

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

In the Matter of)	
)	
Service Rules for the 698-746, 747-762)	WT Docket No. 06-150
And 777-792 MHz Bands)	
)	
Revision of the Commission’s Rules to Ensure)	CC Docket No. 94-102
Compatibility with Enhanced 911 Emergency)	
Calling Systems)	
)	
Section 68.4(a) of the Commission’s Rules)	WT Docket No. 01-309
Governing Hearing Aid-Compatible Telephones)	

To: The Commission

**REPLY COMMENTS
OF
CYREN CALL COMMUNICATIONS CORPORATION**

Cyren Call Communications Corporation (“Cyren”), 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 Among other matters, the *NPR* seeks comment on the service rules that would govern whatever “Lower 700 MHz” (698-746 MHz) and “Upper 700 MHz” (747-762/777-792 MHz) spectrum is auctioned for Commercial Mobile Radio Service (“CMRS”) use.² While Cyren expresses no opinion with respect to the rules that should govern CMRS operations on auctioned Lower 700 MHz channels, certain comments filed in the instant proceeding, as well as those that are expected to be submitted in response to the FCC’s inquiry into disposition of the 700 MHz Guard Band

¹ *Notice of Proposed Rulemaking, Fourth Further Notice of Proposed Rulemaking, and Second Further Notice of Proposed Rulemaking*, WT Docket No. 06-150, 21 FCC Rcd 9345 (2006) (“*NPR*” or “*Notice*”).

² Both the Lower and Upper 700 MHz spectrum blocks have been designated in the Communications Act, 47 U.S.C. § 151 *et seq.*, to be auctioned for the provision of commercial service. *See* 47 U.S.C. § 309(j)(3)(d).

spectrum,³ suggest that the Commission will need to chart an overall course for the available 700 MHz spectrum, determining where the public interest lies in considering a number of alternative band proposals. Because it has a compelling interest in the outcome of that broader Commission deliberation, Cyren respectfully submits these Reply Comments.

On April 27, 2006, Cyren submitted a Petition for Rule Making in which it urged the Commission to reallocate the Upper 700 MHz band from CMRS to the Public Safety Services and recommended that the authorization for that spectrum be issued to the Public Safety Broadband Trust (“PSBT”) for deployment of a shared public safety/commercial next generation wireless network.⁴ The Cyren Petition identified the C and D Blocks of Upper 700 MHz spectrum as uniquely suited to support a nationwide, integrated, interoperable, broadband public safety network that also would be capable of acting as an interoperability bridge to tie together legacy local, state and federal telecommunications systems. The Petition established a framework for an innovative public/private partnership whereby private entities would fund deployment of an advanced public safety network in exchange for the right to lease excess network capacity for commercial operations. Critically, under the proposal in the Cyren Petition, the PSBT would retain ownership and control of this spectrum, an invaluable public resource, thereby ensuring that the network would be built to public safety specifications from a technical, operational and geographic perspective. By harnessing the rigorous requirements of the first responder community and the volume of the consumer wireless industry, public safety, for the

³ *Notice of Proposed Rulemaking*, WT Docket No. 06-169, 21 FCC Rcd 10413 (rel. Sept. 8, 2006).

⁴ *In the Matter of Reallocation of 30 MHz of 700 MHz Spectrum (747-762/777-792 MHz) from Commercial Use and Assignment of 30 MHz of 700 MHz Spectrum (747-762/777-792 MHz) to the Public Safety Broadband Trust for Deployment of a Shared Public Safety/Commercial Next Generation Wireless Network, Petition for Rule Making*, filed by Cyren Call Communications Corporation (Apr. 27, 2006) (“Cyren Petition”). The Cyren Petition acknowledged that the Upper 700 MHz band has been identified in the Communications Act as spectrum to be auctioned for commercial use and explained that, in light of the compelling public safety need for additional spectrum in the 700 MHz band, Cyren was committed to securing Congressional action to revise that decade-old legislative designation.

first time, would have access to equipment with all necessary features and functionalities demanded by emergency response providers, but at price points that are possible only in the consumer marketplace and while remaining licensee of the spectrum.

It is apparent that the need for a nationwide, interoperable 700 MHz broadband public safety network will elicit substantial support when the Commission seeks public comment on the Cyren proposal. The unassailable validity of both the problem and solution defined in the Cyren Petition has given rise to imitative variations on the Cyren theme. Some, like the recent Comments in this proceeding submitted by a group of entities with 700 MHz Guard Band interests,⁵ embrace a murky form of private/public collaboration that would require both reconfiguration and certain reallocations of the Upper 700 MHz, 700 MHz Guard Band and 700 MHz public safety portions of the band.⁶

Cyren will address the specifics of that proposal in the 700 MHz Guard Band proceeding where that particular 700 MHz allocation already is under consideration.⁷ However, since the proposal goes well beyond the scope of any of the three extant 700 MHz proceedings⁸ and its implementation would require the FCC to reconcile its decisions in all three, it is apparent that a piecemeal approach is not optimal. To the extent other parties also may have alternative recommendations for providing the nation's emergency response providers with additional 700

⁵ The A and B Block 700 MHz Guard Band allocations of 2 (paired) MHz and 4 (paired) MHz, respectively, were intended to provide a buffer between the cellular architecture, broadband CMRS facilities expected to be deployed in the Upper 700 MHz band and the 24 MHz of 700 MHz spectrum allocated for public safety use. At the time, it was anticipated that public safety would operate narrowband, high site systems in the lowest portion of its allocation, the portion nearest to CMRS facilities.

⁶ See Comments of Access Spectrum, LLC, Pegasus Communications Corp., Columbia Capital III, LLC, and Telecom Ventures, LLC filed on Sept. 29, 2006.

⁷ See n. 3 *supra*.

⁸ The Commission also is in the process of finalizing rules governing the existing 700 MHz public safety allocation. See *Eighth Notice of Proposed Rulemaking*, WT Docket No. 96-86, 21 FCC Rcd 3668 (rel. Mar. 21, 2006). Cyren stated in its comments in that proceeding and reaffirms herein that resolution of that proceeding must not be delayed while other issues involving the 700 MHz band are debated.

MHz spectrum or capacity,⁹ the public safety community would be well-served by having all such proposals, including the Cyren Petition, subjected to the rigors of public scrutiny and evaluation in a consolidated fashion and as promptly as possible.

It is clear that the 700 MHz band holds significant promise for a variety of future communications requirements and its optimal use deserves vigorous, public debate. But, whatever benefits commercial 700 MHz service might offer to consumers, the band is even more critical to public safety entities. Some are actively engaged in deploying and planning for deployment of 700 MHz systems on their existing 24 MHz allocation. All deserve the greatly enhanced capabilities that can only be made available through an additional 700 MHz allocation for a nationwide, interoperable, broadband network, built to public safety specifications, funded through entrepreneurial activities, and able to satisfy emergency responder responsibilities into the 21st century.

Respectfully submitted,

**CYREN CALL COMMUNICATIONS
CORPORATION**

/s/

Morgan E. O'Brien
Chairman of the Board
7601 Lewinsville Rd., Ste. 201
McLean, VA 22102
(703) 760-4830

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

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⁹ There have been trade press reports that Verizon is promoting some variation on the 700 MHz public/private partnership theme, but, to the best of Cyren's knowledge, no such proposal has been submitted to the Commission.