

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

In the Matter of)
)
The Development of Operational, Technical)
and Spectrum Requirements for Meeting) WT Docket No. 96-86
Federal, State and Local Public Safety)
Communications Requirements Through the)
Year 2010)

To: The Commission

**COMMENTS
OF THE
ENTERPRISE WIRELESS ALLIANCE**

The Enterprise Wireless Alliance (“EWA” or the “Alliance”), in accordance with Section 1.425 of the Federal Communications Commission (“FCC” or “Commission”) Rules and Regulations, respectfully submits its comments in the above-entitled proceeding.¹ The Commission’s Eighth Notice of Proposed Rulemaking in this rulemaking represents significant progress toward providing broadband opportunities for the public safety community, a step EWA strongly endorses. The Alliance urges the Commission to proceed expeditiously to adopt rules consistent with the instant Comments.

I. INTRODUCTION

EWA represents a broad alliance of business enterprise users, service providers, radio dealers and technology manufacturers, all of which use or provide wireless telecommunications products or services. Its members are among the largest users of Part 90 frequencies and are required by the FCC to derive intensive use of the spectrum on which they operate. They are in the process of migrating from 25 kHz to 12.5 kHz and even 6.25 kHz or equivalent channels in the bands below 512 MHz, thereby maximizing productive use of that spectrum.

¹ *Eighth Notice of Proposed Rulemaking*, WT Docket No. 96-86, FCC 06-34 (rel. Mar. 21, 2006) (“NPR” or “Notice”).

At the same time, however, the Alliance's members recognize that the wireless industry generally, in particular the operators of large, commercial networks, have identified broadband as the technology of the future for many wireless applications. EWA and its constituents have identified promising broadband opportunities in bands such as 3.65 GHz and are persuaded that these technologies hold extraordinary promise for promoting intensive spectrum utilization when spectrum is made available in broad contiguous allocations under a regulatory framework that promotes flexibility. The NPR seeks comment on approaches that would permit public safety entities to enjoy the array of applications that can be delivered on broadband networks. For that reason, EWA strongly supports this Commission initiative and recommends that rules that promote broadband deployment in the 700 MHz band be adopted expeditiously.

II. THE 700 MHz BAND PLAN SHOULD BE MODIFIED TO PROVIDE OPPORTUNITIES FOR DEPLOYMENT OF BROADBAND TECHNOLOGIES

The instant proceeding was initiated a decade ago when the Commission determined to assign 24 MHz of the spectrum that had been reallocated from television channels 60-69 to the public safety services.² Specifically, the Commission intended this allocation to support “nationwide interoperability, the development of competitive equipment markets, and the degree of regional flexibility necessary to allow entities the opportunity to fashion approaches tailored to meet the individual needs of diverse regional communities.”³ While this spectrum has been available in certain areas of the country, most of the markets in which public safety has the greatest need for additional capacity have been blocked from utilizing these channels because of the continued incumbency of television broadcast stations, a barrier that will be eliminated by February 17, 2009, pursuant to more recent Congressional action.⁴

² WT Docket No. 96-86, *First Report and Order and Third Notice of Proposed Rulemaking*, 14 FCC Rcd 152 (1998).

³ *Id.* at ¶ 6.

⁴ See Pub. L. No. 109-171, 120 Stat. 4 (2006), § 3002(a).

This delay in having unfettered access to its spectrum, while understandably frustrating, may prove fortuitous in the long run. In the ten years since the initiation of this proceeding, wireless technology has advanced at an astounding pace. Two substantial changes have been the shift from analog to digital techniques and, more recently, the migration from narrowband to broadband technologies. At the time the 700 MHz public safety band plan was formulated, the technological state-of-the-art assumed that emergency responders would be best served by having access to individually licensed and controlled, narrowband, usage-defined, primarily voice communications facilities. The current band plan generally reflects that assumption. It provides for a substantial number of narrowband voice channels, each with a specific usage designation. The plan also includes for 50 kHz “wideband” channels between the narrowband allocations. Those “wideband” channels may be aggregated to create bandwidths of up to 150 kHz. However, even when aggregated, these channels support high-speed data, but only slow scan video and no other truly advanced features or functionalities.

In late 2005, the Commission submitted a report to Congress assessing the short-term and long-term needs of local, state and federal emergency response providers.⁵ The FCC concluded that access to broadband facilities would provide the public safety community with the variety of communications capabilities, including video surveillance, real-time text messaging, high resolution digital images, and location-finding information, that will be essential to the successful performance of their jobs in the years to come.⁶ Specifically, the FCC determined that they would benefit from deployment of an interoperable, integrated, nationwide, broadband network.⁷

⁵ See Report to Congress on the Study to Assess the Short-Term and Long-Term Needs for Allocations of Additional Portions of the Electromagnetic Spectrum for Federal, State, and Local Emergency Response Providers, WT Docket No 05-157 (Dec. 16, 2005) (“Spectrum Needs Report”).

⁶ *Id.* at ¶ 26.

⁷ *Id.*

The instant Notice is a critical step toward realizing that opportunity. It seeks comment on alternative band plans for this public safety allocation that have been submitted by the National Public Safety Telecommunications Council (“NPSTC”), by Motorola, Inc. (“Motorola”), and by Lucent Technologies, Inc. (“Lucent”), as well as inviting additional recommendations. The common element in the proposals already submitted to the FCC is the suggestion that the Commission consider whether some portion of the 24 MHz allocation at 700 MHz could be modified to accommodate broadband communications.

EWA fully supports this investigation. Public safety is too vital a part of the wireless community to be left out of the broadband revolution, both because of the capacity increases it offers and because of the functionalities it will provide.

In a world where all users, even public safety, must be mindful of the need to derive efficient use of limited spectrum resources, broadband offers a prudent balance of intensive spectrum utilization without sacrificing the controls needed by public safety to meet individualized requirements. It permits multiple users to share spectrum in a highly efficient manner, while maintaining the security and priority access needed for public safety systems. It truly is a situation in which the whole exceeds the sum of all parts.

Even more important, to the extent that broadband promises to deliver previously unavailable, almost unimaginable, communications capabilities, it is essential that those services be available to our emergency responders as well as the public at large. The Alliance urges the Commission to review the NPSTC, Motorola and Lucent proposals, as well as other recommendations submitted in response to this Notice, in light of the compelling advantages that can be derived from providing large, contiguous spectrum segments with the maximum flexibility to host broadband facilities.

In that respect, EWA suggests that the Commission revisit its decision to reserve

consideration of the 700 MHz Guard Band spectrum for another proceeding.⁸ This 6 MHz of spectrum in a highly valuable band was expressly designed to ensure that public safety operations would not receive interference from adjacent commercial allocations on which it was expected that cellular architecture broadband facilities would be deployed. These protections were appropriate for the current band plan, but may prove excessive or even unnecessary depending on the Commission's decisions in the instant proceeding. The Alliance suggests that these two matters are so interrelated that their simultaneous consideration would be appropriate. At a minimum, EWA urges the Commission to initiate the separate proceeding referenced in this Notice at the earliest opportunity.⁹

III. CONCLUSION

The instant NPR offers the Commission a meaningful opportunity to assist public safety in migrating to advanced, highly efficient communications capabilities. The Alliance supports this initiative and recommends that the FCC proceed expeditiously to provide for 700 MHz public safety broadband capabilities.

Respectfully submitted,

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June 6, 2006

⁸ NPR at ¶ 34.

⁹ *Id*