

February 22, 2007

Ms. Marlene H. Dortch
Secretary to the
Federal Communications Commission
Washington, D.C. 20554

Re: *Ex Parte* Submission
WT Docket No. 06-169, WT Docket No. 96-86
WT Docket 06-150, PS Docket 06-229

Dear Ms Dortch:

This letter presents the views of the National Public Safety Telecommunications Council (NPSTC) regarding the second report of the 700 MHz Technical Working Group (TWG) submitted to the Commission.¹ The TWG evolved from the proposal of guard band licensees Access Spectrum and Pegasus Communications Corp. to restructure the 700 MHz band. It includes relocating public safety narrowband voice channels and providing additional channels for public safety. NPSTC representatives participated in the discussions culminating in the report and at our recent meetings on February 6-7 examined and discussed the report in detail. NPSTC agrees with the report's analysis and believes that the guard band licensee proposal should be at the forefront of any action by the Commission addressing the 700 MHz band.

The second TWG report examined the technical rules that promote coexistence between public safety communications and adjacent commercial broadband operations. NPSTC's review comprehended that under the restructuring the separate regime for guard band licensees would be eliminated and that the rules applicable to the commercial C and D Blocks would apply to the new A Block. These operating parameters include out-of-band emissions, power and antenna height, use of cellular architecture and coordination responsibilities. NPSTC's analysis gave particular focus to the risk of commercial operations causing harmful interference by intermodulation to public safety operations, an area NPSTC continually examines. NPSTC agrees with the TWG conclusion that, from an interference potential concern, the Access Spectrum/Pegasus proposal offers a relative improvement to public safety, as compared to the existing plan where the narrowband blocks



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¹ Report of the 700 MHz Technical Working Group, submitted by Access Spectrum, LLC and Pegasus Communications Corp., January, 2007, contained in WT Dockets 96-86 and 06-169.

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are separated by the data block. As interference is a matter of probabilities, it could still occur. For this reason, separate from the gain accruing from this guard band proposal, NPSTC believes it important for the Commission to embrace last resort mitigation procedures similar to those adopted in the 800 MHz rebanding proceeding to address resolving harmful interference occurring in the 700 MHz band.

The Commission has pending several proceedings addressing the structure and service rules of the 700 MHz commercial and public safety bands; its decisions are approaching. This guard band restructuring proposal has consumed enormous effort by public safety interests and will lead to providing public safety critical additional spectrum. NPSTC is convinced it is one proposal that will make a tangible difference toward enhancing broadband capability. NPSTC urges the Commission to integrate the guard band restructuring as set forth in the TWG reports into its imminent decisions addressing the 700 MHz commercial and public safety segments to ensure that the benefits to public safety will not be lost.

As the 700 MHz band is still encumbered with television broadcasters, significant deployment has not yet occurred in the 700 MHz band. Deployment of public safety systems will continue in areas where the spectrum is not encumbered by television. Any restructuring plan considered by the Commission needs to address how the costs of any necessary “retuning” of deployed 700 MHz systems is funded from sources other than public safety and issues involving the border regions and existing databases. The first TWG addresses these challenges. Notably, Access Spectrum and Pegasus have committed to fund the necessary costs if their restructuring plan is adopted.

In summary, extensive work has been committed to the guard band restructuring plan. Its benefits to public safety are tangible. NPSTC recommends that this opportunity to assist public safety be embraced by the Commission.²

Respectfully,

Vincent R. Stile

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² On February 15, 2007, Verizon Wireless filed a letter with the Commission objecting to this guard band restructuring proposal. NPSTC is reviewing Verizon’s position and will provide its analysis to the Commission.