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**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 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 THE STATE OF NEBRASKA DIVISION OF
COMMUNICATIONS (OFFICE OF THE CIO-NETWORK SERVICES) ON THE
NINTH NOTICE OF PROPOSED RULEMAKING AND THE PROPOSAL OF
THE FEDERAL COMMUNICATIONS COMMISSION FOR THE
IMPLEMENTATION OF A NATIONWIDE BROADBAND INTEROPERABLE
PUBLIC SAFETY NETWORK IN THE 700 MHZ BAND.**

Overview

The State of Nebraska supports the creation of a national 700 MHz licensee with authority to assign spectrum and create agreements between public safety and entities capable of developing national networks that support public safety needs for voice and data services. We recognize that these agreements must offer broadband services, new developments in equipment, and the means to migrate toward these networks over time. We also recognize public safety 700 MHz spectrum is of particular value to for-profit interests, and those interests can be leveraged to develop technologies and access that provides needed capabilities to public safety. We finally recognize the need for Regional Planning Committees to coordinate their interests with a national licensee that ensures proper attention and accountability to public safety Regional Planning Committee interests.

Discussion

Nebraska has framed these issues in the following broad statements to apply particular emphasis on public safety interests, and to avoid prematurely detailing out specifics of exactly how a national licensee would carry out its authority, how public safety interests will be ensured proper representation, or how for-profit interests will be incorporated into the national goals of ensuring public safety capabilities over a national network.

1. Public safety interoperability needs are obvious, and new developments must accommodate reasonable migration to and application of public safety spectrum for interoperability. Public safety communications must modernize in ways commensurate with the goals and objectives supporting sustainable interoperable communications for voice and data.
2. Public safety 700 MHz spectrum has value, and it is desired by commercial interests. These issues should be explored to serve public safety, under conditions that are in step with the long terms needs of public safety to continually improve its capabilities and modernize its access to infrastructures and technologies.
3. Public safety does not possess the means to create and sustain its own nationwide voice and data network. Therefore, a unique entity should be created to manage these interests for the purpose of serving public safety, and also recognize the value of leveraging established and developing infrastructures that provide nationwide voice and data capabilities. The interests of the industry should be leveraged to adapt its commercial interests to public safety service levels.
4. A national licensee must ensure the promotion of strategic developments, methods of accountability, execution of agreements and incentives that couples commercial interests – services to its customers and profiting from those services; and public safety interests – the ability to improve public service and safety, while reducing the high costs of network ownership and sustainability. These interests are not mutually exclusive, but requires appropriate tradeoffs to ensure public safety receives due value from its spectrum, while commercial interests are able to leverage the value of the spectrum according to their service level needs under non-emergency daily operation.
5. A policy direction is needed that affords Regional Planning Committees flexibility to leverage the national network and the value of public safety spectrum to achieve unlimited access and preemptive service. Broadband services are a step toward this ideal of nationwide voice and data interoperability. It is also important to acknowledge that public safety requires the means to migrate into newer technologies and reliance on advanced networks.
6. The national licensee should promote the development of new generations of equipment to operate on these networks that meets the rigors of public safety use – both mobile in-vehicle and handheld devices, and peripheral interfaces.

Summary

Nebraska believes public safety interests in 700 MHz development will be best served by a national licensee, which is a non-commercial, not for profit entity with special responsibilities and powers to execute agreements on behalf of and accountable to Regional Planning Committees within states and market areas. The national licensee should represent public safety needs and hold no operational interests.

The national licensee should have the authority to execute spectrum use and service level agreements to promote development of 700 MHz wideband and broadband services, as determined by the needs of RPCs within various market areas of the country. The costs for supporting the national licensee should be paid by for-profit entities through an appropriate financial mechanism that insulates the national licensee from commercial interests.

The national licensee should develop measures that assigns value and service level metrics to agreements made, and performance measures to ensure deployment and deliverables that encompass all related issues involving networks, user interests, technologies, equipment, costs, and deployment schedules.

Regional flexibility is necessary to allow opportunities for tailored approaches to meeting the needs of regional communities.

Respectfully,



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Select comments excerpted from the Ninth NPRM

Nebraska has excerpted comments from the Ninth NPRM to emphasize its interest in supporting the Commission's forward thinking, and for appreciation of the

broad approach the Commission has taken to frame these issues. Nebraska is willing to provide additional input on its comments to assist in further defining a productive direction to these matters.

This *Notice* seeks to promote homeland security, and to advance the Commission's commitment to ensure that emergency first responders have access to reliable, interoperable and broadband communications.

In this *Notice*, we seek comment on a proposal that the Commission (1) allocate 12 megahertz of the 700 MHz public safety spectrum from wideband to broadband use; (2) assign this spectrum nationwide to a single national public safety broadband licensee; (3) permit the national public safety broadband licensee also to operate on a secondary basis on all other public safety spectrum in the 700 MHz band; (4) permit the licensee to provide unconditionally preemptible access to commercial service providers; (5) facilitate the shared use of CMRS infrastructure for the efficient provision of public safety broadband service; (6) permit the licensee to charge fees for use of its system; and (7) establish performance requirements for interoperability, build out, preemptibility of commercial access, and system robustness. This *Notice* seeks to promote effective public safety communications and innovation in wireless services in support of public safety and homeland security.

The *Notice* is intended to explore whether, particularly in light of the nation's current and anticipated public safety and homeland security needs, a centralized and national approach would maximize public safety access to interoperable, broadband spectrum in the 700 MHz band, and, at the same time, foster and promote the development and deployment of advanced broadband applications, related radio technologies, and a modern, IP-based system architecture. At the same time, the *Notice* also seeks to provide public safety entities with a cost effective and spectrally efficient communications system.

Our item today leapfrogs these previous interoperability efforts and focuses attention on our ability to leverage the licensing process to create a real incentive for nationwide interoperability through a careful balance of flexibility and conditions.