

700 MHz Regional Planning Committee

Region 39, 700 MHz Regional Planning Committee
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Federal Communications Commission
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Ref: PS Docket 06-229 & WT Docket 96-86 *Comments in Regards to the 9th NPRM*

Region 39, Tennessee, 700 MHz Regional Planning Committee hereby files the following comments on the 9th Notice of Propose Rule Making.

On February 22, 2007, Region 39 conducted an special called open meeting of the RPC to seek information to make as much of an educated response to the FCC as possible. Region 39 allowed both Public Safety and Commerical representative to make presentations, express their views, ideas and comments. Region 39 had forty-one attendees at the meeting. Twenty-two different pubic safety agencies from across Tennessee were represented as well as ten different commercial vendors. As part of the meeting, four different vendors made presentation addressing 700 MHz wide and broadband technologies and the 9th NPRM.

Region 39 appreciates and commends the FCC effort to foster broadband in the Public Safety relm and at the same time at a national level. Region 39 supports the 9th NPRM as far as establishing the need for public safety wireless broadband data, but cannot concur with or embrace the entire 9th NPRM as published. As wireless data, narrowband, wideband and broadband become more and more mission critical, public safety will need flexibility in the radio spectrum to meet the various needs.

To narrow our scope of comments, there are eight areas found in the Appendix under A, paragraph 3 & 4 that provides a good outline to comment upon.

From Appendix A Paragraph 3

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;

Region 39 questions if the 12 MHz of public safety spectrum is enough to meet the broadband need? Has definitive studies been conducted to see if we need 30 MHz or would the 12 MHz be sufficient? In the White Paper by the Spectrum Coalition for Public Safety, they have identified that Public Safety needs 30 MHz of spectrum. But is one study sufficient to

determine public safety needs nationwide? If we are not sure if the 12 MHz would meet Public Safety's needs or not, how can we be sure if there is sufficient spectrum to support both Public Safety and commercial usage?

Region 39 does support the broadband optimization plan (SECOND MEMORANDUM OPINION AND ORDER, 00-264) as critical for best usage of the 700 MHz spectrum. While no one wants to go through another "re-banding" as we are currently in 800 MHz, now would be much better than five, ten or twenty years from now. Region 39 request that the FCC act quickly on the 700 MHz optimization and is supported by othermany other RPC Regions, NPSTC, APCO and many other public safety Departments.

Region 39 would like to see a spectrum solution that involves a standards base for both wideband (50 KHz – 150 KHz) and broadband channels (above 1 MHz bandwidth). The wideband channel would give greater coverage in rural areas but have a lower data rate and broadband for usage in urban / surburban areas or which ever fits the department's need the best. This could be similar to some user having dial up service while other have DSL and broadband cable.

Currently Region 39 has a county with a pending 700 MHz, 50KHz wideband application pending at the FCC, "Henderson, County of". Region 39 encourages the FCC to act favorably upon this application in a timely manner, so that Henderson County can utilize their investment in 700 MHz wideband for the public safety agencies.

(2) assign this spectrum nationwide to a single national public safety broadband licensee;

Region 39 has great concern with a single nationwide licensee unless Public Safety has a "strong voice" so that not only large departments are represented but also the small rural departments. Since the NPRM outlines that this "licensee" will be non-profit, have public safety frequency coordination experience, and ability to directly represent all public safety interests, then this "licensee" must have a strong network of local advisors that know their regions or states as well as the local government community and the licensee must work closely with the Regional Planning Committees. APCO has a long history, since 1935, of representing public safety and the RPC community. Without the local input, the "licensee" will be making decisions for Public Safety with only limited input or knowledge of the first responders needs. This "licensee" must coordinate and have some accountability to the Regional Planning Committees as well as the FCC. Benchmarks must be established to ensure that the "licensee" is moving at a proper pace and needs are being met. The "licensee" should have some license term limit as with other FCC licenses, and only be renewed if they are meeting predetermined expectations set forth by the user community.

(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;

Region 39 in not opposed to secondary operation in the 700 MHz narrowband spectrum as long as it is done on a non-interference basis. This would require a better method of determination of potential interference analysis prior to implementation, consent from the RPC, a method of identification of interference when it occurs, and a rapid response by the FCC or "licensee" to correct interference. Interference in today's systems goes on for months and even longer without FCC involvement or resolution. The lack of interference resolution would have to change before Public Safety could embrace secondary usage.

Region 39 also has concerns with the use of cognitive radios in the 700 MHz narrowband. Since these radios are in the development stage, we ask that Publi Safety spectrum not be used a test bed except with the consent of the RPC and state or local licensees in the area. Should cognitive radio be developed to the point of usage without interference, then we could be in favor of secondary usage.

(4) permit the licensee to provide unconditionally preemptible access to commercial

service providers;

Region 39 also has concerns about "unconditionally preemptible access to commercial service providers". Does the call to 911 for help have less importance than the ability to respond to the call? Would Federal user have priority over State users who would have priority over Local Government users? Would Law Enforcement have priority over Fire, EMS, Rescue or Emergency Management at the Local or State level? Many times "priority access" is more of a marketing tool than a real benefit to Public Safety. If the nationwide system comes to being, who would determine the priority and how would it be implemented? Could it be implemented on a local level of just a few miles radius or would it have to be on a larger scale? Before Region 39 can give full approval, this must be addressed in more detail.

(5) facilitate the shared use of CMRS infrastructure for the efficient provision of public safety broadband service;

Region 39 is in favor of shared backbone, tower sites, power systems and emergency power when it is mutually beneficial. Public Safety already leases radio control circuits; T1, fiber, tower sites and other services from Commercial vendors and this would be an additional partnership.

(6) permit the licensee to charge fees for use of its system; and

Region 39 would need more information on this before making a determination. While the system will have to have much funding to build and then sustainment funds, what would be the best model? A cafeteria plan where those who use the most spectrum pay the most? A sliding scale based on department size? Would in-kind services be accepted as payment?

In order for Public Safety to embrace the system, it must not only meet their needs but be affordable by both large Metropolitan departments as well as small rural departments.

Would the Federal Government be willing to partner with State and Local Public Safety and join their Intergrated Wireless Network (IWN) efforts and funding into this system for use by all Public Safety, Local, State and Federal?

(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.

Region 39 thinks that without "standards" for interoperability, system robustness, priority access during the build out, then even with a single national licensee, we could have a system in one part of the State that will not talk to a system across the State line. The establishment of performance, interoperability, priority and robustness is a must.

(8) Appendix A Paragraph 4

At the same time, the Notice also seeks to provide public safety entities with a cost effective and spectrally efficient communications system.

Region 39 appreciates the FCC efforts in the 9th NPRM to try to get Public Safety to think outside the box. Spectrum is a limited precious resource and at some point, the spectrum will be saturated to the point of harmful interference to both co-channel and adjacent channel users. The single nation licensee could provide a cost effective and spectrally efficient voice and data system. Public Safety is in a paradigm shift from voice only to using both voice, wired data and wireless data. Individual Public Safety agencies will never build a system of system unless the Federal Government issues a mandate or builds the system itself. The 9th NPRM give a way for Public Safety to work together and with CMRS when beneficial to make it more cost effective and affordable for all.

(9) Appendix E Paragraph 12

In particular, we seek estimates of how many small entities might be affected and whether any of the proposals under consideration would be too burdensome to public safety.

One of the concerns already expressed by Region 39 is the small rural agency not being heard or considered. It is imperative that if adopted, the national licensee has local advisors in each state or

NPSPAC Region. In order to be successful, with interoperability or a national system, the local and state user relationships must be developed.

In summary, Region 39 supports in part the national need for broadband for Public Safety but also needs more information and fine-tuning to fully support the 9th NPRM.

Thank you for your consideration of these comments. We look forward to working with the Commission as it addresses these matters of great importance to public safety agencies.

Respectfully submitted,

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Region 39 RPC Chairman