 GHz spectrum.

The PPC Ex Parte filing also opposes the NPSTC 4.9 GHz National Plan Recommendations and implies the NPSTC process is not open:

We believe that the NPSTC plan is flawed in that the process to create regional plans is slow and at many times ineffective in maximizing use and it drives to carve up the spectrum among the NPSTC participants....As a final observation, the report is approaching three years old and much has changed in the technology world since then.

The NPSTC 4.9 GHz National Plan Recommendations to the Commission was the result of approximately 7 months of deliberations in a working group consisting of more than 90 volunteers from across the U.S. These volunteers answered NPSTC’s open invitation to participate in this initiative. NPSTC and these volunteers from across multiple public safety agencies, jurisdictions, critical infrastructure industries (CII) and the communications industry dedicated their time and expertise to develop recommendations and information to assist the Commission in addressing issues raised in this proceeding regarding the 4.9 GHz

³ 4.9 GHz National Plan Recommendations, National Public Safety Telecommunications Council, Ex Parte filing, WP Docket No. 07-100, PS Docket No. 06-229 and WT Docket No. 06-150, October 24, 2013.

⁴ 4.9 GHz Task Force Report, APCO International, Ex Parte filing, WP Docket No. 07-100, PS Docket No. 06-229 and WT Docket No. 06-150, September 28, 2015.

spectrum.⁵ NPSTC's 4.9 GHz National Plan Recommendations encompass frequency coordination to help minimize interference, bandwidth limits to increase spectral efficiency, provisions for new airborne and robotic applications to enhance incident response and managed opportunities for spectrum access by critical infrastructure industries.

NPSTC developed its 4.9 GHz National Plan Recommendations in an open and inclusive manner. Despite the historical public safety background of its principals cited by PPC, its recommendations appear to be the opinions of three individuals, joined together by allegiance to the same consulting firm. In contrast to the NPSTC process, there is no evidence that a broad representation of public safety, CII and others was included in developing the PPC recommendations.

Furthermore, the regional planning involvement that PPC opposes provides important local public safety knowledge. Although the regional planning process requires sufficient time to comment on proposed systems, NPSTC believes it is far more important to obtain that input to provide the right decisions for public safety agencies, based on the local operating environment found in the area within which an agency operates. The overall process benefits from the inclusion of that local knowledge. In addition, the NPSTC 4.9 GHz National Plan Recommendations included time limits for regional planning, with provisions to default to a set of plan elements in areas where a regional plan does not emerge.

NPSTC agrees that technology is always changing, however, there is no evidence that the October 2013 date of the NPSTC recommendations make them "out of date" as PPC claims. Most of the NPSTC recommendations were subsequently supported in the APCO Task Force Report submitted to the Commission in September 2015. Also, with regard to the deployment of LTE in the 4.9 GHz band, which PPC recommends, NPSTC believes that any technology decision must consider the spectrum environment involved and match public safety operational needs going forward. NPSTC and others in the public safety community and industry fully support LTE for the Nationwide Public Safety Broadband Network (NPSBN) being deployed by FirstNet. The NPSBN will be deployed in "virgin spectrum" where no other network or technology is envisioned for deployment. NPSTC notes the NPSBN is focused primarily on mobile broadband service for public safety entities. In contrast, the 4.9 GHz band is currently occupied by a host of systems that have already been deployed, with a majority focused on fixed operations, not mobile.

⁵ Fourth Report and Order and Fifth Further Notice of Proposed Rulemaking, WP Docket No. 07-100, PS Docket No. 06-229 and WT Docket No. 06-150, released June 13, 2012.

Therefore, it is premature to declare LTE to be the appropriate technology for 4.9 GHz band and public safety fixed operations in an environment that also includes other imbedded systems with a variety of technologies.

As noted in the NPSTC 4.9 GHz National Plan Recommendations, a key concern many public safety agencies have expressed is that the current FCC licensing paradigm used in the 4.9 GHz band provides too little information to permit proper system coordination. Both NPSTC and APCO International have proposed improved frequency coordination and data capture methods to help raise prospective public safety user confidence in the 4.9 GHz band.

Although it is not completely clear in its Ex Parte filing, PPC appears to advocate opening the public safety 4.9 GHz band to commercial and unlicensed use. NPSTC has supported sharing the 4.9 GHz band with CII entities as addressed in provisions of its National Plan Recommendation. However, NPSTC opposes general public use of the 4.9 GHz band through commercial networks and/or unlicensed operations. Opening the band to consumer and unlicensed use would further erode public safety confidence in the band. The multitude of 4.9 GHz public safety operations, both current and prospective, must be protected from interference and security attacks. It is not at all clear how opening the band to consumer use, through either licensed networks or unlicensed operations, assists with those goals. Additionally, accommodating a significant amount of consumer use in the band would reduce the capacity available for the variety of public safety and CII operations accommodated under the NPSTC 4.9 GHz National Plan Recommendations.

In summary, NPSTC opposes a number of the claims and recommendations made by Presidential Partners Consulting, as addressed above. PPC misrepresents public safety's use of the 4.9 GHz spectrum. There is ample evidence in the record of public safety use in the 4.9 GHz band. Furthermore, PPC's criticism of NPSTC recommendations ignores the open and inclusive process NPSTC used. NPSTC believes including local public safety knowledge in the process is more important in meeting public safety needs than the extra expediency PPC seeks by opposing regional planning committee involvement. NPSTC opposes any recommendation to open the 4.9 GHz band to consumer use through commercial networks or unlicensed operations, as PPC apparently supports. Such use would further erode public safety confidence in the band, counteracting the recommended addition of more rigorous frequency coordination as recommended by NPSTC. While recognizing that technology is advancing as PPC

indicates, such advancements do not inherently make the NPSTC 4.9 GHz National Plan Recommendations out of date as PPC claims. Finally, any technology recommendations for the 4.9 GHz band should consider fully the fixed nature of most public safety 4.9 GHz operations, as well as the imbedded technologies already in the band. The fact that LTE technology has been chosen for mobile broadband operations in the NPSBN at 700 MHz does not make it the correct choice for the 4.9 GHz band.

Respectfully submitted,



Ralph A. Haller, Chairman
National Public Safety Telecommunications Council
8191 Southpark Lane, Suite 205
Littleton, Colorado 80120-4641
866-807-4755