

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

In the Matter of)	
)	
Implementing a Nationwide, Broadband, 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
)	

**COMMENTS OF
CTIA – THE WIRELESS ASSOCIATION®**

CTIA – THE WIRELESS ASSOCIATION®
1400 16th Street, NW Suite 600
Washington, D.C. 20036
(202) 785-0081

Michael F. Altschul
Senior Vice President, General Counsel

Christopher Guttman-McCabe
Vice President, Regulatory Affairs

Paul W. Garnett
Assistant Vice President, Regulatory Affairs

Brian M. Josef
Director, Regulatory Affairs

Its Attorneys

February 26, 2007

SUMMARY

CTIA – The Wireless Association® (“CTIA”) submits these comments in support of the Commission’s proposal to establish a “centralized and national approach” for interoperable, broadband public safety communications within the existing 700 MHz band public safety allocation. There is no dispute about the need to improve interoperability and the broadband capabilities of our nation’s public safety communications systems. The *Ninth NPRM* offers a meaningful solution toward that end.

With enactment of the Digital Television Transition and Public Safety Act, Congress set a firm date for the DTV conversion: broadcasters must exit the 700 MHz band by February 17, 2009. The Act also provided \$1 billion for public safety interoperability grants. At long last, public safety will have exclusive, nationwide access to its 700 MHz allocation and additional resources to make interoperability a reality. It is incumbent upon policymakers to make the right decisions concerning the use of this spectrum. The *Ninth NPRM* is the logical next step.

The Commission should modify the traditional public safety licensing regime and pursue a nationwide interoperable broadband strategy within the existing public safety allocation. The Commission observes that the *Ninth NPRM* is “a significant departure from the typical public safety allocation model,” which has resulted in “uneven build-out” and “balkanization” of spectrum among large numbers of incompatible systems within local jurisdictions and across the nation. By adopting a national strategy and using modern technologies, public safety can deploy a nationwide, interoperable broadband network with sufficient capacity in 12 MHz of the existing 24 MHz allocation in the 700 MHz band. The current public safety allocation in the 700 MHz band will, by itself, double the amount of spectrum that was available to state and local public safety agencies a decade ago. This allocation can address today’s public safety interoperability challenges and broadband needs.

At the same time, public safety can do much to make more efficient use of spectrum. After the DTV transition, public safety will have 49.7 MHz of spectrum (not including the 50 MHz allocation in the 4.9 GHz band) to use for voice and data to serve approximately 3 million first responders. In comparison, three of the largest wireless carriers, on average, use the same amount of spectrum but provide voice and broadband to over 50 million customers each. Even taking into account differences between public safety and commercial systems, commercial networks are significantly more spectrum efficient.

Recent public safety actions confirm that agencies can achieve interoperable, broadband systems using smaller blocks of spectrum and modern system architectures. New York City, for example, will deploy a citywide interoperable, wireless broadband public safety network using 10 MHz of spectrum in the 2.5 GHz band. The network will use a cellular architecture comprised of roughly 400 base stations, and each base station will support 7.5 Mbps initially, with data rates expected to increase to 35 Mbps within two to three years. Separately, the National Capital Region (“NCR”) was recently awarded a waiver to deploy a regional broadband wireless network in Washington, DC and surrounding areas using 2.5 MHz of spectrum within the existing 700 MHz public safety allocation. These examples from New York and Washington, two of the most densely populated metropolitan areas, demonstrate that public safety can deploy a robust interoperable, broadband network within a 12 MHz designation.

Finally, CTIA has provided a grant to the Silicon Flatirons Telecommunications Program to bring together public safety and commercial experts to investigate how the experience of the commercial sector – including lower cost, greater service offerings, and more efficient use of spectrum – can benefit the public safety community.

TABLE OF CONTENTS

I. SUMMARY	ii
II. INTRODUCTION.....	2
III. THE COMMISSION SHOULD MODIFY THE TRADITIONAL PUBLIC SAFETY LICENSING REGIME AND PURSUE A NATIONWIDE INTER-OPERABLE BROADBAND STRATEGY WITHIN THE EXISTING PUBLIC SAFETY ALLOCATION	5
IV. A 12 MHz DESIGNATION FROM THE CURRENT 700 MHz PUBLIC SAFETY ALLOCATION IS SUFFICIENT TO SUPPORT A NATIONWIDE PUBLIC SAFETY INTEROPERABLE BROADBAND NETWORK.....	7
V. THE COMMISSION IS CORRECTLY CONSIDERING PREEMPTIBLE USE BY, AND JOINT PROVISION WITH, COMMERCIAL PROVIDERS	12
VI. CONCLUSION	13

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

In the Matter of)	
)	
Implementing a Nationwide, Broadband, 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
CTIA – THE WIRELESS ASSOCIATION®**

CTIA – The Wireless Association® (“CTIA”) hereby submits these comments in response to the Commission’s proposal to establish a “centralized and national approach” for interoperable, broadband public safety communications within the existing 700 MHz band public safety allocation.¹ CTIA commends the Commission for advancing the *Ninth NPRM* proposal and supports the principals set forth therein. Specifically, CTIA believes that the commercial industry can provide the first responder community with an operating example of what can be done – from both a high-speed data and voice perspective – with 50 MHz of spectrum.² CTIA is providing a grant to the Silicon Flatirons Telecommunications Program so that they can bring

¹ *Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band, Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Communications Requirements Through the Year 2010*, PS Docket No. 06-229 & WT Docket No. 96-86, Ninth Notice of Proposed Rulemaking, 21 FCC Rcd 14837 (Dec. 20, 2006) (“*Ninth NPRM*”).

together public safety and commercial experts to investigate how the experience of the commercial sector – including lower cost, greater service offerings, interoperability and more efficient use of spectrum – can be brought to the benefit of public safety.

There is no dispute about the need to improve interoperability and the broadband capabilities of our nation’s public safety communications systems. In response to a request by Congress and a detailed study by the Commission, the *Ninth NPRM* proposes a meaningful solution. It would designate 12 MHz in the current 700 MHz public safety band for broadband use, assign the spectrum to a single national public safety licensee, and foster a modern system that leverages advancements in commercial technologies. It offers sufficient capacity for public safety broadband, and it can be readily implemented without delay to the DTV transition – ensuring public safety access to its 24 MHz allocation in the 700 MHz band and \$1 billion in interoperability grants for that spectrum. CTIA supports the Commission’s objectives. The *Ninth NPRM* offers a superior proposal to the current plan for assignment and use of the spectrum.

I. INTRODUCTION

Today, our nation has a unique opportunity to overcome a long-standing critical problem highlighted by the tragedies of September 11th and Hurricane Katrina. CTIA fought for the allocation of 24 MHz of spectrum to public safety in the 700 MHz band. It is essential that first responders have access to the latest technology, such as broadband data and video capabilities, currently available in wireless handsets used by American consumers. It is equally imperative that they can communicate with each other, whether among different public safety agencies

² Public safety soon will have access to almost 50 MHz of spectrum below 3 GHz. After allocation of 24 MHz of spectrum from the 700 MHz band, public safety should be able to use the model provided by commercial carriers to support both voice and data services for its approximately three million users.

within the same community, neighboring communities or states, or among local, state and federal levels. The *Ninth NPRM* provides an important roadmap for overcoming these challenges.

With enactment of the Digital Television Transition and Public Safety Act, there is a firm date for the DTV conversion: broadcasters must exit the 700 MHz band by February 17, 2009. The Act also provided \$1 billion for public safety interoperability grants. At long last, public safety will have exclusive, nationwide access to its 700 MHz allocation and additional resources to make interoperability a reality. It is incumbent that policymakers make the right decisions for how this spectrum will be used. The *Ninth NPRM*, with its “centralized and national approach,” is the logical next step.

In 1997, Congress directed the Commission to reallocate 24 MHz of spectrum in the 700 MHz band from television broadcast services to public safety communications services as part of the DTV transition.³ The Commission subsequently adopted a band plan providing 12 MHz for narrowband (voice) operations and 12 MHz for wideband (data) operations. Just 2.6 MHz of the spectrum was dedicated to interoperable communications. The 12 MHz of narrowband spectrum has received much of the focus to date: the Commission adopted a standard for the interoperable narrowband channels; public safety agencies have planned for the use of the narrowband channels; some public safety agencies even have been granted licenses to operate on the narrowband channels and systems have been procured in several jurisdictions. However, the remaining 12 MHz has not received as much attention. The Commission’s proposal is designed to address this very block of spectrum.

In recent years, public safety advocates have raised awareness about the need for interoperable broadband communications capabilities. Under current rules, the 24 MHz

allocation does not provide for broadband capabilities – even as wireless broadband bursts onto the commercial scene. In 2004, Congress concluded that the current 700 MHz public safety allocation is “ideal” for interoperable communications and sought an assessment of public safety spectrum needs.⁴ The Commission issued a Report to Congress in response, concluding that an integrated, interoperable nationwide broadband network would be of great value to first responders and committing to examine whether broadband communications could be deployed within the 24 MHz currently allocated to public safety in the 700 MHz band.⁵

In the spring of 2006, the Commission issued a Notice of Proposed Rulemaking to determine whether certain channels within the current 24 MHz of public safety spectrum in the 700 MHz band should be modified to accommodate broadband communications.⁶ The record in that proceeding overwhelmingly supports modification to allow for broadband capability in spectrum currently designated for wideband operations.⁷

³ 47 U.S.C. § 337.

⁴ Pub. L. No. 108-458, 118 Stat. 3638 (2004), at § 7501(a)(3).

⁵ 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, at ¶¶ 26 & 101 (Dec. 16, 2005).

⁶ See *The 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, Eighth Notice of Proposed Rulemaking, 21 FCC Rcd 3668 (2006) (“*Eighth NPRM*”).

⁷ CTIA notes that the public safety community has expressed support for flexibility to deploy broadband and/or wideband services. See, e.g., *Ex Parte* Letter from Vincent R. Stile, National Public Safety Telecommunications Council to Michael J. Wilhelm, Federal Communications Commission (Feb. 6, 2006); Comments of the Region 26 700 MHz Regional Planning Committee (Nebraska), WT Docket No. 96-86 at 1 (June 6, 2006); Comments of the International Association of Fire Chiefs, WT Docket No. 96-86 at 2 (June 6, 2006); Comments of the Spectrum Coalition for Public Safety, WT Docket No. 96-86 (June 6, 2006); Comments of APCO, WT Docket No. 96-86 at 2 (June 6, 2006). The *Ninth NPRM* proposes to “allocate 12 megahertz of the 700 MHz public safety spectrum from wideband to broadband use.” *Ninth NPRM* at ¶ 4.

II. THE COMMISSION SHOULD MODIFY THE TRADITIONAL PUBLIC SAFETY LICENSING REGIME AND PURSUE A NATIONWIDE INTEROPERABLE BROADBAND STRATEGY WITHIN THE EXISTING PUBLIC SAFETY ALLOCATION

The Commission observes that the *Ninth NPRM* is “a significant departure from the typical public safety allocation model” in which individual public safety jurisdictions are licensed to build their own public safety communications systems.⁸ The traditional approach, the Commission acknowledges, has resulted in “uneven build-out” and “balkanization” of spectrum among large numbers of incompatible systems within local jurisdictions and across the nation.⁹ Carnegie Mellon University Professor Jon M. Peha agrees with the Commission’s assessment and notes the grim impact: “[b]ecause of this fragmented approach, public safety agencies build more infrastructure than they should, spend more taxpayer money than they should, and consume more scarce spectrum than they should, all for a system that is unnecessarily prone to interoperability failures.”¹⁰ With the focus of Congress, the Commission, and public safety on the issue of interoperability, the time is now to consider a new approach to allocation and assignment of public safety spectrum.

A recent Aspen Institute report explained that public safety communications is at a crossroads:

Given the significant amount of spectrum and federal grants about to become available, there is an opportunity for the federal and state governments, along with public safety agencies and the private sector, to create a new vision for the use of information and communications technology in emergency management. . . . [T]he current system of granting each agency its own license for a narrow slice of spectrum for its own use will not be able to support

⁸ *Ninth NPRM* at ¶ 11.

⁹ *Id.*

¹⁰ Jon M. Peha, *How America’s Fragmented Approach to Public Safety Wastes Money and Spectrum*, at 1, 33rd Telecommunications Policy Research Conference (Sept. 2005) (“Peha Report”).

the broadband connectivity that is increasingly essential for effective public safety communications. . . . [F]acilitating more effective uses of information and communications technology will depend far more on coordination and governance than simply providing more spectrum and federal grants.¹¹

CTIA commends the Commission for the important step contemplated here. As the DTV transition deadline approaches and the 700 MHz public safety allocation becomes widely available, the Commission is appropriately reconsidering whether to retain the traditional costly and inefficient public safety licensing scheme in 12 MHz of the public safety allocation.

If the goal is a nationwide broadband service for first responders, as CTIA believes it is, it makes little sense to retain the 50-150 kHz wideband channelization plan or to continue the agency-by-agency licensing approach. Instead, the Commission should pursue a new approach that paves the way for nationwide, interoperable, broadband public safety communications. As the Commission observes, “A centralized, national network providing a wide range of communications services on a broadband backbone, using a flexible, modern architecture, could (1) enable nationwide interoperability; (2) reduce costs; (3) increase efficiency of spectrum usage; and (4) enhance network robustness.”¹²

As a first step, CTIA supports the Commission’s proposal to allocate 12 MHz of spectrum from wideband channels to broadband use. Although the *Ninth NPRM* proposes to convert the current wideband allocation at 776-783 MHz and 797-803 MHz to broadband,¹³ CTIA suggests the Commission consolidate the narrowband channels in the upper portion of each public safety block and allocate to broadband the lower portion of each public safety

¹¹ The Aspen Institute, Communications and Society Program, *Clearing the Air: Convergence and the Safety Enterprise*, at 4 (2006) (Weiser, Rapporteur).

¹² *Ninth NPRM* at ¶ 20.

¹³ *Id.* at ¶ 19.

segment, 764-770 MHz and 794-800 MHz. This approach would reduce some of the need to use part of the public safety spectrum for an internal guard band. Further, CTIA takes the opportunity here to oppose the Broadband Optimization Plan (“BOP”) introduced by Access Spectrum, Pegasus and others. The BOP increases the risk of interference to both public safety and commercial licensees in the 700 MHz band. The Commission should preserve the current guard bands that separate the Upper 700 MHz C and D blocks from the public safety allocation and the guard band that separates the lower 700 MHz C block from the Upper 700 MHz C block. As both government and the commercial sector work to optimize public safety spectrum use, it makes sense to ensure that any changes to the guard bands that the Commission wisely allocated are not changes that increase the potential for interference.

III. A 12 MHz DESIGNATION FROM THE CURRENT 700 MHz PUBLIC SAFETY ALLOCATION IS SUFFICIENT TO SUPPORT A NATIONWIDE PUBLIC SAFETY INTEROPERABLE BROADBAND NETWORK

The Commission does not need to create a new public safety allocation to address today’s public safety interoperability challenges and broadband needs. Spectrum already allocated to public safety, but not yet in use, can serve these important goals. By adopting a national strategy and using modern technologies, public safety can deploy a nationwide, interoperable broadband network with sufficient capacity in 12 MHz of the existing 24 MHz allocation in the 700 MHz band.

By way of background, the federal government has allocated 99.7 MHz of spectrum for use by state and local public safety agencies.¹⁴ A recent study observed that more than three quarters (76.5 MHz) of this spectrum has been allocated since 1996 and is not yet widely used,

¹⁴ Unlicensed spectrum (Wi-Fi) also is available and may provide innovative solutions to meet public safety’s needs.

including the 24 MHz allocation in the 700 MHz band (not yet assigned) and 50 MHz in the 4.9 GHz band dedicated for broadband service.¹⁵ The current public safety allocation in the 700 MHz band will, by itself, double the amount of spectrum that was available to state and local public safety agencies a decade ago. At the same time, public safety can do much to make more efficient use of spectrum. After the DTV transition, public safety will have 49.7 MHz of spectrum (not including the 50 MHz allocation in the 4.9 GHz band) to use for voice and data to serve approximately 3 million first responders. In comparison, three of the largest wireless carriers, on average, use the same amount of spectrum but provide voice and broadband to over 50 million customers each. Even taking into account differences between public safety and commercial systems, commercial networks are significantly more spectrum efficient.

Some public safety interests nevertheless claim that more spectrum must be allocated to deploy a nationwide, interoperable, broadband public safety system – but they do not provide reliable data or analysis to demonstrate such need. Those calling for more public safety spectrum typically refer to a 1996 report issued by the Public Safety Wireless Advisory Committee (“PSWAC”), which estimated that an additional 95.3 MHz would be needed for public safety by 2010.¹⁶ Professor Peha has analyzed this nearly 11 year-old report in light of today’s technology. He concludes that “PSWAC’s results were entirely dependent on their assumptions about spectrum reuse, which in turn are an artifact of policy fragmentation and old

¹⁵ Peter Cramton et al, *Improving Public Safety Communications: An Analysis of Alternative Approaches*, at 19 (Feb. 6, 2007) (“Criterion Economics Study”). This includes: the 24 MHz in the 700 MHz band; 2.5 MHz of additional spectrum in the 800 MHz band, a “running average” of spectrum newly available to public safety as a result of the 800 MHz band reconfiguration; and 50 MHz in the 4.9 GHz band, an exclusive public safety allocation that can be used for localized fixed and portable broadband applications. *See id.* at 21, Table 1B.

¹⁶ Public Safety Wireless Advisory Committee, *Final Report to the FCC and the NTIA*, at 55 (Sept. 1996).

technology. Vastly superior results are possible through greater coordination and a different technical approach.”¹⁷

In particular, the PSWAC estimate was based on the traditional “high-site/high-power” public safety network model, in contrast to the cellularized architecture used in commercial wireless deployments and available as a solution here. Professor Peha’s analysis shows that, “if one replaces just two assumptions in the PSWAC model with more realistic ones (*i.e.*, a more realistic load factor of 10.75, and spectrum reuse consistent with modern systems (increased from a range of 2.5 to 4 to 620)), the model would show that public safety agencies would need about 8.3 MHz of spectrum in 2010.”¹⁸ Peha concludes, “by adopting a new national strategy for public safety communications systems, the total amount of spectrum needed could be drastically reduced to far below their estimate.”¹⁹

Recent public safety actions confirm that agencies can achieve interoperable, broadband systems using smaller blocks of spectrum and modern system architectures. In September 2006, for example, New York City awarded a contract to Northrop Grumman to deploy a citywide interoperable, wireless broadband public safety network using 10 MHz of spectrum in the 2.5 GHz band.²⁰ The network will use a cellular architecture comprised of roughly 400 base stations, and each base station will support 7.5 Mbps initially, with data rates expected to

¹⁷ Peha Report at 13.

¹⁸ Criterion Economics Study at 28 (citing Peha Report at 12).

¹⁹ Peha Report at 15.

²⁰ Press Release, *Mayor Bloomberg Announces Selection of Northrop Grumman to Build High Speed Wireless Data Network for Police Officers, Firefighters and Other City Workers*, PR-326-06 (Sept. 12, 2006), available at http://home2.nyc.gov/html/doitt/html/news/news_awards.shtml (“*New York City Wireless Release*”).

increase to 35 Mbps within two to three years.²¹ According to the New York City Fire Commissioner, “This wireless network will greatly enhance several critical technology projects we’ve developed over the last few years. It will help us get to emergencies more quickly, and provide a conduit for the movement of critical information – including data and video – between the scene of an emergency and our Operations Center at headquarters.”²² The network will create interoperable communications for the Police Department, the Fire Department, the Office of Emergency Management and other city agencies. In addition, New York City will work to ensure that state and federal public safety agencies have access to the network.²³

Separately, the Commission recently granted the National Capital Region (“NCR”) a waiver to deploy a regional broadband wireless network in Washington, DC and surrounding areas using 2.5 MHz of spectrum within the existing 700 MHz public safety allocation.²⁴ NCR asserted that its request “provides the potential for peak user rates of 3.1 Megabits per second (Mbps) and for average NCR-wide throughput of over 352 Mbps versus 912 kbps under a wideband channel plan. Furthermore, using interference resistant technologies, NCR jurisdictions will be able to add capacity as needed by ‘cell-splitting.’”²⁵ These examples from New York and Washington, two of the most populated metropolitan areas on the east coast and each using 10 MHz of spectrum or less to serve their respective public safety needs, demonstrate

²¹ Bob Brewin, *NYC to Cover City with 2.5 GHz Wireless*, FCW.COM (Sept. 25, 2006), available at <http://www.fcw.com/article96172-09-25-06-Print>.

²² *New York City Wireless Release* at 2.

²³ *Id.*

²⁴ *Request by the National Capital Region for Waiver of the Commission’s Rules to Allow Establishment of a 700 MHz Interoperable Broadband Data Network*, WT Docket No. 96-86, Order, DA 07-454 (rel. Jan. 31, 2007).

²⁵ Letter from Robert LeGrande II, NCR Interoperability Program, Deputy Chief Technology Officer, District of Columbia, to Marlene H. Dortch, Secretary, FCC, at 4 (July 3, 2006) (submitting amended request for waiver on behalf of NCR).

that public safety can deploy a robust interoperable, broadband network within a 12 MHz designation.

Finally, the 50 MHz of spectrum allocated to public safety in the 4.9 GHz band can also be utilized to support broadband needs of public safety. That conclusion is shared by many in the public safety community. For example, The International Association of Chiefs of Police stated:

[T]he 4.9 GHz band appears to be well suited for the above broadband technologies. Some reasons cited are that 4.9 GHz has better propagation characteristics for high speed and short distance broadband transmissions (compared to the current public safety spectrum allocations below 1 GHz), and has low incumbent use today. Additionally, although public safety requires its own spectrum and specialized products, having spectrum near consumer technology in the closely adjacent 5 GHz band should help keep equipment costs down.²⁶

That view is shared by many others in the public safety community.²⁷ Indeed, the Association of Public-Safety Communications Officials International argued that the 4.9 GHz band is better suited than the 700 MHz band for high-speed, broadband public safety applications.²⁸ The combination of these bands of spectrum will provide sufficient capacity for public safety broadband operations.

²⁶ See Comments of The International Association of Chiefs of Police, filed in WT Docket No. 00-32, at 3 (filed Dec. 18, 2000).

²⁷ See, e.g., Comments of The Public Safety Wireless Network, filed in WT Docket No. 00-32, at 3-4 (filed May 17, 2000); Comments of The Major Cities Chief Association, filed in WT Docket No. 00-32, at 2 (filed Dec. 18, 2000); Comments of the Los Angeles County Sheriff's Office, WT Docket No. 00-32, at 2 (filed April 25, 2001); Letter from Operation Respond Institute, WT Docket No. 00-32, at 4 (filed May 21, 2001); Letter from National Association of Black Law Enforcement Executives, filed in WT Docket No. 00-32, at 1-2 (filed Jun. 14, 2001); Comments of the City of New York, WT Docket No. 00-32, at 1-2 (filed July 8, 2002).

²⁸ See Comments of The Association of Public-Safety Communications Officials International, filed in WT Docket No. 00-32, at 7 (filed April 26, 2000).

IV. THE COMMISSION IS CORRECTLY CONSIDERING PREEMPTIBLE USE BY, AND JOINT PROVISION WITH, COMMERCIAL PROVIDERS

The *Ninth NPRM* proposes to allow the national public safety licensee to lease access to commercial providers “on an unconditionally preemptible basis” or for the joint provision of public safety and commercial services.²⁹ CTIA supports investigation of this proposal. The wireless industry has a long and proven track record working with the public safety community – examples include E911, Wireless Priority Service, Wireless Amber Alerts and, most recently, the WARN Act and emergency alerts. Although it is unclear whether the arrangements described above would result in substantial financial benefits for public safety, the Commission should allow the marketplace to determine within the bounds of a fully preemptible service whether and how commercial interests and public safety can work jointly to make the best use of the spectrum. To that end, CTIA has given a grant to the Silicon Flatirons Telecommunications Program to further investigate how lessons learned from the commercial sector can be utilized by the public safety community to address its needs.

²⁹ *Ninth NPRM* at ¶ 41.

V. CONCLUSION

For the reasons discussed above, the Commission should adopt the proposal in the *Ninth NPRM* to establish a national broadband licensee in the current 700 MHz public safety band.

Respectfully submitted,

/s/ Christopher Guttman-McCabe

CTIA – THE WIRELESS ASSOCIATION®
1400 16th Street, NW Suite 600
Washington, D.C. 20036
(202) 785-0081

Michael F. Altschul
Senior Vice President, General Counsel

Christopher Guttman-McCabe
Vice President, Regulatory Affairs

Paul W. Garnett
Assistant Vice President, Regulatory Affairs

Brian M. Josef
Director, Regulatory Affairs

February 26, 2007