LAW OFFICES
BIRCH, HORTON, BITTNER AND CHEROT A PROFESSIONAL CORPORATION
1155 CONNECTICUT AVENUE, N.W. • SUITE 1200 • WASHINGTON, D.C. 20036 • TELEPHONE (202) 659-5800 • FACSIMILE (202) 659-1027

HAL R. HORTON (1944 - 1998)

RONALD G. BIRCH**
WILLIAM H. BITTNER
KATHRYN A. BLACK
SUZANNE CHEROT
DEVIN L. CROCK†
JON M. DEVORE**
MARK E. FINEMAN, P.E.
GREGORY S. FISHER
DOUGLAS S. FULLER*

MAX D. GARNER
DAVID KARL GROSS
TINA M. GROVIER
WILLIAM P. HORN*
STEPHEN H. HUTCHINGS
SCOTT M. KENDALL
DANIEL C. KENT
THOMAS F. KLINKNER

DAVID E. LAMPP*◊
STANLEY T. LEWIS
JAMES H. LISTER*†◊
GREGORY A. MILLER
JENNIFER L. OWENS, Ph.D.
MICHAEL J. PARISE
TIMOTHY J. PETUMENOS
ELISABETH H. ROSS**

OF COUNSEL:
JENNIFER C. ALEXANDER
SHELLEY D. EBENAL
KENNETH E. VASSAR

1127 WEST SEVENTH AVENUE
ANCHORAGE, ALASKA 99501-3399
(907) 276-1550
FACSIMILE (907) 276-3680

* D.C. BAR
** D.C. AND ALASKA BAR
† MARYLAND BAR
◊ VIRGINIA BAR
ALL OTHERS ALASKA BAR

April 3, 2007

VIA ELECTRONIC FILING
Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

RE: WT Docket No. 96-86 – *Development of Operational Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Communications Requirements Through the Year 2010*

WT Docket No. 06-229 – *Implementing a Nationwide Broadband, Interoperable Public Safety Network in the 700 MHz Band*

Dear Ms. Dortch:

Ericsson Inc ("Ericsson") files this letter to clarify the record regarding statements made by the National Public Safety Telecommunications Council ("NPSTC") in Reply Comments[1] and an *ex parte* letter.[2] NPSTC urged the Federal Communications Commission ("FCC" or "Commission") to adopt the Broadband Optimization Plan ("BOP"), maintaining that it is the only band plan that provides additional spectrum flexibility to public safety.[3] Also, in its Reply Comments, NPSTC said that no commercial interest had filed comments indicating that it will invest in a public safety broadband network.[4] NPSTC's concerns are not well-founded. Ericsson and other industry members have made commitments to invest in technologies, products, and systems for a national public safety broadband network and are very much looking forward to that opportunity.

First, Ericsson notes that the BOP is not the only plan that provides additional spectrum flexibility for public safety. In fact, Ericsson's Reclamation Band Plan, offers an

[1] Reply Comments of the National Public Safety Telecommunications Council (NPSTC), PS Docket No. 06-229, WT Docket No. 96-86 (filed Mar. 12, 2007) ("NPSTC Reply Comments").

[2] *See* Letter from Vincent R. Stile, Chair, NPSTC, to Fred Campbell, Chief, Wireless Telecommunications Bureau, FCC, PS Docket No. 06-229, WT Docket Nos. 96-86, 06-150 & 06-169 (filed Mar. 14, 2007).

[3] *Id*. at 1.

[4] NPSTC Reply Comments at 6.

additional 4 MHz of spectrum for public safety.[5] Further, Ericsson's plan best addresses NPSTC's concern that the Commission ensure public safety protection from interference. NPSTC identified "protection of mission critical voice spectrum from interference" as one of five basic principles the Commission must address if it is to provide a meaningful response to the current public safety communications situation.[6] Ericsson's plan both reallocates the B Block Guard Band to provide internal protection within the public safety block between public safety narrowband and wideband operations, *and* provides a 2 MHz guard band at 775-777 to protect public safety against potential C block interference. While the FCC may have used a 1 MHz guard band size in other cases, no analysis has been offered to support selecting this particular size as optimum, either from a technical or policy perspective. There is no question that increasing the size of the guard band will provide public safety greater interference protection. In fact, such proposals are thought to be preferred by public safety. Moreover, Ericsson proposed in its plan that the FCC apply a paired-band assignment to all blocks (A, B, C, D, and public safety) and align the blocks' duplex direction to promote efficient spectrum use.[7] However, if the FCC retains a flexible allocation, a 1 MHz guard band size will be critically insufficient.

Ericsson's band plan provides far better benefits to public safety than the BOP in a number of other key respects. Ericsson's plan incorporates globally-harmonized standard 5 MHz channel sizes. While broadband technologies can be deployed in 5.5 MHz channel blocks, they are not designed to benefit from the extra 0.5 MHz of spectrum the BOP proposes. Consequently, a 5.5 MHz spectrum allocation is inefficient.[8] If a technical issue is at the heart of BOP's need for 5.5 MHz channels that prevents deployment of a specific technology, the FCC can always address such unique cases in its technical rules. Ericsson's band plan will also minimize the impact to existing band users, allow for a 1 MHz "talk-around" channel that public safety can utilize in emergencies, and address coordination and interoperability in border states (with Canada).[9] In all these respects, Ericsson's plan provides public safety far superior features than the BOP.

---

[5] Comments of Ericsson Inc., PS Docket No. 06-229, WT Docket No. 96-86 (filed Feb. 26, 2007) at 13 ("Ericsson Comments").

[6] Comments of the National Public Safety Telecommunications Council, PS Docket No. 06-229, WT Docket No. 96-86 (filed Feb. 26, 2007) ("NPSTC Comments").

[7] Ericsson Comments at 8.

[8] Notably, when the Commission adopted a 5.5 MHz channel size in the 2.5 GHz band, it did not base its decision on technical requirements, such as a channel sizes needed by certain technologies. Rather, this channel size "fell out" when the Commission distributed licensees' existing spectrum allocations among new band plan segments. *See* Letter from The Wireless Communications Association International, Inc., The National ITFS Association, Catholic Television Network to Thomas J. Sugrue, Chief, Wireless Telecommunications Bureau, FCC, RM-10586 (filed Oct. 7, 2002), Attachment, "A Proposal for Revising the MDS and ITFS Regulatory Regime," at 12. ("The new bandplan has been designed to provide every licensee with the same quantity of spectrum it currently has under the interleaved bandplan, but to distribute that spectrum in a contiguous manner among different segments of the new bandplan.")

[9] *See* Letter from Elisabeth H. Ross, Counsel to Ericsson Inc., to Marlene H. Dortch, Secretary, FCC, PS Docket No. 06-229, WT Docket Nos., 96-86, 06-150 & 06-169 (filed Mar. 21, 2007), at 2.

Most importantly, Ericsson notes that it made specific commitments to invest in the public safety broadband network in its comments.[10] Ericsson stated that it is "fully committed to supplying the public safety broadband network with commercial off-the-shelf technology ("COTS"), and 700 MHz Long Term Evolution ("LTE") systems, equipment and services that meet standardized public safety requirements."[11] Ericsson also described its efforts, for example, in the Third Generation Partnership Project and Project MESA, to develop and integrate public safety requirements into global commercial standards.[12] These efforts certainly demonstrate Ericsson's commitment to supplying the public safety broadband network and specifically address NPSTC's concern.

Further, Ericsson recommended that industry participate in all aspects of the design, development and operation of the network so that the broadband public safety licensee may benefit from industry's expertise. Broad industry participation will ensure the network takes advantage of global economies of scale and is reliable and efficient.[13] Ericsson also strongly supported the FCC's proposal that the licensee incorporate existing commercial facilities, COTS technology, as well as siting and infrastructure.[14] As Ericsson's comments show, it is committed not only to investing in systems, commercial equipment, and technology needed to implement a very high quality, reliable national public safety broadband network, but also, to providing technical expertise for the design and operation of the network.

Other industry members made similar commitments. For example, Motorola stated it plans to provide public safety entities with broadband and wideband technologies, and emphasized that the Commission and public safety must look to next generation commercial technologies, such as LTE and WiMax.[15] AT&T concurred, noting that industry had worked diligently in a similar manner to deploy wireless priority service.[16] Northrop Grumman observed that industry had already begun to improve public safety's capabilities and interoperability by providing "affordable, robust and interoperable broadband wireless to public safety."[17] For example, the District of Columbia has selected Alcatel-Lucent to

---

[10] Ericsson Comments at ii.

[11] *Id*.

[12] *Id*. at 2.

[13] Ericsson Comments at 8.

[14] Ericsson Comments at 14.

[15] Comments of Motorola, Inc., PS Docket No. 06-229, WT Docket No. 96-86 (filed Feb. 26, 2007) ("Motorola Comments"), at 16.

[16] Comments of AT&T, Inc., PS Docket No. 06-229, WT Docket No. 96-86 (filed Feb. 26, 2007) ("AT&T Comments"), at 2.

[17] Comments of Northrop Grumman Information Technology, Inc., PS Docket No. 06-229, WT Docket No. 96-86 (filed Feb. 26, 2007), at i. Northrop Grumman is in the process of building a full scale public safety broadband wireless system in New York City serving public safety and other critical agencies. *Id*. at 8.

supply the nation's first interoperable, 700 MHz-based, broadband network using COTs equipment as part of the National Capital Region Interoperability Program.[18]

Industry members also supported public safety's use of commercial technologies for the broadband public safety network. Alcatel highlighted that commercial broadband technologies are the best means of achieving nationwide communications interoperability, and will enable public safety agencies to benefit from the most technologically-advanced services and applications.[19] Industry strongly supported the use of commercial broadband technologies for public safety.[20]

As comments by Ericsson and other industry members show, industry is fully committed to investing in technologies, systems, and equipment for a nationwide interoperable broadband public safety network.

Pursuant to the Commission's rules, this letter is being submitted for inclusion in the public record in the above-referenced proceedings.

Sincerely,

/s/ *Elisabeth H. Ross*

Elisabeth H. Ross
Birch Horton Bittner & Cherot
1155 Connecticut Avenue, NW
Suite 1200
Washington DC 20036
(202) 659-5800
Counsel to Ericsson Inc

cc: Matthew Berry
John Branscome
Fred Campbell
Ron Chase
Jeff Cohen
Paul D'Ari
Samuel Feder
Angela Giancarlo
Aaron Goldberger
Bruce Gottlieb
David Horowitz
Julius Knapp
Evan Kwerel
Cathleen Massey
Geri Matise
Barry Ohlson
Ron Rapasi
James Schlichting
Dana Shaffer
Margaret Weiner

[18] *See* Alcatel-Lucent (Mar. 1, 2007). *District of Columbia Awards Alcatel-Lucent and LGS Contract to Build Broadband Network for the National Capital Region Interoperability Program*. Press Release. Available at http://www.alcatel-lucent.com/wps/portal/!ut/p/kcxml/04_Sj9SPykssy0xPLMnMz0vM0Y_QjzKLd4w3cQ7SL8h2VAQAu32oaA!!?LMSG_CABINET=Docs_and_Resource_Ctr&LMSG_CONTENT_FILE=News_Releases_2007/News_Article_000153 (last viewed Apr. 3, 2007).

[19] Comments of Alcatel-Lucent, PS Docket No. 06-229, WT Docket No. 96-86 9filed Feb. 26, 2007) ("Alcatel Comments"), at 2.

[20] *See* Alcatel Comments at 3-4; AT&T Comments at 13; Motorola Comments at 15.