PUBLIC SAFETY
PSWN PROGRAM
WIRELESS NETWORK

EX PARTE OR LATE FILED

Public Safety Wireless Network

Achieving Interoperability Through Cooperation and Coordination

April 3, 2001

RECEIVED

APR 3 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

ORIGINAL

Magalie Roman Salas
Secretary
Federal Communications Commission
TW-A325
445 Twelfth Street, SW
Washington, DC 20554

Re: **Reply Comments,** *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,* **Fifth Notice of Proposed Rule Making, in WT Docket No. 96-86**

Dear Ms. Salas:

On behalf of the Public Safety Wireless Network (PSWN) Program and pursuant to Section 1.419 of the Commission's rules, 47 C.F.R. § 1.419 (2000), enclosed herewith for filing are an original and four (4) copies of the PSWN Program's Reply Comments in the above-referenced proceeding.

Kindly date-stamp the additional, marked copy of this cover letter and return it in the envelope provided.

Should you require any additional information, please contact the undersigned.

Respectfully submitted,

Brigadier General Paul H. Wieck II
Iowa Army National Guard
Chair, PSWN Executive Committee
Spectrum Working Group

Steven Proctor
Executive Director,
Utah Communications Agency Network
Executive Vice–Chair,
PSWN Executive Committee

No. of Copies rec'd 0+1
List A B C D E

Before the
Federal Communications Commission
Washington, DC 20554

RECEIVED
APR 3 2001
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of	)	
	)	
The Development of Operational,	)	
Technical and Spectrum Requirements	)	
For Meeting Federal, State and Local	)	WT Docket No. 96–86
Public Safety Agency Communication	)	
Requirements through the Year 2010	)	
	)	

To: The Commission

REPLY COMMENTS TO THE FIFTH NOTICE OF PROPOSED RULEMAKING

Filed by: The Public Safety Wireless Network Program

Date: April 3, 2001

Federal Communications Commission
Washington, DC 20554

RECEIVED

APR 3 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of	)	
	)	
The Development of Operational,	)	
Technical and Spectrum Requirements	)	
For Meeting Federal, State and Local	)	WT Docket No. 96–86
Public Safety Agency Communication	)	
Requirements through the Year 2010	)	
	)	

PUBLIC SAFETY WIRELESS NETWORK (PSWN) PROGRAM REPLY COMMENTS TO THE FIFTH NOTICE OF PROPOSED RULEMAKING

1. The Public Safety Wireless Network (PSWN) Program[1] Executive Committee (EC) submits these reply comments in response to comments filed by other parties on March 19, 2001, regarding the migration to 6.25 kilohertz (kHz) standard on the 700 megahertz (MHz) band General Use channels.

I. BACKGROUND

2. The Federal Communications Commission's (Commission) Fifth Notice of Proposed Rulemaking (Fifth NPRM) was released on January 17, 2001. The Fifth NPRM was issued by the Commission based on the recommendations that it received from the Public Safety National Coordination Committee (NCC),[2] pursuant to their advisory committee role under the Federal Advisory Committee Act.[3] In addition, the Fifth NPRM was issued in response to comments that the Commission received in the Fourth Notice of Proposed Rulemaking (Fourth NPRM). In the

[1] The PSWN Program is a federally funded initiative operating on behalf of all local, state, and federal public safety agencies. The Department of Justice and the Department of the Treasury are jointly leading the PSWN Program's efforts to plan and foster interoperability among public safety wireless networks. The PSWN Program is a 10–year initiative that is an effort to ensure that no man, woman, or child loses his or her life because public safety officials cannot talk to one another.

[2] *See* Public Safety National Coordination Committee's Recommendations to the Federal Communication Commission for Technical and Operational Standards for Use of the 764–776 MHz and 794–806 MHz Public Safety Band Pending Development of Final Rules (February 25, 2000).

[3] 5 U.S.C. App 2 (1988).

Fourth NPRM, the Commission declined to adopt specific rules until it sought further comment on the migration to 6.25 kilohertz (kHz) standard on the 700 megahertz (MHz) band General Use channels. On March 19, 2001, the Commission received initial comments on the aforementioned issue. Thus, the PSWN Program submits herein the following reply comments in response to those initial comments that the Commission received on March 19, 2001.

II. DISCUSSION

3. Based on the comments it received in the Fourth NPRM, the Commission divided the implementation proposals for the 6.25 kHz standard for General Use channels into two groups. The first group contended that there is no need for migration at all on the General Use channels.[4] The second group proposed a migration path consisting of five stages and 21 years to implement.[5] As the comments in the Fifth NPRM clearly show, a division still exists over which course the Commission should choose. The PSWN Program would like to again reiterate its longstanding support for migration to 6.25 kHz standard on the 700 MHz band General Use channels. In addition, we believe that there is an overwhelming need for a migration path that considers the overall demands of public safety.

4. In the Fourth NPRM, the PSWN Program concurred with the Commission and the majority of commenters that the Project 25, Phase I standard would be the most beneficial interim standard for the 700 MHz interoperability spectrum.[6] With the equipment currently available, backward and forward compatibility, and strong nationwide public safety support noted by many commenters, it would be the obvious solution even though it does not satisfy the initial goal of the Commission regarding voice channel bandwidth.[7] Nokia incorrectly contends that the Commission erred by mandating Project 25, Phase 1 for public safety radios deployed in the 700 MHz band. The PSWN Program contests Nokia's assertion that "the Commission has

[4] *See generally* Com-Net Ericsson, Nokia, and North American TETRA Forum (NATF) comments to the Fourth NPRM.

[5] *See generally* APCO, International Association of Chiefs of Police (IACP), Motorola, Federal Law Enforcement Wireless Users Group (FLEWUG), PSWN Program, and Project 25 Steering Committee comments to the Fourth NPRM.

[6] Fourth NPRM ¶ 41–49.

[7] *See* PSWN comments to the Fifth NPRM at ¶ 5.

effectively locked itself into a needlessly protracted migration pattern . . .."[8] The Commission's determination that Project 25, Phase 1 is a beneficial interim standard for the 700 MHz interoperability spectrum is correct. Further, we believe that the Project 25, Phase I standard is the only operationally viable standard for interoperability[9] that supports the conclusions reached by the NCC. The PSWN Program strongly believes that reconsideration of this issue will have serious ramifications to an overall migration plan that will ultimately ensure an eventual move to 6.25 kHz per voice channel at some date to be determined based on band clearance, technology development, and other factors. Thus, the PSWN Program asks that the Commission deny Nokia's argument here and upon reconsideration of the Fourth NPRM.

5. The PSWN Program is in concurrence with the majority of commenters in this proceeding in supporting the Association of Public-Safety Communications Officials-International, Inc. (APCO) migration plan.[10] As the Commission clearly and concisely states in the Fifth NPRM, the five-step APCO plan is based on a 21-year implementation period.[11] The PSWN Program agrees with APCO's argument that the Commission's description of the APCO migration plan as being too long is not quite accurate.[12] Under the APCO migration plan the 6.25 kHz standard on the 700 MHz band General Use channels may be required by 2016, only one year after the Commission's "safe harbor" that it established in the Fourth NPRM. Moreover, APCO is in concurrence with the PSWN Program in regards to the belief that the majority of the 6.25 kHz systems will be in operation before the 2016 date.

6. The PSWN Program continues to believe that migration of the General Use channels must occur in a stepped process, such as APCO's, and is dependent on a number of variables.

---

[8] *See* Nokia comments to the Fifth NPRM at 2.

[9] *See* PSWN Program Ex Parte Comments, WT Docket No. 96–86, January 13, 2000, at ¶ 16–22.

[10] *See generally* comments of APCO, PSWN, Motorola, State of California, and the Federal Law Enforcement Wireless Users Group (FLEWUG) to the Fifth NPRM.

[11] Under Step one of the Association of Public-Safety Communications Officials-International, Inc. (APCO) migration path, the immediate adoption of Project 25 Phase I as the interoperability standard is necessary. Step two requires that, as of December 31, 2006, or within 6 months after Commission notice, that no fewer then 15 of the top 20 metropolitan areas have been cleared of relevant television stations. In addition, all new radios for use in the band must have the capability to provide one voice channel per 6.25 kHz and meet the Project 25, Phase I standard for Interoperability channels. Step three of the APCO plan requires that within 10 years after Step two that in the top 50 metropolitan areas, all General Use operations must be at 6.25 kHz. Further, Step four of the APCO plan requires that General Use operations must be at 6.25 kHz for the rest of the Nation within 15 years after Step two. Finally, under Step five, APCO requests that the Commission re-examine the technological marketplace and determine whether to develop a subsequent migration path. Fifth NPRM at ¶ 97.

[12] *See* comments of APCO at 4.

One of those variables, as the Commission correctly points out, is the status of high definition television (HDTV). The PSWN Program disagrees with the State of California's assertion that it "does not believe the development of 6.25 kHz-efficient technology is dependent upon the implementation of digital transition of television broadcast and, therefore, does not believe the implementation date needs to be linked to that event."[13] We concur with the comments filed by Motorola and APCO in regards to this issue. Motorola and APCO in their respective comments correctly state that public safety expansion into the 700 MHz band is restricted until television (TV) stations begin to vacate and clear channels 60-69.[14] Because the public safety community has a vested interest in this spectrum space, it depends on the Commission to help facilitate the vacating of the 24 MHz public safety spectrum by TV broadcasters by the year 2006. We support Motorola's argument that the migration path to digital broadcasting is what is taking too long and until that transition occurs the major metropolitan areas such as the cities of New York and Los Angeles will be without this most valuable public safety spectrum. In the end, it may not be the APCO migration plan that the Commission considers too long, but rather the clearing of the 700 MHz band for public safety. Until channels 60–69 are ultimately cleared, the TV broadcasters will play a pivotal role in the ability of the public safety community to migrate to the General Use channels and to the overall realization of nationwide interoperability.

III. CONCLUSION

7. The PSWN Program continues to recommend that the Commission adopt the APCO migration plan for the 6.25 kHz technology. We are convinced that this plan will allow continued advancement of 6.25 kHz technology using proven existing technology while, at the same time, allowing the public safety community to reap the eventual benefits of the robust 6.25 kHz technology expected within the coming years.

8. For the reasons set forth above, the PSWN Program respectfully requests that the Commission adept the measures proposed herein, which are consistent with the comments it

[13] *See* State of California comments to the Fifth NPRM at 3.
[14] *See* comments of Motorola at 4, APCO at 4 to the Fifth NPRM.

submitted on March 19, 2001.

Respectfully submitted,

Brigadier General Paul H. Wieck II
Iowa Army National Guard
Chair, PSWN Executive Committee
Spectrum Working Group

Steven Proctor
Executive Director,
Utah Communications Agency Network
Executive Vice–Chair,
PSWN Executive Committee

Before the
Federal Communications Commission
Washington, DC 20554

Certificate of Service

In the Matter of	)	
	)	
The Development of Operational,	)	
Technical and Spectrum Requirements	)	
For Meeting Federal, State and Local	)	WT Docket No. 96–86
Public Safety Agency Communication	)	
Requirements through the Year 2010	)	
	)	

I, Richard N. Allen, Senior Associate, Booz·Allen & Hamilton Inc., 8283 Greensboro Drive, McLean, Virginia, 22102–3838, hereby certify that on this date I caused to be served, by first–class mail, postage prepaid (or by hand where noted) copies of the Public Safety Wireless Network Program's Comments to the Fifth Notice of Proposed Rulemaking, *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*, the original of which is filed herewith and upon the parties identified on the attached service list.

DATED at Fair Oaks, Virginia this 3rd day of April 2001.

Richard N. Allen

SERVICE LIST

*The Honorable Michael Powell, Chairman
Federal Communications Commission
445 12th St., SW, Rm. 8–B201
Washington, DC 20054

*The Honorable Harold Furchgott–Roth, Commissioner
Federal Communications Commission
445 12th St., SW, Rm. 8–A302
Washington, DC 20054

*The Honorable Susan Ness, Commissioner
Federal Communications Commission
445 12th St., SW, Rm. 8–B115
Washington, DC 20054

*The Honorable Gloria Tristani, Commissioner
Federal Communications Commission
445 12th St., SW. Rm. 8–C302
Washington, DC 20054

*Peter A. Tenhula
Office of Chairman Powell
Federal Communications Commission
445 12th St., SW, Rm. 8–A204
Washington, DC 20054

*Ben Golant, Senior Legal Advisor
Office of Commissioner Furchgott–Roth
Federal Communications Commission
445 12th St., SW, Rm. 8–A302
Washington, DC 20054

*Mark Schneider, Legal Advisor
Office of Commissioner Ness
Federal Communications Commission
445 12th St., SW, Rm. 8–B115
Washington, DC 20054

*William J. Friedman, Legal Advisor
Office of Commissioner Tristani
Federal Communications Commission

445 12th St., SW, Rm. 8–C302
Washington, DC 20054

*Thomas J. Sugrue, Chief
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th St., SW, Rm. 3–C252
Washington, DC 20054

*Kathleen O'Brien–Ham, Deputy Chief
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th St., SW, Rm. 3–C255
Washington, DC 20054

*James D. Schlichting, Deputy Chief
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th St., SW, Rm. 3–C254
Washington, DC 20054

*D'Wana R. Terry, Chief
Public Safety & Private Wireless Division
Federal Communications Commission
445 12th St., SW, Rm. 4–C321
Washington, DC 20054

*Ramona Melson, Chief Legal Counsel
Public Safety & Private Wireless Division
Federal Communications Commission
445 12th St., SW, Rm. 4–C321
Washington, DC 20054

*Herb Zeiler
Public Safety & Private Wireless Division
Federal Communications Commission
445 12th St., SW, Rm. 4–C321
Washington, DC 20054

*Katherine Hosford
Public Safety & Private Wireless Division
Federal Communications Commission
445 12th St., SW, Rm. 4–C321
Washington, DC 20054

*Mary Beth Murphy, Chief
Policy Division
Federal Communications Commission
445 12th St., SW, Rm. 2–C360
Washington, DC 20054

*Bruce Romano, Deputy Chief
Policy Division
Federal Communications Commission
445 12th St., SW, Rm. 2–C226
Washington, DC 20054

*Paul D'Ari, Chief
Wireless Policy Division
Federal Communications Commission
445 12th St., SW, Rm. 4–A325
Washington, DC 20054

*Susan Friedman, Deputy Chief
Wireless Policy Division
Federal Communications Commission
445 12th St., SW, Rm. 4–A225
Washington, DC 20054

*Steve Weingarten, Chief
Commercial Wireless Division
Federal Communications Commission
445 12th St., SW, Rm. 4–C224
Washington, DC 20054

*Jeff Steinberg, Deputy Chief
Commercial Wireless Division
Federal Communications Commission
445 12th St., SW, Rm. 4–C222
Washington, DC 20054

*Jeanne Kowalski, Deputy Chief
Public Safety & Private Wireless Division
Wireless Telecommunications Bureau
445 12th St., SW, Rm. 4–C324
Washington, DC 20054

International Transcription Services, Inc.
1231 20th St., NW
Washington, DC 20037

***HAND DELIVERED**