

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Former Nextel Communications, Inc.)	WT Docket No. 06-169
Upper 700 MHz Guard Band)	
Licenses and Revisions to Part 27 of)	
the Commission's Rules)	
)	
Development of Operational,)	WT Docket No. 96-86
Technical and Spectrum)	
Requirements for Meeting Federal,)	
State and Local Public Safety)	
Communications Requirements)	
Through the Year 2010)	

**REPLY COMMENTS OF THE NATIONAL PUBLIC SAFETY
TELECOMMUNICATIONS COUNCIL**

The National Public Safety Telecommunications Council (NPSTC) submits these Reply Comments in connection with the Commission's Notice of Proposed Rulemaking (NPRM) addressing possible changes to the Part 27 service rules for the Upper 700 MHz Guard Band.¹

NPSTC continues to support the proposal by guard band licensees that public safety communications be allocated additional spectrum in the 700 MHz band provided several contingencies are resolved. The record indicates significant progress toward resolving these contingencies. These contingencies relate to the costs of relocating the public safety narrowband voice channels. NPSTC commits to cooperating further with interested parties and with the Commission to bring a definitive resolution of the

¹ In the Matter of Former Nextel Communications, Inc. Upper 700 MHz Guard Band Licenses and Revisions to Part 27 of the Commissions Rules, WT Docket No. 06-169 and Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Communications Requirements through the Year 2010, WT Docket No. 96-86, *Notice of Proposed Rulemaking* (NPRM), FCC 06-133 (September 8, 2006).

remaining challenges. In this Reply Comment, NPSTC presents its views on particular issues in the pleadings submitted by the informal 700 MHz Technical Working Group (TWG), Access Spectrum LLC and Pegasus Communications Corporation (Access/Pegasus) which are guard band licensees and proponents of the restructured 700 MHz band, Ericsson, Inc. (Ericsson) and Motorola, Inc. (Motorola).

700 MHz TWG Report

The 700 MHz Technical Working Group is comprised of representatives from Access/Pegasus, M/A-COM, Inc., Motorola, New York State and NPSTC. The TWG made an important contribution in examining the technical and related challenges surrounding the relocation of the 700 MHz public safety narrowband voice channels as proposed by Access/Pegasus and outlining the resolution of these issues. These matters involve the costs of reprogramming radios manufactured for use in both the 700 MHz and 800 MHz bands, what affect relocating the narrowband channels will have on agencies along the Canadian border with regard to Canadian broadcast operations in the 700 MHz band and the impact of the relocation on the New York State 700 MHz wireless communications project, particularly in the downstate region.

NPSTC is examining the analysis and conclusions presented by the TWG. At its upcoming meeting on November 15 and 16 2006, NPSTC will seek to formulate a consensus evaluation among its members to contribute further to resolving the issues presented by the TWG.

Comments of Access/Pegasus

One area NPSTC has expressed concern is the cost the narrowband channel relocation will impose on the spectrum planning database public safety agencies use to

allocate and coordinate operations in the 700 MHz band. The Computer Assisted Pre-Coordinated Resource and Database System (CAPRAD) allows regional planning committees and agencies to plan efficient use of the 700 MHz channels in the context of geographical and spectral separations. This is an integral element toward ensuring user coexistence and promoting a non interference environment. Access/Pegasus states in its Comments that contingent upon the approval of its restructuring proposal, including changes to the guard band technical and services rules, they are prepared to cover the costs of the necessary revisions to CAPRAD. NPSTC will endeavor to assist in refining the costs and logistics involved in updating the database.

Comments of Ericsson

Ericsson endorses relocating the current narrowband public safety voice channels. It also embraces the concept that public safety agencies be afforded the discretion to choose wideband or broadband operations. Significantly, Ericsson proposes to eliminate the upper and lower B Block, a total of 2 MHz, and reallocate these channels to the public safety service for purposes of promoting broadband operations. The difference between the Ericsson proposal and that of Access/Pegasus is that the A Block remains in its present location with an allocation of 1 MHz. The Access/Pegasus proposal envisions relocating the A Block and enlarging it to 1.5 MHz.

The Ericsson proposal is tempered by the reality of what has transpired and the lack of support by current guard band licensees. It is NPSTC's experience that a significant restructuring of a spectrum band does not proceed effectively, if at all, without the commitment of a significant number of licensees whose interests are at stake. Without this embrace, the Commission is faced with a difficult challenge of evaluating

actions and investment of incumbents purporting to reflect reliance and the delay that will accrue. NPSTC's fundamental concern is that lacking licensee consensus the circumstance inevitably results in intractable proceedings that have no near term date for resolution. With the digital television transition expiration now set for February 17, 2009, it is critical that the Commission define the structure of the 700 MHz band with clarity and finality so that public safety agencies and commercial interests can plan and commence deployments.

Ericsson appears to state that one purpose of dedicating the additional 2 MHz to the public safety segment is to provide a 2 MHz guard band between broadband and narrowband operations. The record does not indicate that 2 MHz is necessary, there is a general consensus that approximately 1 MHz² is an adequate guard band between broadband and other operations. Any further detail Ericsson can provide in this regard would benefit the Commission and interested parties effort to promote adjacent service compatibility.

In comments submitted by Ericsson and other parties, advocacy is presented that the Commission should allocate spectrum involving the public safety segment and the commercial band in a structure that accommodates adjacent broadband technologies of both services.³ NPSTC agrees that there is potential for economies of scale with regard to equipment and services and other efficiencies with such a structure. Yet, NPSTC reiterates its position that the spectrum designated for public safety services in the 700 MHz band must only be used by government agencies eligible under the Commission's

² See In the Matter of the Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Communications Requirements Through the Year 2010, *Eighth Notice of Proposed Rulemaking*, WT Docket 96-86, FCC 06-34 (March 21, 2006). NPSTC Comments at 11 (.975 MHz guard band) Access/Pegasus at 5 (1 MHz guard band), Lucent at 34-36 (1.125 MHz guard band) and Motorola at 10-13.

³ Ericsson Comments at 10, Access/Pegasus Comments at 6-7.

rules. Additionally, the important premise that operations in one band cause no interference to an adjacent service must continue to resonate.

Comments of Motorola

Motorola supports the relocation of the narrowband voice channels and provides additional information with regard to the costs associated with the relocation. It urges caution with regard to the interference protection technical provisions of the guard band rules and recommends that the band structure be resolved prior to finalizing the technical parameters.

Motorola states well that the Access/Pegasus proposal, although allocating public safety additional spectrum, is essentially moving the guard band responsibility to the public safety segment and public safety licensees in particular circumstances.⁴ Its legitimate point is that there will continue to be a need for some type of guard band. It voices concern regarding post licensing conflicts between commercial and public safety users absent a clearly defined guard band. Motorola recommends that a formal guard band continue to be delineated by the Commission's rules. It states that public utility interests should be given licenses to operate within the guard band at 775-776 MHz, which would be paired with channels at 805-806 MHz.

NPSTC agrees with Motorola regarding the potential for tension, absent clearly defined technical parameters, between public safety and commercial users. Yet NPSTC does not believe that providing 700 MHz channels to the public utility industry provides additional protection; the likelihood of post licensing conflict remains. There is no evidence in the record that public utility interests provide any inherent protection that public safety cannot provide itself. NPSTC looks, not to the public utility industry, but to

⁴ See NPSTC Comments at 7.

the regional planning committees to address these issues. More significantly, NPSTC reiterates its position that there is no sector that requires spectrum more desperately than local and state public safety agencies.⁵ The spectrum will be more efficiently and effectively used by the public safety services.

Conclusion

NPSTC believes that the remaining issues with regard to the structure and service rules of the guard band and public safety segments is approaching a clarity that will afford the Commission the ability to issue a decision. NPSTC commits to working toward this objective and commends the Commission for its efforts.

Respectfully submitted,

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⁵ NPSTC Comment at 14-15.