

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

In the Matter of	)	
	)	
Service Rules for the 698-746, 747-762	)	WT Docket No. 06-150
And 777-792 MHz Bands	)	
	)	
Revision of the Commission’s Rules to Ensure	)	CC Docket No. 94-102
Compatibility with Enhanced 911 Emergency	)	
Calling Systems	)	
	)	
Section 68.4(a) of the Commission’s Rules	)	WT Docket No. 01-309
Governing Hearing Aid-Compatible	)	
Telephones	)	
	)	
Biennial Regulatory Review – Amendment of	)	WT Docket No. 03-264
Parts 1, 22, 24, 27, and 90 to Streamline and	)	
Harmonize Various Rules Affecting Wireless	)	
Radio Services	)	
	)	
Former Nextel Communications, Inc.	)	WT Docket No. 06-169
Upper 700 MHz Guard Band	)	
Licenses and Revisions to Part 27 of	)	
the Commission’s Rules	)	
	)	
Implementing a Nationwide,	)	PS Docket No. 06-229
Broadband, Interoperable Public	)	
Safety Network in the 700 MHz	)	
Band	)	
	)	
Development of Operational, Technical and	)	WT Docket No. 96-86
Spectrum Requirements for Meeting Federal,	)	
State and Local Public Safety	)	
Communications Requirements Through the	)	
Year 2010	)	

**REPLY COMMENTS OF THE MISSOURI STATE HIGHWAY PATROL (MSHP) ON  
THE REPORT AND ORDER AND FURTHER NOTICE OF PROPOSED  
RULEMAKING.**

**Introduction**

**Missouri State Highway Patrol**

The Missouri State Highway Patrol (MSHP) has been in existence since 1931 and the organization's Communications Division has been actively involved in providing a radio communications to its members since shortly after its inception. The MSHP retains some of the longest continuously held Commission authorizations in the Nation and have long been involved in regulatory and spectrum management issues that effect public safety communications both in Missouri and across the country. The MSHP has also been an active participant in the Association of Public Safety Communications Officials, Inc. (APCO) since that association's inception in St Louis, Missouri in 1935 and continues to be active in the organization today with regard to issues focusing on operational communications center standards, spectrum management and public safety frequency coordination activities. In addition, the MSHP has encouraged and advocated its personnel's involvement in the National Coordination Committee (NCC), as established by the Commission to identify the rules and implement the spectrum in a manner in which public safety envisioned its use of the 700 MHz band. MSHP communications personnel participated and chaired Working Groups of the NCC Interoperability Committee, so their reflection as to the intent of the Committee, its conclusions and its positions are first hand. Today, Patrol personnel continue to participate nationally in the Commission's regulatory processes regarding issues such as Re-farming/Narrow-banding below 512 MHz, 800 MHz re-banding, and Broadband over Power Line (BPL) deployment impact, as well as today's current 700 MHz dialogue representing its agency as well as the Missouri public safety community.

MSHP personnel initially convened the Region 24 700 MHz Regional Planning Committee and were substantial contributors to the development of the Region 24 700 MHz plan being the second plan approved by the Commission. We continue to work to make that band beneficial to the Missouri public safety user community. We thank the Commission for continuing to promote open dialogue on these important issues.

### **Reply Comments**

- 1. We concur with comments from other public safety entities, Verizon, Motorola and the 4 G Coalition to support Proposal 3 from the Commissions FNPRM.** We feel that Proposal 3 offers the most effective solution for all parties involved and solves the international border 700 MHz narrowband availability and interoperability issue by sliding down the band 1 MHz while consolidating two (2) public safety narrowband 3 MHz paired blocks into one (1) public safety narrowband 6 MHz paired block from 769-775 MHz. The MSHP feels that this proposal distributes the most significant benefit to all parties involved.
- 2. We concur with comments from Access Spectrum, Pegasus, Dominion 700 and Harbor Guard Band requesting the Commission concur with conditions proposed by Upper 700 MHz Guard Band licensees outlining the harmonization of technical rules with to be auctioned C and D blocks and obtain discount vouchers for license they are giving up in exchange for funding expenses associated with 700 MHz licensee and user re-configuration costs.** We feel Proposals 1 and 2 as proposed by the

Commission should be rejected as they do not address public safety concerns and, without shifting a portion of the public safety narrowband channels into TV channel pair 63-68, impair any development of public safety interoperability between US state and local agencies along the Canadian border.

**3. We concur with comments that promote the concept that band plans should not exclude possible future public safety use of 5 MHz technologies.** We support a public safety 700 MHz band plan that does not preclude future 700 MHz broadband opportunities, when and if they arise. We support comments that outline the need for a flexible band plan that can accommodate today's broadband solutions without limiting tomorrow's capabilities or technologies.

**4. We reiterate our comments and those of others that emphasize the development of a nationwide public safety network prior to or concurrent with the development of a nationwide public safety broadband network.** With regard to the use of wideband technologies, we agree with other commenters that if during the transition of the national broadband strategy public safety agencies feel that they need to implement wideband technologies over more cost effective, COTS based broadband devices providing less than broadband data rates, the implementation of such wideband technologies should not be locally licensed and should be used at the sole discretion of the national licensee. Further, since the Commission will be required to reconfigure the public safety narrowband 700 MHz block due to the shifting of the two (2) 3 MHz narrowband channel blocks into one (1) 6 MHz channel block, they should explore the possibility of

permitting wideband data aggregation within the 700 MHz narrowband allocations on a regional basis, with sufficient input from the user community and the support of the respective regional planning committee. The Commission's policies should acknowledge that the development of a nationwide public safety network can reap tremendous benefits over time and will be the critical backbone of any nationwide public safety broadband data network.

## **5. Conclusion**

The MSHP supports the Commission's proactive approach to the development of public safety broadband capabilities, increased interoperability and regional inter-agency development and networking. While we support the "right of choice" for local and state agencies in their communications decisions, we acknowledge that some of those same rights can also contribute to a degree of lessening interoperability within a community.

We support the national licensee concept as proposed by the Commission in the Ninth NPRM and note that the Commission should ensure that the national licensee be an inclusive body representing each State and region, each public safety discipline, the critical infrastructure community and others that contribute to the public's well being.

The national licensee, with its unique spectrum management responsibilities, should be a core function of the Association Public Safety Communications Officials Inc. (APCO), with input and support from those representing the user community. Those bodies with public safety spectrum management experience should utilize that experience in their role as national licensee or in support of the national licensee. Those with experience in

representing their first responder user community should represent their constituents and not be responsible for spectrum management functions with little or no experience in such matters. All members of the public safety frequency coordination community should have a major role in the development of spectrum policy for the national licensee. Members representing the public safety-first responder user community should have a role in the policies surrounding how the national licensee meets users capabilities and needs on a national scale. Each element contained within the national licensee should be represented by its corresponding expert community to ensure the necessary, accurate participation of all.

JAMES C BIGGERSTAFF, Director of Radio

MISSOURI STATE HIGHWAY PATROL

June 1, 2007

