Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
Service Rules for the 698-746,747-762 and 777-792 MHz Bands	)	WT Docket No. 06-150
	)	
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 OHIO STATEWIDE INTEROPERABILITY EXECUTIVE COMMITTEE

The Ohio Statewide Interoperability Executive Committee (hereinafter SIEC) hereby submits these comments in response to the Commission's *Further Notice of Proposed Rulemaking* in the above-captioned proceedings.

Very early in the WT Docket 96-86 proceeding the Commission made the wise and learned decision to allow the various Region Planning Committees maximum flexibility to create workable and efficient Plans to meet the diverse needs of their public safety entities. This included both voice and data system design. There are great variations in demographics country-wide and the Commission felt that each Region was best suited to determine what it needed to operate with maximum efficiency for their particular area, Ohio Region 33 planners used those guidelines to create a band-plan which would adapt to the dense urban areas as well as those rural, sparsely populated areas, keeping in mind the individual agency users as well as the State MARCS network, which effectively serves them both.

The Region 33 planning is complete and is waiting on adjacent Region review. Planning by many public safety agencies, including the State of Ohio's Multi-Agency Radio Communications System (MARCS) is well under way.

Now, at this late date, the Commission steps up and says "Stop – we're changing the rules" after the game is 10 years in progress and very near the last inning. This action is unfair to the Regions, the States and the locals, as well as to the taxpayers, who have to fund these substantial efforts.

In a brief review of previously filed comments, most specifically to WT Docket 96-86, including our own filed on June 1,2006, plus comments of APCO and other public safety organizations filed at various times, and many other public safety user agencies and individuals, we are at a loss to fathom how the Commission could possibly have "tentatively concluded" that not allowing for local choice was in the best interests of public safety. Not one public safety commenter that we saw stated "broadband only – nothing else…

At one point, the FCC stated that "providing flexibility could hinder efforts to deploy a nationwide, interoperable broadband network by perpetrating a balkanization of public safety spectrum licenses, networks and technology deployment." In essence this tentative conclusion favors Federal mandates over local/regional decisions and, if made final, would eliminate the option to deploy cost effective wideband systems or dedicated local agency broadband systems. None of the comments that we reviewed were in favor of that approach. Indeed, if the Commission continues to follow this track, it is a "slap in the face" to the 55 Regional Planning Committees, who were given creative latitude to design a Plan suited to their Regions needs.

Our feeling is that a truly "Nationwide" system, one that covers all the land and serves all the people will never be built and, indeed, could never be built. Just because a proposal exists to

go from coast to coast and border to border, that does not constitute nationwide. How long would it take to accomplish such a task? 10 years – 20 years, more? We don't think that one commercial licensee building out one true and adequate "nationwide" broadband system could do that and expect to survive financially.

Our public safety forces need the wideband data capability now. More importantly, there needs to be the ability for large urban or regional systems (i.e. a large city, county or multi - county systems) to decide whether wideband is enough or should they design a broadband system of their own. The State MARCS network, since its users are spread out over the state, would probably opt for wideband, much as it has now at 800 MHz. since there are very few high concentrations of user agencies. They can do almost everything they need to on their current 25 KHz. 800 MHz. channels. By aggregating three 50 KHz. 700 MHz. channels up to 150 KHz. MARCS tells the SIEC there is nothing they have planned for in the future that could not be accomplished. For the Commission to mandate that MARCS and others wait for someone else's Broadband network to be built out, and to pay an unknown amount for something that they have no control over, either service level or coverage, is a grave disservice to Ohio and its citizens and cannot be tolerated.

How long did it take to build what is loosely referred to as "the cellular network"? We cannot speak for other states but, in Ohio, there is much of our rural, less populated areas in the southeastern part of the state that still do not have cellular coverage and most likely never will.

Business and demographic models will show that 70% of the US population lives on about 40% of the land. That leaves 60% of the land area that makes no business sense to build over because there is no one there. In the public safety business, an emergency such as a tornado, flood or forest fire, can occur there, perhaps more likely than the other 40% land area,

and needs to receive our public safety forces attention as well. Here in Ohio, MARCS serves the sparsely populated rural areas just as efficiently as the urban, densely populated areas. Our Regional band plan for 700 MHz. perpetuates that pattern and would provide for the State and local agencies to incorporate the coverage they need, where they need, to serve our citizens.

After further reviewing paragraphs 250 through 290 inclusive of the subject FNPRM, this SIEC concludes, and not at all tentatively, that one sole broadband network will only hamper the ability of our first responders to provide service. If they are not permitted the flexibility to implement what is best suited for a particular area, it will effectively cripple attempts to utilize newer technology to improve our homeland security and essential services to our citizens.

Respectfully submitted,

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