

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Cyren Call Communications Corporation)	RM No. 11348
Petition for Rulemaking, Reallocation of 30)	
MHz of 700 MHz Spectrum (747-762/777-792)	
MHz) from Commercial Use, Assignment of)	
30 MHz of 700 MHz Spectrum (747-762/777-)	
792 MHz) to the Public Safety Broadband)	
Trust for Deployments of a Shared Public)	
Safety/Commercial Next Generation Wireless)	
Network)	

To: The Commission

COMMENTS OF THE CONSUMER ELECTRONICS ASSOCIATION

The Consumer Electronics Association (“CEA”)¹ respectfully submits the following comments in response to the public notice regarding Cyren Call’s petition for rulemaking.² Although the petition was dismissed following release of the public notice, the Commission recognized the “unique communications needs of public safety” and left the above-captioned docket open for comment.³ As lawmakers and policymakers consider public safety communications and interoperability issues, CEA believes they should avoid disrupting the delicate balance struck in the Digital Television Transition and Public Safety Act of 2005 (“DTV

¹ CEA is the principal trade association promoting growth in the consumer technology industry through technology policy, events, research, promotion and the fostering of business and strategic relationships. CEA represents more than 2,100 corporate members involved in the design, development, manufacturing, distribution and integration of audio, video, mobile electronics, wireless and landline communications, information technology, home networking, multimedia and accessory products, as well as related services that are sold through consumer channels. Combined, CEA's members account for more than \$125 billion in annual sales.

² FCC Consumer & Governmental Affairs Bureau Reference Information Center, *Petitions for Rulemakings Filed*, Public Notice, Rep. No. 2794 (Oct. 30, 2006).

³ *Reallocation of 30 MHz of 700 MHz Spectrum (747-762/777-792 MHz) from Commercial Use; 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*, RM-11348, Order, at 2, DA 06-2278 (PS&HSB Nov. 3, 2006).

and Public Safety Act”).⁴ Re-opening Congress’ 700 MHz allocation decision as Cyren Call proposes threatens to undermine the important achievements established therein.

CEA strongly supported adoption of the DTV and Public Safety Act. After years of negotiation, Congress established February 17, 2009 as the hard deadline for the end of analog television broadcasting and recovery of the 700 MHz band spectrum.⁵ Public safety will gain access to 24 MHz of this promising spectrum on a nationwide basis and \$1 billion in grant funds for interoperable communications – and the Commission is undertaking a review to ensure the spectrum is available for its highest use, be it voice, wideband or broadband applications.⁶

The DTV and Public Safety Act also directed the Commission to commence an auction no later than January 28, 2008 for the 60 MHz of commercial spectrum in the band not yet licensed.⁷ Commercial offerings in this band will provide much needed spectrum for wireless broadband and extend broadband capability to underserved areas. While the Commission has a proceeding underway considering whether to modify the licensing and service rules governing the 700 MHz commercial bands,⁸ it must resolve that rulemaking promptly to ensure that the auction begins no later than January 2008. Auction proceeds, moreover, will fund important public policy initiatives, as discussed below.

⁴ Deficit Reduction Act of 2005, Pub. L. No. 109-171, 120 Stat. 4, tit. III (2006).

⁵ *Id.* § 3002(b).

⁶ *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, 21 FCC Rcd 3668 (2006).

⁷ Deficit Reduction Act, § 3003(a)(2).

⁸ *Service Rules for the 698-746, 747-762 and 777-792 MHz Bands, Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Section 68.4(a) of the Commission’s Rules Governing Hearing Aid-Compatible Telephones*, WT Docket No. 06-150 *et al.*, Notice of Proposed Rulemaking, Fourth Further Notice of Proposed Rulemaking, and Second Further Notice of Proposed Rulemaking, FCC 06-114 (rel. Aug. 10, 2006).

The Congressional Budget Office estimated that auction of the remaining 60 MHz of spectrum “would most likely total between \$10 billion and \$15 billion, with an expected value of about \$12.5 billion,”⁹ – and Congress has already committed nearly \$10.3 billion of auction proceeds to the following public policy initiatives:

- *DTV Converter Box Program.* \$990 million and up to \$1.5 billion for coupons to be applied towards a digital-to-analog converter box program.
- *Public Safety Interoperable Communications.* \$1 billion to assist public safety agencies in the acquisition, deployment and training in interoperable communications.
- *National Alert and Tsunami Warning.* \$156 million to implement a unified national alert system, with \$50 million dedicated to tsunami warning.
- *Enhance 911.* \$43.5 million to implement the ENHANCE 911 Act of 2004.
- *NYC 9/11 Digital Transition.* \$30 million for a temporary digital television broadcast system until the Freedom Tower is constructed.
- *Low-Power Television and Translator Digital-to-Analog Conversion and Upgrade Programs.* \$75 million to assist low-power television stations in acquiring digital-to-analog conversion devices (\$10 million) and upgrading from analog to digital operations (\$65 million).
- *General Treasury.* \$7.363 billion for the general fund of the Treasury.
- *WARN Act Implementation.* \$106 million for funding the Warning, Alert, and Response Network Act (“WARN Act”).¹⁰

CEA’s overriding concern is to maintain the carefully crafted balance set forth in the DTV and Public Safety Act. CEA recognizes the importance of interoperable public safety communications – the question here is whether reallocating the 700 MHz band is the appropriate solution. Numerous technological and engineering advancements including cognitive radios, communications gateways, and IP-based technologies are or soon will be offering interoperability solutions. Indeed, Congress expressly observed “there is a diverse array of

⁹ Congressional Budget Office, Cost Estimate: Digital Transition and Public Safety Act of 2005, at 3-4 (Oct. 24, 2005), available at <http://www.cbo.gov/ftpdocs/68xx/doc6810/SenCommRec.pdf>.

¹⁰ Congress committed proceeds of the auction to these initiatives through the DTV and Public Safety Act, Deficit Reduction Act of 2005 at tit. III, with the exception of the implementation provision of the WARN Act, which Congress enacted as part of the Security and Accountability for Every Port Act of 2006, Pub. L. No. 109-347, tit. VI (enacted Oct. 13, 2006).

technological and engineering solutions that enable interoperable communications systems,”¹¹ and committed \$1 billion of the auction proceeds for public safety interoperability grants. Further, in a Report to Congress on public safety spectrum issued less than a year ago, the Commission observed that “public safety’s long-term needs will become clearer as existing public safety spectrum allocations in the 700 MHz, 800 MHz, and 4.9 GHz bands are fully deployed and initiatives to make more efficient use of existing spectrum are completed.”¹² CEA, therefore, cautions against a rush to reallocate the 700 MHz band as Cyren Call proposes, which threatens to undermine the achievements of the DTV and Public Safety Act.

Respectfully submitted,



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¹¹ H.R. Rep. No. 109-362, at 203 (2005) (Conf. Rep.), as reprinted in 2006 U.S.C.C.A.N. 3, 20.

¹² FCC, *Report to Congress: On the Study to Assess Short-Term and Long-Term Needs for Allocations of Additional Portions of the Electromagnetic Spectrum for Federal, State and Local Emergency Response Providers*, at 39 (rel. Dec. 19, 2005), available at http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-262865A1.pdf.