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February 23, 2007

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

Re: Response to Verizon Wireless February 15, 2007
Ex Parte Submission
WT Docket No. 06-169, WT Docket No. 96-86
WT Docket 06-150, PS Docket 06-229

Dear Ms Dortch:

On behalf of the National Public Safety Telecommunications Council (NPSTC) this letter addresses the February 15, 2007 *ex parte* submission of Verizon Wireless. Verizon objects to the proposal of 700 MHz guard band licensees to restructure the 700 MHz band. The proposal would provide additional spectrum for public safety communications, relocate its narrowband voice channels and allow guard band licensees to replicate commercial operations within the 700 MHz band.

NPSTC has endorsed the guard band licensee proposal. It represents a significant enhancement to public safety communications. Our analysis indicates that it would provide additional spectrum and flexibility for emergency response while protecting both commercial and public safety operations. NPSTC disagrees with Verizon's position and urges the Commission to implement the proposal.

Verizon's Position

Verizon's objection to the proposal centers on interference to and from public safety and commercial operations and the inability of both to coexist in the 700 MHz band without protective measures. Most of its discussion focuses on the danger of eliminating current guard bands yet toward the end of its discussion, page 13, it appears to acknowledge the proposal's intent that guard band use will continue. Verizon recites the record underlying the Commission's justification to establish the guard bands. It also describes the incompatibility between high site public safety operations and low site cellular architecture, referencing the ongoing 800 MHz reconfiguration process. Overall, Verizon's analysis addresses the danger of eliminating guard bands, the incompatibility of technologies, architectures and applications operating on adjacent spectrum and the history of the 700 MHz rules.

NPSTC's Analysis

NPSTC's work addressing the 700 MHz band has pursued providing local agencies flexibility to access broadband, narrowband and wideband services. When the 700 MHz public safety allocation and service rules were promulgated, broadband was not an alternative. Since then, broadband has emerged as an important service yet what continues to resonate in the public

safety sector is affording local officials, who must pay for radio systems, the discretion to choose what meets their needs best. An additional 3 MHz of spectrum to public safety communications would be a meaningful contribution and improve emergency response operations.

NPSTC analysis of the proposal focused on understanding its effect on relocating the narrowband public safety voice channels, the interference environment that would result, and the capacity and flexibility associated with the additional 3 MHz. NPSTC's investigation noted that:

1. several agencies are deploying equipment in the 700 MHz band and would require adjustment;
2. differing digital television broadcast assignments in Canada affect US border agencies access to the 700 MHz band if the narrowband channels were shifted; and,
3. significant investment has been committed to compile and maintain a public safety 700 MHz database.

An extensive review indicated that already deployed equipment could be adjusted and the database transitioned without cost to public safety. Reviewing planned operations along the Canadian border led to a conclusion that the circumstances could be accommodated.

In the context of interference, NPSTC agrees that a number of scenarios, many enumerated by Verizon, present interference challenges. Incompatible technologies, the lack of guard bands to separate dissimilar services, the limitations of filter technologies and how systems are deployed can contribute to an intolerable RF environment. Many of these technical parameters comprise the record underlying the current rules. NPSTC diverges from Verizon's analysis in how these elements line up under the guard band licensee proposal. NPSTC believes adequate protective measures will be in place and no harm will accrue to public safety or commercial services.

Contrary to the Verizon discussion, under the proposal guard bands continue in the 700 MHz band and serve to separate and protect incompatible operations. The difference is that these channels will now be internal to and the responsibility of public safety. NPSTC's analysis understood that guard band operations must serve the objective of protecting commercial and public safety services. It comprehended that a guard band status tempers the full capacity/value a channel otherwise has but still has operational capabilities. Our review indicated that the additional 3 MHz will be a meaningful addition. NPSTC is also confident that public safety can manage the guard band effectively.

The review also encompassed examining the adjacent services within and outside the public safety segment. An aspect of NPSTC's endorsement is that benefits will accrue across adjacent service bands if compatible deployments and technologies emerge, particularly in broadband, a premise Verizon seemingly resists. NPSTC believes that such a direction will assist not just public safety, particularly in access to broadband services, but effective spectrum management.

NPSTC's analysis indicated that the guard band licensee proposal offers a relative improvement to public safety with regard to interference; we discern no increased challenges to commercial operations. The reports of the Technical Working Group, which NPSTC representatives participated in, are part of the record of these proceedings and present extensive information. We disagree with Verizon that the proposal itself increases interference potential for either public safety or commercial operations. The proposal, while requiring

a comprehensive review of its details, meets a standard of care and precision whose foundation is based in Commission's decisions addressing mixed uses in the 700 MHz band.

Where NPSTC does agree with Verizon is the challenge in all frequency bands. Interference, being a matter of probabilities, particularly those involving the vagaries of intermodulation, could still occur across the 700 MHz band and is a continual NPSTC concern. NPSTC urges that a more productive route would be adopting last resort mitigation procedures that licensees would be obligated to follow to address resolving harmful interference occurring in the 700 MHz band.¹

Summary

NPSTC examined the guard band licensee proposal not solely in the context that it provides 3 MHz additional spectrum to the public safety service. At the forefront was whether the spectrum could be used effectively, that it creates no interference for either public safety or commercial operations, and that the logistic barriers not be borne by public safety. The detailed analysis of the proposal that emerged indicates how public safety and commercial services can coexist. Verizon's analysis fails to address these details.

The Verizon objection should be rejected. The proposal provides meaningful relief to public safety. It will promote public safety access to broadband. NPSTC urges the Commission to implement the proposal in its decisions addressing the 700 MHz band.

Respectfully,

Vincent R. Stile

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¹ While objecting to the guard band licensee proposal, Verizon urges that the public safety narrowband channels be relocated. As shown above, the relocation entails numerous challenges, all of which are resolved by the proposal. Verizon addresses none of them; its recommendation should be rejected.