

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Implementing a Nationwide, Broadband, Development of Operational, Technical Interoperable Public Safety Network in The 700 MHz Band)	PS Docket No. 06-229
)	
)	
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
)	

To: The Commission

**COMMENTS
OF THE
ENTERPRISE WIRELESS ALLIANCE**

The Enterprise Wireless Alliance (“EWA” or the “Alliance”), in accordance with Section 1.415 of the Federal Communications Commission (“FCC” or “Commission”) rules and regulations, respectfully submits its comments in the above-entitled proceeding.¹ In this proceeding, the Commission has proposed an innovative, comprehensive licensing framework that it believes may “best promote the rapid deployment of a nationwide, interoperable, broadband public safety network, and thereby improve emergency responsiveness.”²

The Alliance is pleased to support the Commission’s efforts to achieve this vital objective. Events within the past decade have confirmed that the nation’s emergency response providers lack critical tools needed to fulfill their public safety responsibilities including, but not limited to, a lack of meaningful interoperability capabilities. More than five years after the

¹ *Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band, Ninth Notice of Proposed Rulemaking*, PS Docket No. 06-229, 21 FCC Rcd 14,837 (2006).

² *Id.* at ¶ 3.

horrific experience of 9/11, there have been only modest, ad hoc enhancements in public safety interoperability. It is obvious that a new approach is needed and the FCC is to be commended for having assumed a leadership role in this effort.

I. INTRODUCTION

EWA represents a broad alliance of business enterprise users, service providers, radio dealers and technology manufacturers, many of which have significant ties to public safety communications users. For example, a number of the Alliance's members are the second, third and fourth responders whose efforts directly support public safety operations during natural or manmade disasters. They provide the equipment, the tools and the expertise relied on by public safety and others to restore an area to normalcy once the immediate emergency has passed.

EWA also represents numerous local radio dealers and service providers that install and maintain the systems of public safety entities that do not have internal staff with the requisite expertise to do so. In some cases, the systems they maintain operate on spectrum allocated for public safety use. In others, governmental entities have become subscribers on spectrum licensed to these third party providers for a variety of non-mission critical communications services. EWA's manufacturer members are in the forefront of companies that develop two-way radios and other advanced wireless communications equipment for the public safety marketplace. Because EWA and its members have close, long-standing ties to the public safety community, the Alliance welcomes this opportunity to express its support for the FCC's efforts to promote deployment of a nationwide, broadband public safety network.³

³ EWA routinely assists its communication provider, service and sales organization members with Public Safety spectrum identification and FCC licensing requirements.

II. DISCUSSION

EWA already has participated in certain proceedings involving 700 MHz spectrum and public safety's use of that band. For example, it has supported the Broadband Optimization Plan ("BOP") put forth by Access Spectrum, LLC and other 700 MHz Guard Band licensees, a plan that would assign recovered and contributed Guard Band spectrum to public safety's existing 700 MHz allocation. This additional spectrum would be used for internal guard band purposes, under direct public safety control, and would be assigned in conjunction with a realignment of the band plan within that allocation intended to promote more efficient and interference-resistant spectrum usage.⁴ The public safety community also has expressed its support for the BOP, most recently in a letter from the National Public Safety Telecommunications Council ("NPSTC") to the FCC in which NPSTC refuted certain Verizon Wireless claims regarding technical deficiencies of the plan.⁵ The views expressed by NPSTC in its response to the numerous erroneous assertions proffered by Verizon are supported by EWA.

Thus, EWA already is committed to support for enhanced public safety use of available 700 MHz spectrum. The proposal in the Ninth NPR, adoption of a novel, innovative approach to public safety licensing, is an essential step toward creation of a nationwide, broadband network that, at last, could provide public safety with a path toward true interoperability.

The proposal set out in the NPR includes the following elements:

(1) reallocate 12 MHz of wideband public safety spectrum to broadband use; (2) assign this 12 MHz to a single, national, broadband, public safety licensee; (3) permit the national broadband licensee to operate on the 12 MHz of narrowband public safety spectrum on a secondary basis; (4) permit the national broadband licensee to provide broadband service for a fee to public safety entities; (5) permit the national broadband licensee to lease its spectrum to commercial service providers on a secondary, unconditionally preemptible basis; (6) facilitate public safety shared use of commercial mobile radio service ("CMRS") infrastructure;

⁴ WT Docket No. 06-169, EWA Comments filed Oct. 23, 2006.

⁵ Id., NPSTC *ex parte* letter dated Feb. 23, 2007.

and (7) establish performance requirements for the national broadband licensee for interoperability, build out, preemptibility of commercial use and system robustness.⁶

While EWA does not intend to intrude on matters specific to public safety communications requirements, certain of these elements seem particularly well-suited for, indeed essential to, achievement of the FCC's objective.

For example, the proposal to assign the license for this national network to a single entity representative of all public safety interests represents innovative policy making on the FCC's part. One of the inherent problems in achieving nationwide interoperability is the almost insurmountable difficulty of coordinating activities among many thousands of public safety entities across the country, each of which has its own internal spectrum requirements that must be addressed and decision making processes that must be followed. It is simply unreasonable to anticipate that local, municipal, county, and state public safety entities can expeditiously move forward in a cohesive manner, while simultaneously pursuing national spectrum management and interoperable system deployment strategies. Any deviation, even those that are well-intentioned, undermines the pursuit of a national solution.

The FCC has proposed to resolve that historical problem by issuing the license, not to individual public safety entities for their individual service areas, but to a representative organization empowered to make decisions for the network as a whole. By concentrating license authority in a single entity, the proposed rules also would centralize responsibility and accountability for network deployment and operation in that same organization. In EWA's opinion, this country will never see a nationwide broadband public safety network unless this aspect of the NPR is adopted.

⁶ NPR at ¶ 4.

The Alliance also supports the FCC's proposals to facilitate sharing between public safety and commercial wireless providers. Whether these sharing arrangements relate only to infrastructure or provide for shared use of public safety's spectrum by commercial service providers pursuant to spectrum lease or other arrangements, this FCC's endorsement of public/private partnerships is to be applauded. Broadband technology promises to deliver a wide variety of valuable services and applications to public safety and other wireless users. However, the cost of deployment and operation is likely to exceed the cost of more traditional land mobile systems. Any steps the FCC takes to permit arrangements that will allow sharing of those expenses among multiple entities will promote the more rapid migration to broadband and should be supported.

With respect to the FCC's inquiry into the role it should play in establishing network performance, build out, preemptibility and other technical and operational requirements, the Alliance recommends that the Commission regulate with a light hand unless and until there is reason to believe more active oversight is required. Technology, in particular broadband technology, is advancing at an extraordinary pace. It would be unwise for the FCC to impose a command-and-control regulatory framework that could have the unintended consequence of preventing public safety users from implementing technology improvements at the same pace as their commercial brethren. The Alliance assumes that the Commission will have a substantive role in the decisions made within the national licensee. As long as the national licensee thereafter makes good progress in deploying a system whose geographic scope will exceed even the most ambitious commercial network, and as long as the FCC remains satisfied that the network platform will provide for both spectrum efficiency and meaningful interoperability, it should not be necessary to impose additional layers of regulatory requirements.

III. CONCLUSION

The Commission is to be commended for assuming a leadership role in addressing the critical national problem of inadequate and non-interoperable public safety communications. The Ninth NPR represents an essential step toward resolving this problem through an innovative licensing framework designed specifically to promote deployment of a broadband, interoperable public safety network. EWA supports that objective as fully consistent with the public interest.

Respectfully submitted,

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