

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

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

**Reply Comments of the
National Association of Regional Planning Committees
Hereby Submitted July 6, 2006**

The National Association of Regional Planning Committees (NARPC), a mutual benefit non-profit corporation recognized by the State of Missouri with its sole mission to assist and promote the advocacy on a national basis of Commission designated Regional Planning Committees (RPC), hereby submits Reply Comments in the above proceeding. The NARPC supports the position of each region's individual voice in Commission proceedings, including the variety of filings under this Docket addressing public safety's need for 700 MHz broadband capabilities and comments on the

proposals to modify the current 700 MHz band plan as well as other critical public safety communications issues. The National Association of Regional Planning Committees and its ongoing mission of advocating local spectrum planning is comprised of twenty-three (23) 800 MHz regional planning committees and twenty-two (22) 700 MHz regional planning committees. Our goal is to ensure that decision makers when considering regulatory issues that effect public safety communications hear the voice and positions of regional planners.

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BACKGROUND

The NARPC was created to serve as an advocacy group for FCC designated 700 and 800 MHz regional planning committees with its primary intent to encourage regional committees to provide their *unique regional perspective* to the FCC on

public safety issues through the comment filing process and public forums on issues that can positively impact their community and region. NARPC members regularly participate in regional planning conferences and colloquiums that promote the national and inter-regional dialogue and education necessary for planning committees to remain current on necessary issues while offering their public safety users the best service possible.

As a supporter of regional planning committees, the volunteer nature of their members and the work they are responsible for as delegated by the FCC, the NARPC in no way purports to be the voice of the nations fifty-five (55) 700 and 800 MHz Regions, but instead supports those regions and views its goal as promoting regional planning best practices and opportunities along with each regions ability to provide their own perspective on pertinent public safety communication regulatory issues. Regional planners offer the Commission a much needed “on the ground” user-community viewpoint of the needs of public safety communications and spectrum management, a necessary perspective to compliment those provided by public safety consultancies and land mobile manufacturers who regularly provide their position to the Commission on such issues. The “customers” of the FCC established regional planning committees are the Police, Fire, EMS and Emergency Management personnel installing and managing exclusive 700 and 800 MHz

networks in the field and it has been documented that the needs of those users' vary greatly from region to region.

NARPC SUPPORTS REGIONAL PLANNING COMMITTEE COMMENTS IN 700 MHz BROADBAND PROCEEDING

When deciding which band configuration best prepares public safety for the issues it faces today as well as in the future, several regional planning committees urged the Commission to consider all options in promoting such an environment including the introduction of the 700 MHz A and B Blocks in their decision. By the regional planning committee filings through the Comment Period, it is apparent that regional planning committees believe the Commission's reconsideration of the location of this 6 MHz of 700 MHz spectrum into the overall 700 MHz band in this proceeding is a critical step to the establishment of any effective 700 MHz public safety band plan with broadband potential. The current A and B Block licensees themselves have gone on record requesting the Commission provide additional 700 MHz spectrum to public safety while it revisits the placement and quantity of the current A Block based on effective spectrum usage, advances in both bandwidth required and broadband technology along with the creation of an environment in which public safety/private broadband opportunities can flourish. In addition, the current A and B block licensees are proposing to provide half of their 700 MHz spectrum (3 MHz) to act as public safety internal guard bands, under public safety's control to mitigate interference between dynamically assigned public safety

broadband and public safety narrowband allocations. No other proposal in this proceeding offers additional public safety spectrum as presented in the Optimization Plan introduced by Access Spectrum, Columbia Capital, Intel and Pegasus.

However, the path to achieving an optimized 700 MHz band plan through narrowband consolidation that would provide a greater degree of flexibility in public safety's future broadband implementation is not without obstacles. The first main identified obstacle is centered on international border concerns with US 700 MHz implementation along the Canadian border. Since the agreement between the United States and Canada has Canadian authorities clearing TV channels 63/68 in a manner consistent with US DTV transition and not TV channels 64/69, the consolidation of the 700 MHz narrowband portion of the band into two 6 MHz blocks in the channel 64/69 portion of the 700 MHz band would seriously impair the development of public safety 700 MHz in regions bordering Canada. This issue must be resolved so as to not impair US 700 MHz public safety development near US Canadian border areas.

The second obstacle to narrowband consolidation of the current 700 MHz public safety allocation is the reprogramming of equipment currently deployed and the

costs associated with the modification of this equipment. Manufacturers have indicated that several hundred thousand units are currently operating in the field. Given the small number of 700 MHz trunked radio systems currently licensed and in operation nationwide, most estimates are that the large majority of the 700/800 MHz subscriber units in the field are being utilized on existing 800 MHz trunked radio systems, with the 700 MHz portion of the radio going largely unused. The relative minimal use of the 700 MHz capabilities located within these subscriber units indicates that it is logistically feasible that devices could be reprogrammed with software to accommodate narrowband 700 MHz consolidation. In addition, the fact that these devices are currently utilized in existing 800 MHz radio systems in many areas creates an opportunity to modify these devices with minimum impact to the end users. Many 800 MHz licensees currently utilizing 700/800 MHz subscriber units are in the midst of reprogramming their 800 MHz systems in the Commission's 800 MHz re-banding proceeding, which will require subscriber units to be re-programmed at least once over the coming months. While the costs that will be incurred to reprogram public safety 700/800 MHz subscriber units in the field and create new software for the reprogramming remain uncertain, it appears that opportunities do exist to reprogram radios currently in use enabling more effective use of the 700 MHz public safety allocation.

In general, regional planning committees seem to be aware of the logistics associated with narrowband 700 MHz public safety consolidation and many feel that the difficulties encountered in the early stages of 700 MHz development are worth the benefits they may derive from a band plan developed to promote public safety broadband potential. Other regions commented that narrowband 700 MHz consolidation was not desired due to the progress made by regional planning committees but did not provide reasons other than consolidation and a re-shaping of the band would impede plan development in their region.

As of this writing, only three (3) regions have had their 700 MHz plan approved by the Commission that contained wideband 700 MHz channels. The majority of regions that have filed have chosen to delay the planning process for the use of wideband channels in their region until further information is available. These regions will have to modify their 700 MHz plans and re-submit them to the Commission before wideband/broadband data capabilities can be realized within their region.

With regard to the discussion of the TIA-902 wideband data standard and whether or not the standard should be considered “must carry” in each broadband/wideband user device in the Commission’s rules, several regions filed comments indicating they approved the designation of the physical layer standard but did not feel

interoperability would be achieved by requiring the TIA-902 standard mode be present in each mobile/portable wideband/broadband device.

PUBLIC SAFETY DATA USE AND FUTURE IMPLEMENTATIONS

Today, public safety views its data applications and the spectrum dedicated to data differently than they do the spectrum dedicated to public safety voice systems.

Simply put, the public safety expectation of its data product has been less than that of their voice services and they today tend to seek less control over their data products. This is evident in the fact that in many areas the large percentage of public safety data needs are provided with connectivity provided by regional and local commercial data systems, while few public safety agencies nationally allow their primary voice resources to be derived entirely on commercial wireless systems. In addition, a higher degree of latency is accepted in today's public safety data applications in part due to the fact that many public safety agencies do not own the network on which their mobile data is provided. Public safety must look to the future, where their broadband data applications will necessitate heightened performance, provide less latency and require greater throughput to meet the higher performance expectations of the end user.

Public safety broadband data applications can operate on shared public/private networks with public safety priority that allow greater spectrum efficiency, reduced

public safety broadband implementation costs and create an environment where more effective system development can be achieved by commercial and public safety partners within each community. From a technological perspective public safety's participation in "mixed use" shared inter-connected data systems with commercial 700 MHz licensees could delivered broadband capabilities to communities sooner than if deployed individually by either licensee as public safety and commercial broadband providers would be able to address regional coverage issues jointly, potentially removing a degree of overlapping coverage. These arrangements can more quickly offer public safety less expensive broadband capabilities in the communities they serve. Effectively, these partnerships could allow public safety to benefit both from partnering with other licensees while ensuring prioritized public safety use in a more efficient spectrum mechanism.

Recent studies have documented public safety use of its spectrum over the time domain concluding that while public safety has mission critical spectrum needs that will not change in a command and control environment, a large percentage of its spectrum lies fallow prior to its use while during times of usage public safety systems quickly reaches their capacity. These studies indicate that public safety use of its spectrum is rather low when averaged over a period of time, with peak use during times of critical need. There is no doubt that wireless public safety radio systems of today and tomorrow will have definitive spectrum needs to be available

at all times, but when the public safety spectrum needs are not demanding enough to maximize the capacity of the spectrum it should be a priority for public safety spectrum to be put to effective, efficient use. If making sure this spectrum is utilized efficiently can also lead to cost effective broadband system implementation partnerships between public safety and adjacent 700 MHz licensees, then public safety can benefit from improving the efficient use of its spectrum. Today's technology can allow for public safety to operate on a shared prioritized network with other users so that its spectrum needs can be met, while additional usage of the spectrum, on a secondary basis, can be attractive to commercial entities also operating in the 700 MHz band. Public safety will need assistance in its broadband deployment in the 700 MHz band, and these spectrum-sharing partnerships can assist public safety in their broadband implementation. Again, these opportunities are only possible if the Commission considers all opportunities in this proceeding; including the addition of the 700 MHz A and B Blocks in its modification of the 700 MHz band to promote public safety broadband development and usage.

An issue that has not been addressed in this proceeding is the regional planning committee role in the development of "mixed use" broadband data systems implemented by partnerships between public safety entities and adjacent 700 MHz commercial licensees. With such shared system development paradigms being discussed to provide prioritized public safety data access, the role of the regional

planning committee may become crucial in ensuring that such partnerships are focused on regional coverage and not limited to coverage of individual agencies. Regional data systems can offer a wider variety of services to users from multiple agencies, as well as a higher degree of interoperability than systems dedicated to users of a specific agency. Should an environment where shared broadband data systems between public safety and commercial licensees are favored become a reality and cost effective for public safety agencies, the role of the regional planning committee will rise in importance as their decisions will now impact whether or not public safety agencies will finance solely their own broadband data capabilities or if some agencies will be able to capitalize on the shared costs associated with mixed use public/private networks. In such an environment, it would seem prudent to require regional planning committees, with input from the users in their region, to develop broadband data requirements ensuring that the designation of channels dedicated to mixed use systems consistently focus on what is in the best interest of the entire region from a data perspective, rather than what a shared environment may benefit a commercial provider or a single agency.

On a final note, the NARPC provides in this filing (Appendix A) a copy of a letter sent by the National Association of Regional Planning Committees to Michael Wilhelm, Division Chief Public Safety And Critical Infrastructure Division of the Wireless Telecommunications Bureau in July of 2005, outlining the NARPC's

origin, its mission and willingness to assist the Commission with issues that can result from a regional planning dispute mitigation process. NARPC remains available to assist the Commission with regional planning issues as necessary.

The National Association of Regional Planning Committees appreciates the Commission providing the opportunity for comment on these important issues and looks forward to working with the Commission on the realization of public safety 700 MHz broadband communications.

Stephen T. Devine, Chairperson

National Association of Regional Planning Committees
1214 Bald Hill Road
Jefferson City, MO 65101

July 6, 2006

Appendix A



July 25, 2005

Mr. Michael Wilhelm, Division Chief
Federal Communications Commission
Wireless Telecommunications Bureau
Public Safety and Critical Infrastructure Division
445 12th Street, SW
Washington, DC 20554

Dear Mr. Wilhelm

As Chairperson of the National Association of Regional Planning Committees (NARPC), I offer the resources of our organization, including the efforts of its membership, as a resource to the Commission to assist with regional planning issues. As an advocate for Regional Planning Committees and the public safety community, the NARPC realizes that in certain regions, committees, largely relying on volunteer efforts, though empowered by the Commission to provide spectrum planning and implementation to the public safety community can become dormant and ineffective. Often the result is regions that are unable to provide their basic duties to their user communities. To ensure Commission sponsored regional planning is never perceived by the public safety user community or the Commission as an impediment to effective public safety spectrum utilization in any region, the NARPC intends to provide a service to the national regional planning community and the Commission by assisting regional planning committees where needed in meeting their fundamental duties.

We anticipate regional assistance will come in several forms. The NARPC's current role of outreach and education to the regional planning committee will continue. The sustained increase in a regional planning dialogue will benefit all regions. RPC Colloquiums will continue to be held across the country and utilized as a forum where regional planning committee participants can meet and network among their peers. Colloquium topics specifically addressing current regional planning issues such as 700 MHz, 800 MHz and 4.9 GHz planning, implementation and administration will be elemental. NARPC members see the use of regionally held RPC colloquiums as the best tool to provide outreach and support to the regions. We advocate that these forums, as well as the distribution of support funding enabling regional planners to attend them, continue.

The National Association of Regional Planning Committees is a nonprofit mutual benefit corporation organized in the State of Missouri (Article of Incorporation N00671165), with its mission being the advocacy and support of regional planning committees. The NARPC intends to, where necessary, obtain and maintain regionally based public safety spectrum policy consistent with user needs and Commission intent, through its designated regional planning committees. In addition, NARPC supports regional committee based interoperability planning in the 700 MHz band when regional planning committees are responsible for administering 700 MHz interoperability spectrum in the absence of a State Interoperability Executive Committee (SIEC) or similar body.

The NARPC supports each region and its independent, unique voice. As an association, we are not interested in consolidating each regional planning committee's ideas and initiatives into a single voice. Oversimplifying the role of regional planning, hesitating to accept an individual region's perspective on an issue or attempting to ignore the fact that regions have unique public safety requirements work against the original concept of regional planning. Each region is unique with unique requirements and circumstances. On the contrary, we truly believe the NARPC role, as an association is to constantly remind each region that *they have a distinctive voice with individually identified regional needs and that their actions in public safety spectrum implementation and administration should be to satisfy those needs and improve the process and product whenever possible.*

We support independent regions working to identify their needs and to bring their needs to the attention of policy makers when necessary via the Commissions Universal Licensing System (ULS) Electronic Comment Filing System (ECFS), with NARPC resources also being available to regions, as necessary. NARPC may comment on Commission proceedings when the need arises to address particular regional planning issues should a majority of member regions feel strongly on an issue, but we also encourage other regions with differing opinions to provide their perspective on the issue as well. The diversity of the positions taken by regional planning committees on issues affecting their regions is representative of the fact that each region's needs, and the nature of obstacles to overcome in meeting those needs, are inimitable. The NARPC was not formed to force consensus on issues within the RPC community, but to increase the volume of each region's voice as they represent their users needs and concerns.

We have identified additional methods in which the NARPC can provide needed support to the regional planning committees. For those regions that have not

convened a regional planning committee or have convened a committee but are not able to provide the basic RPC duties, which a region requires, the NARPC can provide support. We utilize a resource of planners from many regions across the country that can provide the support needed to enable a region to meet its minimum requirements. In addition to this support assisting 700 MHz RPC development and structure within a region, NARPC support can also work with the Commission's designated Frequency Coordinators to ensure that existing 800 MHz regional plans are identified and adhered to by applicants and interpreted in a manner consistent with the regions' initial plan development. By acting as a "stand in" for the existing regional planners when requested by the Commission, NARPC members can ensure applicants in the region will have access to all available spectrum (management?) resources.

As you know, within the National Coordination Committee (NCC) 700 MHz development process, a term was occasionally utilized to perform this regional planning support function. We feel this term, Regional Planning Oversight Committee (RPOC), is appropriate for the support the NARPC intends, with the Commission's endorsement to provide the national RPC community. Working closely with the National Law Enforcement and Corrections Technology Center - Rocky Mountain (NLECTC-RM) and its CAPRAD database, we feel effective planning tools are available to enhance RPC support while continuing to improve the national RPC dialogue that addresses plan development, spectrum issues and public safety communications effectiveness and efficiency at the local and state level.

Finally, while we believe costs associated with such RPC support will be minimal, we neither anticipate nor intend a Commission endorsement of the NARPC acting in support of regional planning committees to have a fiscal impact on the Commission. We are confident that the support of regional, state and local public safety spectrum planning will be funded by those parties interested in hearing the voices of regional planners across the country.

While I understand that this letter does not address all of the concerns that might arise from the Commission's recognition of the NARPC as a national resource and advocate to the regional planning community, I look forward to further discussions on the topic with yourself and other Commission personnel.

Respectfully,

Stephen T. Devine, Chair

National Association of Regional Planning Committees
Region 24 (Missouri) 700 MHz Regional Planning Committee
Region 24 (Missouri) 800 MHz NPSPAC Committee