

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

In the Matter of)
)
Recommendations of the Independent) EB Docket No. 06-119
Panel Reviewing the Impact of Hurricane)
Katrina on Communications Networks)

To: The Commission

**REPLY COMMENTS
OF THE
ENTERPRISE WIRELESS ALLIANCE**

The Enterprise Wireless Alliance (“EWA” or “Alliance”), in accordance with Section 1.415 of the Federal Communications Commission (“FCC” or “Commission”) rules and regulations, respectfully submits its reply comments in the above-entitled proceeding.¹ The broad scope of the record already developed in response to the Commission’s request for input on the recommendations of the Independent Panel the FCC convened to examine telecommunications issues in relation to disasters such as Hurricane Katrina is evidence of the important work both the Commission and the Panel have undertaken. EWA applauds this effort as precisely the type of proactive leadership that should help mitigate the impact of future catastrophes.

EWA participated in the earlier stage of this proceeding through the USMSS, Inc. (“USMSS”), a member of the Alliance, which represents the interests and the practical experience of numerous Motorola-approved radio sales and service businesses throughout the country. Additionally, however, EWA wishes to respond specifically to the suggestions submitted by the National Public Safety Telecommunications Council (“NPSTC”) and by the

¹ *Notice of Proposed Rulemaking*, EB Docket No. 06-119, FCC 06-83 (rel. June 19, 2006) (“NPR” or “Notice”).

American Association of Paging Carriers (“AAPC”) regarding the potential use of 900 MHz Business and Industrial/Land Transportation (“B/ILT”) Pool channels for two-way paging systems either owned by public safety users or dedicated to the provision of emergency communications.

The Katrina Report identified paging stations as among the most robust telecommunications facilities in the areas affected by Hurricane Katrina.² NPSTC and AAPC both cited the Report’s recognition of the resiliency of these systems as support for their interest in expanding opportunities for emergency paging operations.

Specifically, both organizations urged the FCC to permit the use of 900 MHz B/ILT Pool spectrum for paging services. NPSTC explained that governmental entities are considering one-way and two-way digital paging to support dispatch operations since they can incorporate “computer-based automated dispatch capabilities that increase the timeliness and accuracy of dispatch functions.”³ AAPC asserted that equipment for two-way, as opposed to one-way, paging works only on channels in the 900 MHz band, on either Part 24 narrowband PCS (“NPCS”) spectrum or Part 90 spectrum, and that all Part 24 NPCS spectrum has been assigned via auction.⁴ Therefore, AAPC urged the Commission to authorize the use of emergency communications paging systems in the Part 90 spectrum at 900 MHz.⁵

The future use of 900 MHz I/B Pool channels already is under consideration by the FCC in WT Docket No. 05-62.⁶ In that proceeding, the Commission has requested comment on whether it should provide for “overlay” auctions of this spectrum. The auction winner would be

² Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks: Report and Recommendation to the Federal Communications Commission at 10 (June 12, 2006) (“Katrina Report”).

³ NPSTC Comments at 16.

⁴ AAPC Comments at 9-10.

⁵ *Id.* at 12.

⁶ *Notice of Proposed Rulemaking and Memorandum Opinion and Order*, WT Docket No. 05-62, 20 FCC Rcd 3814 (2005) (“900 MHz NPR”).

permitted to provide commercial service to the public, but would remain obligated to protect the operations of incumbent facilities. That proposal was in response to a concern that Sprint Nextel Corporation (“Sprint Nextel”) would need access to additional 900 MHz spectrum in the more flexible geographic license configuration to satisfy a need for excess capacity during the ongoing 800 MHz band reconfiguration process.⁷

EWA’s comments in that proceeding noted that there was no record of a nationwide need for additional, geographically licensed 900 MHz spectrum to accommodate 800 MHz reconfiguration. Instead, the Alliance suggested that the Commission distinguish between markets where this relief would and would not be necessary, the former being markets in which the following conditions were met: (1) Nextel operates an iDEN network; (2) there are operational 800 MHz public safety systems on NPSPAC channels or NPSPAC systems that will be deployed before 800 MHz reconfiguration in the area is completed;⁸ and (3) Nextel has inadequate 800 MHz and 900 MHz SMR spectrum to accommodate reconfiguration.⁹ It urged the FCC to have Sprint Nextel and the public safety community supplement the record by identifying such markets so the FCC could determine in which areas geographic overlay licenses on 900 MHz B/ILT channels were needed to support the 800 MHz reconfiguration process. EWA concluded that areas outside those markets should remain available for continued B/ILT site-based licensing with the commercial conversion rights already granted by the FCC.

In support of their requests for expanded eligibility on 900 MHz B/ILT Pool channels, NPSTC and AAPC both point out that there is no spectrum dedicated for two-way public safety

⁷ *Report and Order, Fifth Report and Order, Fourth Memorandum Opinion and Order, and Order*, WT Docket No. 02-55, 19 FCC Rcd 14969 (2004); *Supplemental Order and Order on Reconsideration*, WT Docket No. 02-55, 19 FCC Rcd 25120 (2004).

⁸ If public safety has not yet begun deploying systems on the “old” NPSPAC spectrum at 866-869 MHz in a particular market, that spectrum will be available for use by Sprint Nextel immediately, thereby alleviating its need for additional 900 MHz capacity.

⁹ EWA Comments in WT Docket No. 05-62, filed June 2, 2005.

paging operations.¹⁰ NPSTC asserts that paging's non-terrestrial component and superior propagation, in addition to its cost effectiveness, "reflects why paging remains a key public safety communications resource."¹¹ According to AAPC, "although the Katrina Panel recommends that the public safety community utilize two-way paging systems both prior to and during disasters, there is, in fact, no spectrum directly allocated to the public safety community that will enable it to do so with current technology."¹²

The Katrina Report clearly evidences a compelling need for robust, reliable public safety communications systems. To the extent two-way paging on 900 MHz I/B Pool channels might satisfy at least some of that requirement, EWA agrees that the Commission should give serious consideration to the NPSTC and AAPC proposals, consistent, of course, with the FCC's tentative conclusion that conducting commercial overlay auctions on this same 900 MHz spectrum might be essential in resolving interference to 800 MHz public safety systems.

In fact, whether the Commission proceeds with overlay auctions of 900 MHz B/ILT Pool channels on a nationwide basis or, as recommended by EWA, only in those select markets where the FCC determines the spectrum is essential to facilitating the 800 MHz reconfiguration process, the 900 MHz band can provide certain opportunities contemplated by NPSTC and AAPC despite the fact that, as the Alliance noted in its comments in WT Docket No. 05-62, all 900 MHz B/ILT Pool channels have been assigned to licensees in most major urban areas for a number of years. While the FCC rules could be modified to permit the use of these channels for site-based, two-way paging for emergency communications, that will not alter channel availability. If public safety entities or commercial providers of emergency communications services wish to deploy two-way paging operations on this spectrum in markets where there is no

¹⁰ NPSTC Comments at 15-6; AAPC at 12.

¹¹ NPSTC Comments at 16.

¹² AAPC Comments at 12.

900 MHz B/ILT spectrum available, their options include either purchasing frequencies from incumbent licensees or acquiring the geographic rights at auction should the FCC approve an overlay auction framework in WT Docket No. 05-62.¹³ Adoption of the geographically bifurcated auction approach recommended by EWA at least would preserve the possibility that emergency paging systems might be deployed in markets where 900 MHz B/ILT spectrum remains available, along with other important two-way systems such as those operated by the Alliance's enterprise members, including major transportation, manufacturing and utility companies.

EWA supports the work of the Commission and the Katrina Panel in promoting robust and reliable telecommunications systems. It encourages the Commission to give thoughtful consideration to all proposals in support of that objective, including those of NPSTC and AAPC.

Respectfully submitted,

ENTERPRISE WIRELESS ALLIANCE

/s/ Mark E. Crosby
President/CEO
8484 Westpark Drive, Suite 630
McLean, Virginia 22102
(703) 528-5115

Counsel:
Elizabeth R. Sachs
Tamara Davis-Brown
Lukas, Nace, Gutierrez & Sachs, Chartered
1650 Tysons Blvd., Ste. 1500
McLean, VA 22102
(703) 584-8678

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¹³ The 900 MHz B/ILT Pool channels currently are "frozen." The FCC is not accepting applications from new entities, but does permit the assignment and modification of existing authorizations, consistent with the current rules. See "Wireless Telecommunications Bureau Freezes Applications in the 900 MHz Band," *Public Notice*, 19 FCC Rcd 18,277(2004); see also, *900 MHz NPR* at ¶¶ 64-8 (2005).