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(202) 371-6000  
FAX: (202) 371-6279

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FEDERAL COMMUNICATIONS COMMISSION  
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May 10, 2001

VIA HAND DELIVERY

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, D.C. 20554

**Re: Reply of Nokia Inc. to APCO's Opposition To The Petition For  
Reconsideration Filed by The North American TETRA Forum  
in WT Docket No. 96-86**

Dear Ms. Salas:

Enclosed for filing please find the original and eleven (11) copies of Reply of Nokia Inc. to APCO's Opposition To The Petition For Reconsideration Filed By The North American TETRA Forum in the above-referenced docket.

Please stamp and return to this office with the courier the enclosed extra copy of this filing designated for that purpose. Please direct any questions that you may have to the undersigned.

Respectfully submitted,



John Kneuer

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Enclosures

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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

WT Docket No. 96-86

**Reply of Nokia Inc. to APCO's Opposition to the  
Petition for Reconsideration filed by the  
North American TETRA Forum**

Nokia Inc. ("Nokia") by its counsel and pursuant to Section 1.429 of the Rules of the Federal Communications Commission ("Commission"),<sup>1</sup> respectfully submits this reply to the Opposition of the Association of Public Safety Communications Officials-International ("APCO") to the Petition for Reconsideration of the *Fourth Report and Order*<sup>2</sup> in the above captioned proceeding filed by the North American TETRA Forum ("NATF").<sup>3</sup> Nokia has already expressed its support for the NATF Petition in its

<sup>1</sup> See 47 C.F.R. § 1.429.

<sup>2</sup> See WT Docket No. 96-86, *Fourth Report and Order and Fifth Notice of Proposed Rulemaking* (FCC 01-10) (rel. Jan. 17, 2001), 66 Fed. Reg. 10632 (rel. Feb. 16, 2001) ("*Fourth Report and Order*").

<sup>3</sup> Public Notice of the NATF Petition for Reconsideration appeared in the Federal Register on April 13, 2001. (66 Fed Reg. 19164.)

Comments in response to the *Fifth Notice of Proposed Rule Making*,<sup>4</sup> and hereby incorporates those Comments by reference herein.

APCO's opposition to the NATF Petition argues that allowing a transition period before APCO Project 25 Phase I ("Phase I") capability becomes mandatory will create an imbedded base of non-interoperable equipment, thereby defeating the goal of nationwide interoperability. This opposition is unfounded and based upon an unsupported view of the practical realities of interoperability functionality and implementation.

Interoperability functionality resides in handsets, which are becoming progressively inexpensive, and have a life-cycle of approximately 3-5 years. As a result of this short life-cycle, first generation handsets that do include Phase I functionality will be replaced before interoperability becomes a practical necessity (i.e. when two systems employing different technologies are deployed in the same geographic area). Due to high levels of broadcast incumbency and the time required to implement a public safety system, it is unlikely that there will be widespread deployment of public safety systems in the 700 MHz band for at least 6-10 years. Given the short life-cycle of public safety handsets, and the time necessary for the wide-spread deployment of 700 MHz public safety systems, allowing a reasonable transition period before Phase I capability becomes mandatory will in no way defer or delay nationwide interoperability.

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<sup>4</sup> See Comments of Nokia in response to the *Fifth Notice of Proposed Rule Making* in WT Docket No. 96-86, filed March 19, 2001.

In contrast, APCO proposes a “5 Step” migration plan for both the interoperability and general use channels that would effectively enshrine Phase I as the *de facto* standard throughout the 700 MHz band.<sup>5</sup> APCO’s migration plan will create an imbedded base of 12.5 kHz infrastructure which has a life span of 15-20 years. Once this base of infrastructure is installed, the Commission will be unable to achieve 6.25 kHz efficiency in the 700 MHz band for 20 years and possibly much longer.

APCO also attacks the NATF petition on legal grounds, which are equally unfounded. APCO argues that because the Commission adopted the rule requiring all narrowband public safety radios operating in the 700 MHz to be capable of operating on the nationwide interoperability channels in 1998, the NATF petition is untimely. However, this argument misconstrues the action taken by the Commission in the *Fourth Report and Order*, which is the subject of the NATF Petition for Reconsideration.

The subject of this *Fourth Report and Order* was the adoption and implementation of an interoperability standard for public safety radios operating in the 700 MHz band. Although the requirement that all 700 MHz public safety radios be able to operate on the interoperability channels was adopted in 1998, the interoperability standard itself was only just adopted in the *Fourth Report and Order*. Before the interoperability standard was adopted, unresolved issues included whether the standard would be analog or digital, and whether the standard would be 6.25 kHz or 12.5 kHz. Until these issues were resolved it would have been impossible for any entity to have an

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<sup>5</sup> See Comments of APCO in response to the *Fourth Notice of Proposed Rule Making* in WT Docket No. 96-86, filed September 25, 2000.

opportunity to comment on the proper implementation of the interoperability standard. Indeed, in order to formally adopt the interoperability standard, the Commission, in the *Fourth Report and Order*, amended the rule APCO cites as having been adopted in 1998.<sup>6</sup>

Furthermore, the issue of an appropriate transition period before the interoperability standard would become mandatory was debated extensively in the record.<sup>7</sup> This debate included the submission of data over the speed of the DTV transition and the timing of the availability of 700 MHz spectrum,<sup>8</sup> as well as arguments supporting the immediate need for interoperability.<sup>9</sup> Clearly, had the Commission adopted a transition period, such a decision would have been considered the logical outgrowth of this proceeding.<sup>10</sup> Likewise, the Commission's decision not to grant a reasonable transition period is properly subject to a petition for reconsideration.

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<sup>6</sup> See *Fourth Report and Order* at Appendix C, § 90.547.

<sup>7</sup> See e.g. Comments of NATF at 7; Comments of Nokia at 7; Reply Comments of Nokia at 9; Reply Comments of Com-Net Ericsson at 10; Motorola *ex parte* letter (Jan. 4, 2001); Nokia *ex parte* letter (Dec. 12, 2000); NATF *ex parte* letter (Nov. 30, 2000).

<sup>8</sup> See Comments of Nokia at 7.

<sup>9</sup> See Motorola *ex parte* letter (Jan. 4, 2001).

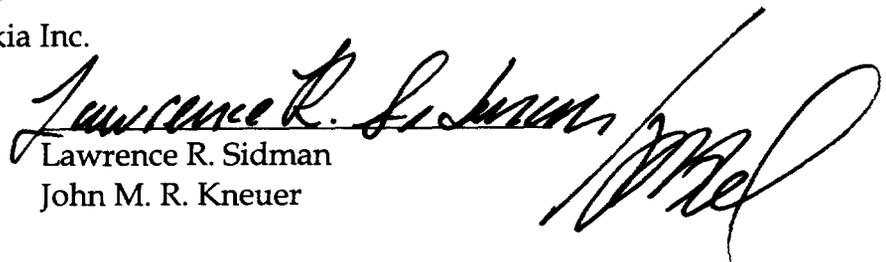
<sup>10</sup> See *PSC of the District of Columbia v. F.C.C.*, 285 U.S. App. D.C. 19 (1990) (“[A] reasonable attempt to accommodate commentators by responding to their suggestions for changes does not render a final rule something other than a logical outgrowth of the original proposal.”)

The Commission should grant the NATF Petition and establish a transition period until 2006 before Phase I interoperability capability becomes mandatory. This transition period will allow competing equipment manufacturers to enter the 700 MHz market, ensure the rapid introduction of spectrally efficient 6.25 kHz equipment, and will in no way delay or defer the ultimate goal of realizing nationwide interoperability on these channels.

Respectfully submitted,

Nokia Inc.

By:

  
Lawrence R. Sidman  
John M. R. Kneuer

Leo R. Fitzsimon  
Director of Regulatory  
and Industry Affairs

Nokia Inc.  
1101 Connecticut Ave., N.W.  
Suite 910  
Washington, D.C. 20036  
(202) 887-0145

Verner, Liipfert, Bernhard,  
McPherson & Hand, Chartered  
901 15th Street, N.W. Suite 700  
Washington, D.C. 20005  
(202) 371-6000

Its Attorneys

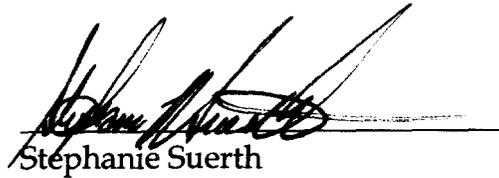
Date: May 10, 2001

## CERTIFICATE OF SERVICE

I, Stephanie Suerth, do hereby certify that a copy of the foregoing Reply to APCO's Opposition To The Petition For Reconsideration filed by The North American TETRA Forum was sent on May 10, 2001 to the following:

Robert M. Gurs  
Shook, Hardy & Bacon, LLP  
600 14<sup>th</sup> Street, NW #800  
Washington, DC 20005

Association of Public-Safety  
Communications Officials-International, Inc.



Stephanie Suerth