

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.**

In the Matter of)
)
The Development of Operational,)
Technical and Spectrum Requirements)
For Meeting Federal, State and Local)
Public Safety Agency Communication)
Requirements Through the Year 2010)
)
Establishment of Rules and Requirements)
For Priority Access Service)

WT Docket No. 96-86

**Opposition by Ericsson Inc. to the Petitions for Reconsideration to the
First Report and Order filed by Union Pacific Railroad Company;
Daniels Electronics Ltd.; APCO (Associated Public-Safety
Communications Officers) Canada; New York State Technology
Enterprise Corporation; The State of California; The Project 25
Steering Committee; Motorola, Inc.; Association of Public-Safety
Communications Officials-International, Inc. (APCO); and the Federal
Law Enforcement Wireless Users Group (FLEWUG)**

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TABLE OF CONTENTS

INTRODUCTION.....	1
BACKGROUND	2
DISCUSSION	
A. Narrowband Interoperability Standard	3
B. Global Navigation – Satellite System (GLONASS)	8
CONCLUSION	8

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Petitions for Reconsideration

Filed By

**Union Pacific Railroad Company; Daniels Electronics Ltd.; APCO
(Associated Public-Safety Communications Officers) Canada; New
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California; The Project 25 Steering Committee; Motorola, Inc.;
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Inc. (APCO); and the Federal Law Enforcement Wireless Users
Group (FLEWUG)**

To the

FIRST REPORT AND ORDER

AND

THIRD NOTICE OF PROPOSED RULEMAKING

To the Commission:

INTRODUCTION

Ericsson Inc. (Ericsson) applauds the Commission decision to create the Public Safety National Coordinating Committee (NCC). The NCC represents the best chance to appropriately address the public safety need for interoperability while at the same time balancing the need for additional spectrum. We believe that it would be

unwise for the Commission to alter some of its decisions about the functions of the NCC as outlined in the First Report and Order and thereby limit the potential of the NCC to prudently address these sometimes competing needs.

A number of petitioners urge the Commission to adopt a narrowband interoperability standard now due to a belief that the Commission's failure to do so unreasonably delays public safety access to this new public safety band. What these petitioners fail to realize is that the absence or presence of a narrowband standard will have no effect on the time that meaningful utilization of this new band will be realized. Selection of a standard, any standard, at this time will only serve to further continue business as usual in public safety communications and perpetuate an essentially uncompetitive market without realizing any discernable benefit for the public at large.

The following discussion analyzes the rationale put forward by the various petitioners justifying the immediate adoption of a narrowband interoperability standard for this new public safety band. We believe the analysis herein clearly demonstrates that adopting a standard now will not be in the public interest.

BACKGROUND

Ericsson has been an active participant in this Commission proceeding from its inception and in the activities, which were the genesis of this proceeding.

Beginning many years ago and continuing with the creation of the Public Safety Wireless Advisory Committee (PSWAC), Ericsson Inc., a leader in serving the needs of public safety land mobile radio, has invested countless man-hours and dollars addressing current and future public safety communications needs. We were a

very active participant and contributor during the PSWAC process, and we have been, and continue to be, a very active participant in the Project 25 process.

In that regard, Ericsson offers the Commission its views on a number of Petitions for Reconsideration that have been filed in this proceeding.

DISCUSSION

A. NARROWBAND INTEROPERABILITY STANDARD

A number of petitioners question the Commission for not adopting a narrowband interoperability standard as part of the First Report and Order, and allege that not adopting such a standard will lead to unreasonable delays in public safety access to this new spectrum.¹ However, the fact of the matter is that regardless of the presence or absence of a narrowband standard in this new spectrum, this new spectrum will not be available for public safety use in any appreciable amount, in areas where it is truly needed, until 2006 at the earliest. The existence of a narrowband standard will not cause TV stations in congested areas to exit this spectrum any sooner than the DTV date.

Some petitioners argue that one 12 MHz channel pair may be available in a number of metropolitan areas before the DTV date, as justification for needing a

¹ Union Pacific Railroad Company Letter - RE: WT Docket 96-86, Affirmation of ANSI/TIA/EIA 102 BAAA, APCO Project 25 Common Air Interface (hereinafter Union Pacific), dated November 24, 1998 and filed December 2, 1998; Daniels Electronics Ltd. Letter – Reference: WT Docket No. 96-86 – Reply Comment (hereinafter Daniels Electronics), dated November 16, 1998; Associated Public-Safety Communications Officers Canada Letter – Subject: WT Docket No. 96-86 NCC and the creation of a “new common-air-interface” standard Comments of APCO Canada (hereinafter APCO Canada), dated November 26, 1998 and filed November 30, 1998; New York State Technology Enterprise Corporation Petition for Reconsideration (hereinafter NYSTEC) at Para. 12; State of California Petition for Reconsideration and Clarification (hereinafter California) at page 4; Project 25 Steering Committee Petition for Reconsideration (hereinafter Steering Committee) at page 6; Motorola, Inc. Petition for Reconsideration and Clarification (hereinafter Motorola) at Section II beginning on page 5; Association of Public-Safety Communications Officials-International, Inc. Petition of APCO for Reconsideration and Clarification (hereinafter APCO) Section II beginning at page 5.

narrowband standard now². Without even trying to refute this claim, and for the purposes of argument accepting that such a claim is true, will organizations in these areas actually use the spectrum if available prior to the DTV transition date and for what types of communications services would they most likely use it? The vast majority of organizations in the areas cited have recently invested in complex, expensive communications systems, which will be used for years to come. Therefore, the absence of a narrowband standard essentially has no significant delaying effect on these organizations' use of the narrowband portion of this spectrum.

Admittedly organizations in those areas where portions of the spectrum may be available on a near term basis might want to use the wideband portions of this new spectrum. These organizations could justify the costs involved, to provide the types of services envisioned for this new wideband spectrum, but which can't be provided efficiently by their existing, albeit new, systems. The existence of a narrowband standard, however, does nothing to facilitate the use of the wideband portions of this new public safety spectrum.

Some petitioners allege, as justification for the immediate adoption of a specific narrowband standard, that public safety, both in this country and Canada, is moving to Project 25, Phase 1 as a standard³. While it may be true that some organizations have chosen, or are choosing to utilize systems that incorporate some elements of the "standard," it may be an overstatement to imply that utilization of the standard is all encompassing. At this time it is neither useful, nor necessary to explore the extent to which the systems touted as Project 25 systems actually comply with the range of Project 25 documents, but there are a few facts that are irrefutable.

² APCO at pages 8 & 9 and fn. 13

³ Daniels Electronics at Para. 1; APCO Canada at page 2; Steering Committee at Attachment B.

First, none of the systems cited as justification for the adoption of the Project 25, Phase 1 common air interface (CAI) as the narrowband standard are 700 MHz systems. How these systems justify the designation of the Project 25, Phase 1 CAI is unclear. The argument of the Federal Law Enforcement Wireless Users Group⁴ justifying designation of the Project 25, Phase 1 CAI as the narrowband standard for this new spectrum because the Federal users have decided to only go to a 12.5 kHz standard is particularly illustrative of the errors employed to justify selection of this technology. One should ask why something the federal government has decided to do in the VHF and UHF bands should limit what could be done in a band displaced some 300+ MHz away? Even if the standards were the same in both areas how could the existing or soon to be procured federal government equipment operate in a band 300+ MHz displaced?

Secondly, Project 25, Phase 1 does not meet the “spirit” of the efficiency requirements the Commission has outlined in the First Report & Order. Assuming the Phase 1 CAI satisfies the raw over the air data rate requirement of 4.8 kbps/6.25 kHz, one must wonder, did the Commission really mean that it would accept one voice path per 12.5 kHz? We do not believe the Commission when deciding the raw over the air data rate 4.8 kbps/6.25 kHz requirement, meant it was willing to settle for 1997 performance in systems that would not be fielded in appreciable numbers until sometime in the middle to later part of the first decade of the next century. Consequently, we have requested reconsideration or clarification on this point, which should be resolved before any standard that may meet the raw over the air data rate requirement is selected.

⁴ Federal Law Enforcement Wireless Users Group, Petition for Reconsideration and Clarification, dated December 2, 1998, at Para. 34

Recently an article was published which bluntly challenged the assertion that Project 25 was becoming a standard in practice.⁵ In the article, after noting that many towns and cities with smaller populations were foregoing Project 25 primarily for *economic* reasons, it was stated:

“...foregoing Project 25 compliant systems was becoming more and more frequent,...causing Project 25 to become a non-standard.”

In light of this revelation that many smaller communities are foregoing the “standard,” isn’t it reasonable to believe that adoption of the “standard” which in practice is becoming a non-standard would be viewed by many as simply another example of not considering or even caring about the needs of the smaller organizations and jurisdictions?

Another basis that some petitioners⁶ assert as justification for immediate adoption of Project 25, Phase 1 CAI as the narrowband standard is the fact that it has taken the investment of many dollars and much time to reach the current state of completion. Project 25 was originally instituted to address the needs in the public safety bands at VHF, UHF and 800 MHz. There never, until very recently, was any indication that the investment made in Project 25 was somehow contingent upon its’ designation for the 700 MHz band. Regardless, if Project 25 is somehow owed some return on investment, isn’t there more than enough opportunity to realize this return in the other public safety bands for which it was specifically intended?

⁵ “Small towns forego Project 25,” *Mobile Radio Technology*, November 1998, at page 42

⁶ E.g. Steering Committee at page 4; Union Pacific at para. 2; Daniels Electronics at para. 4; and APCO Canada. APCO Canada goes so far as to imply that there was either an agreement on the part of the FCC or a duty on the part of the FCC to mandate Project 25, Phase 1 because the standard has been “developed.” Such a proposition is clearly contrary to the provisions of the Administrative Procedures Act, which requires a fully developed record to support any decisions by agencies such as the FCC.

The problem of interoperability is very complex, and no known panacea exists. In the past, many have looked at the problem as one that is purely technical in nature and one that would be solved technically. It has, however, become obvious that purely technical solutions have not adequately addressed the problem in the past, and there is no reason to believe that any purely technical solution now exists which will solve this problem once and for all. The City of Dallas in its' comments to the original NPRM said it best:

“Based upon the experience of Dallas, the limiting factor in interoperability is not technology,...the solution to the issue of interoperability is purely administrative.”⁷

While one may disagree that the solution to the interoperability problem is purely administrative, there does not appear to be any disagreement that the solution to the interoperability problem is a combination of administrative/operational and technical solutions.

When the Commission created the NCC in the First Report and Order, it clearly demonstrated that the Commission understood the true nature of the interoperability problem, and that it recognized the solution would not simply be the selection of some technology. Since the Commission did not dictate a technical solution, the NCC will be the first group to officially look at the problem in the complete administrative/operational, technical context. The NCC will have the unique opportunity to first decide how to address the issue from the operational/administrative perspective and then once having determined how best interoperability should be achieved operationally, the NCC will be able to look at technical implementations that best fit the operational needs. However, selection,

⁷ Comments of the City of Dallas, Texas; WT Docket 96-86, filed September 20, 1996, paras. 2.2 through 2.6

adoption, mandate of any technical solution at this time, before the NCC has even begun to address the problem, may severely limit the potential of the NCC.

B. GLOBAL NAVIGATION – SATELLITE SYSTEM (GLONASS)

FLEWUG has asked the Commission to reconsider its decision allowing both mobile and fixed transmissions in the 794-806 MHz portion of this new band.⁸

FLEWUG alleges that allowing mobile transmissions in this portion of the band will unnecessarily interfere with the GLONASS network.

We do not agree with the FLEWUG request. We believe that there are adequate less complex and less expensive ways to address the concerns expressed by FLEWUG. In fact, the emission limitations included in the First Report and Order, addressing this concern appear to be more than adequate. Limiting operations to fixed locations only may unnecessarily increase the cost and complexity of systems for this new band.

CONCLUSION

Ericsson strongly believes the Commission has made the correct decision in charging the NCC with its responsibilities to address the interoperability problem. Key to making the NCC a success was the Commission's decision not to predetermine a narrowband interoperability standard. We firmly believe that no credible argument has been added by any of the petitioners asking the Commission to reconsider the narrowband standard decision that would justify a change in the decision.

⁸ FLEWUG at paras. 40, 41 & 42.

As we have stated in previous submissions, Ericsson is strongly encouraged by the Commission's forward looking viewpoint on this new public safety band. In turn, we strongly encourage the Commission to maintain this outlook and not reverse a decision that clearly was made in the best interests of public safety and the public in general.

Respectfully submitted,

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