

**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, Technical)	WT Docket No. 96-86
and Spectrum Requirements for Meeting)	
Federal, State and Local Public Safety)	
Communications Requirements Through)	
The Year 2010)	

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 In this proceeding, the Commission is investigating the optimal use of 700 MHz guard band spectrum returned to the FCC by Sprint Nextel Corporation. The Commission also has taken this opportunity to consider broader questions regarding the relationship of the guard band allocations to the existing 24 MHz of public safety spectrum in the band in light of proposals to reconfigure the 700 MHz public safety band plan.

Cyren supports this investigation as consistent with the Commission’s responsibility to consider even fundamental changes in its rule if such revisions promise to advance the public

¹ *Notice of Proposed Rulemaking*, WT Docket No. 06-169, FCC 06-133 (rel. Sept. 8, 2006).

interest. This is true with respect to all areas under the FCC's jurisdiction, but the agency has a particular obligation to ensure that its regulatory framework will promote the operations of the nation's emergency response providers and other entities providing critical public safety services.

Indeed, the importance of the 700 MHz band to the short-term and longer-term future of public safety communications cannot be overstated. It is essential that the decisions made by the FCC in the multiple proceedings involving this critical band including, but not limited to, the two rule making proceedings addressed herein,² remain faithful to several essential principles that will promote the timely, optimal use of this spectrum by the public safety community:³

- Public safety use of its existing 24 MHz allocation must not be delayed. The Commission's decisions as to the Guard Band channels and other spectrum in the band must be reconciled with the 700 MHz public safety band plan, but should not impede immediate and ongoing public safety use of its already-assigned allocation.
- Public safety should have access to the maximum available 700 MHz spectrum since the technical characteristics of the band, most particularly its propagation capability, make it optimally suited for geographically expansive public safety operations.
- The public safety band plan should promote spectrum efficiency and flexibility.

Cyren believes that FCC decisions that are consistent with these principles, by definition, will advance the public interest. Thus, Cyren supports reallocation of the recovered B Block to public safety. The Commission already holds this spectrum in all but a nominal number of markets, markets in which 700 MHz capacity is not likely to be an issue for the foreseeable

² See, also, *In the Matter of Service Rules for the 698-746, 747-762 and 777-792 MHz Bands, Notice of Proposed Rulemaking*, WT Docket No. 06-150, FCC 06-144 (rel. Aug. 6, 2006), and *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 Rulemaking*, filed by Cyren Call Communications Corporation (RM-11348).

³ It goes without saying that adherence to the statutory deadline for removing broadcast operations from the 700 MHz band remains of the utmost importance. The FCC should remain vigilant that, in discharging its statutory authority to consider novel approaches to meet the needs of the public safety community and advance the public interest, its actions *vis-à-vis* the "Upper 700 MHz" band are not misinterpreted to provide justification for any delay by incumbent television broadcast licensees to vacate the entire 700 MHz band on a timely basis.

future, if ever. Adding this 4 MHz to the existing 24 MHz allocation would increase the available public safety spectrum in a critical band, even if the additional capacity is best suited for its originally intended purpose – the protection of public safety operations from proximate commercial networks. Rather than relying on third party band managers to fulfill this important task, allocating the recovered Guard Band spectrum to public safety itself will permit emergency responders to assume that responsibility directly with decisions made on a regional, collaborative basis, consistent with whatever rules the FCC determines are appropriate.⁴

Moreover, to the extent public safety concerns with respect to cost reimbursement for already-acquired equipment and border issues have been addressed adequately,⁵ Cyren supports those public safety representatives that have endorsed consolidating the two narrowband segments at the upper portion of the 700 MHz public safety band and establishing a broadband/wideband segment at the bottom of that allocation.⁶ There appears to be a growing consensus that modifying the band plan in this way would promote both spectrum efficiency and flexibility. Segregating broadband/wideband from narrowband segments in this fashion clearly will reduce the amount of spectrum needed for “guard band” purposes and, thereby, maximize the usable bandwidth for meaningful communications transmissions.⁷ A number of public safety proponents have endorsed the concept on the basis that it would permit each NPSPAC Region to

⁴ Public safety entities may determine that using this spectrum to promote interoperability with critical infrastructure industry entities providing services such as water and power or with other companies that offer vital services during emergencies may prove to be the optimal use of this additional capacity.

⁵ *See, e.g.,* WT Docket No. 06-169, Ex Parte Notice from Steve B. Sharkey, Director Spectrum and Standards Strategy, Motorola; and Report by 700 MHz Technical Working Group.

⁶ *See, e.g.,* WT Docket No. 06-169, Comments of the Association of Public Safety Communications Officials International, Inc; Comments of the National Public Safety Telecommunications Council; and Comments of the Region 24 700 MHz Regional Planning Committee.

⁷ Of course, the FCC and the public safety community already have concluded that even this expanded 700 MHz allocation will be inadequate to satisfy already anticipated public safety communications requirements in the immediate future. *See* Report to Congress on the Study to Assess the Short-Term and Long-Term Needs for Allocations of Additional Portions of the Electromagnetic Spectrum for Federal, State, and Local Emergency Response Providers, WT Docket No. 05-157 (Dec. 16, 2005).

make an individual determination with respect to the optimal use of the broadband/wideband segment depending on the coverage and operational requirements of users within the Region, thereby permitting greater local flexibility. This approach also would position the broadband/wideband portion of the band at the end closer to the commercial 700 MHz allocation, thereby creating the opportunity for public safety users to take advantage of the cost efficiencies associated with off-the-shelf technology developed for the broad consumer market.

Importantly, these steps can be taken without addressing any portion of the Upper 700 MHz channels other than the 24 MHz already allocated to public safety and the contiguous 4 MHz B Block Guard Band spectrum at issue herein. In contrast to the proposals advanced by some parties in this proceeding,⁸ the actions recommended herein do not require the FCC to modify the location of any 700 MHz channel block, but can be implemented simply and easily by designating the recovered 700 MHz B Block spectrum as a public safety rather than a Guard Band allocation and by adopting appropriate revisions to the public safety allocation itself, consistent with the recommendations of the public safety community. Any changes to the non-public safety portion of the 700 MHz band should be addressed separately in the context of the proceedings wherein those matters already are under consideration,⁹ with reference to, but without disturbing, immediate public safety use of its 700 MHz capacity.¹⁰

The public safety community has spoken clearly and unequivocally: the FCC should not pursue regulatory approaches that could retard use of the existing 700 MHz allocation by

⁸ See WT Docket No. 06-169, Comments of Access Spectrum, LLC and Pegasus Communications Corporation.

⁹ See Id.

¹⁰ Parties have recommended revisiting various aspects of the 700 MHz band, asserting that the existing channel blocks should be modified and, in some instances, relocated to facilitate the introduction of advanced technologies in the band. Cyren certainly supports deployment of innovative, highly efficient technologies in this and every band segment. Yet, those objectives can be satisfied by implementation of a variety of approaches, each with somewhat different technical parameters and bandwidth requirements. It is by no means certain that there is a single, optimal solution for maximizing spectrum efficiency for 700 MHz broadband operations.

emergency response providers. Cyren urges the Commission to heed that message and proceed with rule changes consistent with those proposed herein.

Respectfully submitted,

**CYREN CALL COMMUNICATIONS
CORPORATION**

/s/

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