

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

IN THE MATTER OF:)	
)	
Former Nextel Communications, Inc.)	
Upper 700 MHz Guard Band Licenses)	WT Docket No. 06-169
and Revisions to Part 27 of the)	
Commission's Rules)	
)	
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)	

NOTICE OF PROPOSED RULE MAKING

Adopted: September 6, 2006

Released: September 8, 2006

**Comments of Prince George's County, Maryland
Office of Homeland Security
Public Safety Communications**

Submitted by

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Deputy Director
November 7, 2006**

INTRODUCTION

On the 8th of September, 2006, the Federal Communications Commission (Commission) released an instant Notice of Proposed Rule Making (NPRM)¹ in response to Dockets WT 06-169 and WT 96-86. This NPRM requested comment on several issues of critical importance to public safety. The comments of the Prince George's County Office of Homeland Security and its Public Safety Communications Division (Prince George's) have been developed in an attempt to assist the Federal Communications Commission (Commission) address the critical issues associated with these Dockets.

Prince George's notes our strong opposition to any action by the Commission that will result in a rechannelization plan impacting the narrowband voice channels and associated frequencies currently specified within 47 C.F.R. §90 Subpart R (700 MHz). Prince George's believes that a reconfiguration of the 700 MHz band will have a harmful impact upon the development of the County's preparations for interoperability with the other first responders of the National Capital Region (NCR). NCR interoperability has been deemed a national, as well as regional, priority in the country's war on terrorism.

The County agrees that additional spectrum is needed for public safety and homeland security and suggests that other spectrum should be identified that will not result in an overall reconfiguration plan for all narrowband voice channels².

¹ DA 06-133 8th Notice of Proposed Rule Making Dockets WT 96-86 and 06-169

² 47 C.F.R. §90.531

BACKGROUND

Prince George's County, Maryland is located immediately northeast of the District of Columbia and is a vital part of the Washington metropolitan area. The United States Bureau of Census estimated that the 2005 population of the County at 846,123 persons, representing approximately 15% of the population of the State of Maryland. The County's growth rate is 5.7% projecting a population of nearly 900,000 persons by 2010. Ebony Magazine has recently named Prince George's County as "America's Wealthiest Black County"³ noting that over half a million African-Americans reside within the County.

The County is also home to critical federal facilities including the Bureau of the Census in Suitland, National Aeronautics and Space Administration in Greenbelt, Andrews Air Force Base in Camp Springs, as well as other governmental facilities. As a major new regional venue, the National Harbor project is being constructed near the new Woodrow Wilson Bridge. Thousands of new tourists and other visitors will be coming to Prince George's County and the Washington area when the National Harbor complex opens.

FedEx Field, home of the Washington Redskins, is located in Landover. FedEx Field is the largest professional football stadium in the United States. With respect to transportation infrastructure, the nation's busiest interstate corridor, Interstate 95, runs throughout the County. In addition, the New Carrollton station serves as a multi-modal transportation hub connecting AMTRAK, MARC, Metro, and Greyhound. The County

³ Ebony Magazine, November, 2006

is extremely sensitive to the fact that many international attacks of terrorism have been directed at major transportation systems.

Unquestionably, millions of persons reside in or pass through Prince George's County every day. Unfortunately, the attributes that make the County a wonderful place to live also make Prince George's County a potential target of terrorism.

Prince George's County believes that homeland security and public safety are critically important issues that demand the support of all of our governmental partners in the NCR as well as state and federal agencies. To demonstrate support for the County's public safety and homeland security program, Mr. Jack Johnson, County Executive, recently announced a \$68 million dollar project to implement a state-of-the-art land mobile radio (LMR) system providing interoperability with the public safety agencies in the NCR as well as with all of the County's neighbors.

This new radio system will be a critical piece of the County's homeland security communications infrastructure. Because there are insufficient radio channels in 47 C.F.R. §90 Subpart S to meet the County's requirements, extraordinary planning has gone into the development of a P-25⁴ LMR system operating in the 700 MHz band. The County has expended a significant amount of money and time in support of planning for the use of the 700 MHz band. Additionally, to meet the requirements of the Commission⁵ to develop a regional plan for the administration of 700 MHz, the County has paid for consulting support to develop this plan.

⁴ EIA/TIA Standard 102 as the adopted interoperability standard by the United States Department of Homeland Security

⁵ 47 C.F.R. §90.527

WHY PRINCE GEORGE'S OPPOSES 700 MHz RECONFIGURATION

Prince George's opposes any plan by the Commission that will result in a 700 MHz rechannelization plan impacting narrowband voice channels for the following reasons.

1. Prince George's notes that the Commission has received several plans requiring the rechannelization of spectrum in the Upper 700 MHz band. This is extremely valuable spectrum as evidenced by the many law firms that have submitted comments on behalf of business and industry. Prince George's is very concerned that any plan of rechannelization will result in significant legal delays. While the Commission does desire to implement a new plan expeditiously, and the County supports this position, Prince George's is already under contract for a new LMR system with major components of the system already scheduled for the manufacturing process. A protracted process of litigation could stop the manufacturing of this system or require the County to risk that any acquired hardware can be reprogrammed to the amended 700 MHz frequencies adopted by the Commission. The County believes that such a risk is not in the best interests of our citizens or the millions of persons in the Washington metropolitan area.
2. Prince George's has expended considerable time and money planning a new 700 MHz system. The 700 MHz band was carefully evaluated to determine if it would be appropriate for a new LMR system. Because of the more complex regulatory requirements associated with 700 MHz, this included time to evaluate the Time Division Multiple Access (TDMA) technology required to meet the

Commission's requirements⁶ relative to spectral efficiency. When the County was satisfied that 700 MHz represented a viable solution for RF requirements, a comprehensive amount of time was expended to develop a frequency plan. However, before such a plan can be finalized, Regional Planning Committee Twenty must complete the development of a 700 MHz Plan as required by the Commission⁷. The process to develop a Plan and receive ultimate Commission approval, even when conducted on an expedited basis, requires many months. With a requirement to develop a new plan of channelization, the County fears that much of this planning effort will be lost and new expenses will be incurred to re-develop the system's frequency plan.

3. As noted above in number two, Prince George's conducted a comprehensive review of the 700 MHz band. This included consultant support for the development of the 700 MHz Plan for Regional Planning Committee Twenty as required by the Commission⁸. The County has invested considerable funds into the development of the Region's Plan. With a requirement to re-craft a Regional Plan in response to a new channelization plan, the County would be required to expend even more money necessitated by an issue beyond our control. Even with financial reimbursement programs associated with the 800 MHz rebanding,⁹ the

⁶ 47 C.F.R. §90.535

⁷ 47 C.F.R. §90.527

⁸ 47 C.F.R. §90.527

⁹ See *Improving Public Safety Communications in the 800 MHz Band, Report and Order, Fifth Report and Order, Fourth Memorandum Opinion and Order, and Order*, 19 FCC Rcd 14969, 15021-45, 15069 ¶¶ 88-141, 189 (2004) as amended by Erratum, 19 FCC Rcd 19651 (2004), and Erratum, 19 FCC Rcd 21818 (2004) (*800 MHz R&O*); *Improving Public Safety Communications in the 800 MHz Band, Supplemental Order and Order on Reconsideration*, 19 FCC Rcd 25120 (2004) (*800 MHz Supplemental Order*); and *Improving Public Safety Communications in the 800 MHz Band, Memorandum Opinion and Order*, 20 FCC Rcd 16015 (2005) as amended by Erratum, DA 05-3061 rel. Nov. 25, 2005 (*800 MHz MO&O*).

County fears that this considerable investment in support of the Region 20 Plan could be lost if a rechannelization order is adopted.

4. Assuming that the County implements its new LMR system in the current 700 MHz channels, if a plan of channelization is ordered following a protracted legal process, the County could be required to “reband” an operating public safety LMR system. Rebanding has been a fractious process causing reasonable persons to expend fully all legal processes before sending unresolved matters to the Commission for mediation. Three de novo mediations¹⁰ have been recently announced by the Commission that demonstrates the totality of complex legal issues that must be addressed with rebanding. In addition to the consumption of expense and staff resources, these matters, required to protect the rights of all parties, impede the ability of first responder administrators to perform their most important tasks: preparing resources to protect the public.
5. The forced rebanding of 700 MHz would negatively impact the NCR in addition to the County. The NCR is already proceeding with a challenging rebanding process that necessitates careful coordination to maintain critical interoperability and will necessitate the reprogramming of approximately 50,000 mobile and portable radios. The County fears that a lengthy legal process could require Prince George’s to implement the new 700 MHz system under the current rules.

To maintain NCR interoperability, every NCR jurisdiction would be required to

¹⁰ In the Matter of the State of Maryland and Sprint/Nextel, Mediation No. TAM-11128, released October 24, 2006

In the Matter of Manassas City Public Schools and Sprint/Nextel, Mediation No. TAM-11106, release October 24, 2006

In the Matter of Montgomery County, Maryland and Sprint/Nextel Mediation No TAM-11109, release November 3, 2006

potentially reprogram approximately 50,000 radios (again) to add the Prince George’s County frequencies. Then following a new 700 MHz channel plan ordering rechannelization, Prince George’s would be required to reprogram its entire fixed network as well as mobile/portable system. Additionally, every NCR jurisdiction would be potentially required to undergo a third fleet-wide reprogramming effort. The County does not believe that the Washington metropolitan area benefits from a process that requires all first responder radios in the nation’s capital to undergo multiple iterations of mobile/portable reprogramming. The chart below has been prepared to depict the multi-step reprogramming process that could be required if the Commission adopts a plan requiring 700 MHz rechannelization.

Deploy the 700 MHz system based upon current rules	Delay deployment until a reconfiguration plan is adopted by the Commission
<ol style="list-style-type: none"> 1. Trust that manufacturing issues will be satisfactorily resolved. 2. Program 6,000+ subscriber devices with County and NCR channels. 3. Ask NCR and jurisdictions surrounding the County to reprogram 50,000+ radios with Prince George’s channels. 4. Deploy system for all first responders. 5. Prince George’s, NCR jurisdictions, and counties surrounding Prince George’s must re-program 50,000+ radios based upon 700 MHz rebanding. 	<ol style="list-style-type: none"> 1. Delay deployment of an interoperable radio system with other NCR jurisdictions. 2. Maintain an end-of-life radio system with limited interoperability for the County first responders. 3. Renegotiate a multi-million dollar LMR contract for the new LMR system based upon unknown time delays. 4. Identify funding for anticipated system manufacturing and deployment cost increases.

6. As a jurisdiction proximate to the nation’s capital, as well as many critical federal facilities located within the County, Prince George’s believes that the immediate

requirements of homeland security demand that our focus should be on the development of an interoperable LMR system that supports first responders. Such a system should be implemented in Prince George's County as quickly as possible following the date in which broadcasting vacates the 700 MHz band. A plan requiring rechannelization potentially delays the implementation of such a system.

7. Absent definitive information related to the ability of all manufacturers and suppliers to confirm with specificity that hardware and software can be revised to operate on frequencies associated with a new channel plan in 700 MHz, the County could elect to delay the implementation of the new first responder radio system. Such a decision would have many negative impacts including, but not limited to:

A. Protracted negotiations would be required between the County and its supplier to amend delivery dates for system components. The County believes that such a renegotiation of its contract would result in price increases and additional burdens upon the taxpayers.

B. The County's current UHF "T" band system is reaching the end of its life. A delay in implementing the new LMR system causes the County to maintain multiple LMR systems, some of which have components for which parts are not readily available. Adherence to the current system is not in the best interest of the County's citizens or first responders.

C. At this time, Prince George's contemplates that several 800 MHz and the majority of UHF "T" band frequencies would be vacated following implementation of the 700 MHz system and made available for other

licensees. These resources are needed by public safety and public service licensees in the NCR and central Maryland currently using both bands. A decision to delay the implementation of the new 700 MHz system, to avoid rebanding, would adversely affect other licensees that could receive great benefit by the availability of these frequencies.

8. Prince George's is also concerned that a revised plan of rechannelization would have the impact of delaying the implementation of a wireless broadband system in support of the NCR. The County recognizes the importance of this system and has included capacity requirements on all new towers to support antennae utilized by the NCR system. Not only may a plan of rechannelization delay operational implementation of the system, it could adversely affect the funding stream contemplated by the use of Homeland Security monies.

CONCLUSION

Prince George's opposes the actions contemplated under Docket 06-169 and requests that the Commission not order any changes to 47 C.F.R. §90 Subpart R that requires a new narrowband voice channelization plan. Prince George's requests that the Commission terminate any further consideration of Docket WT 06-169 that potentially requires the rechannelization of narrowband voice channels as included in 47 C.F.R. §90.531.

Respectfully submitted,

/s/

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