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

REPLY COMMENTS OF NENA

The National Emergency Number Association ("NENA") hereby responds to the comments of others in the captioned proceeding. In its own Comments of May 23, 2007, NENA supported the tentative conclusions (FNPRM, ¶174) to re-designate the public safety wideband spectrum for broadband use consistent with a nationwide interoperability standard and to consolidate the 12 MHz of narrowband channels as the upper half of the existing 24 MHz Public Safety block.

We noted that the conclusions were applicable to the Commission's earlier proposal for a national public safety license to manage the existing 12 MHz of broadband spectrum, as well as to suggestions by Frontline and others for combining and sharing that spectrum with 10 MHz of an "E Block" to be specially auctioned for joint commercial and public safety use. We asked the FCC to state whether its earlier proposal remains under consideration and, if so, to plan for its enactment if the broader shared network proposal were not accepted for any reason.

Commenters with views as divergent as APCO and Verizon Wireless agree that the more information available about the shape of a Network Sharing Agreement ("NSA") in advance of the E Block auction, the better. We agree in concept with a Statement of Requirements ("SOR")[1] but that document will be better fashioned through a broad range of public safety inputs, including the contributions NENA can make to the needs of a Next Generation 9-1-1 ("NG9-1-1") set of applications.

NENA agrees generally with five of the six points offered by APCO

(Comments, 17-22) under the heading "Making the Conditional Auction Approach Work." As to the sixth point, "Accommodation for State/Local Systems," we offer no opinion at this time. We continue to believe that geographic build-out requirements are an important complement to population coverage. If the NPSTC population-based proposal truly equates to coverage of "every county with a population density of five or more persons per square mile," (Comments, 12) then that geographic datum should be used in the ultimate requirement.

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[1] APCO Comments, 15.

The importance of defining "emergency" conditions under which public safety use of E Block spectrum would be allowed is illustrated by the comments of the State of California, through its Department of General Services. The State asks whether 9-1-1 calls from the general public or a business would be classified commercial or public safety, and

> agrees that 911/E911 calls should not be relegated to indiscriminate preemption. As it is likely modern broadband technologies and applications will have the sophistication necessary to distinguish 911/E911 calls from more mundane data and prioritize them accordingly, they should be given the requisite level of network priority.

(Comments, 7) NENA believes that network emergency priorities must be part of any pre-auction Statement of Requirements because it will force early discussion and perhaps resolution of the sticky definition of emergency.

NENA also supports California's suggestion (Comments, 6-7) for "acceptance testing" of the "preemption" features of the shared national network. Too much is riding on these features to leave their effectiveness in doubt.

Google seeks clarification that existing 700 MHz band service rules would permit "dynamic auctions" of spectrum by licensees, possibly including "per-device registration fees."[2] Since Google also supports the Frontline proposal for a conditioned E Block license, it is not clear whether Google sees dynamic auction as a feature of the joint venture in a national public safety/commercial shared network.

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[2] Comments, 7. *See also*, ex parte letter of May 21, 2007 from Richard S. Whitt. The letter has been placed on a separate pleading cycle at 72 Federal Register 29930, May 30, 2007.

NENA does not believe these innovations, worthy as they may be for commercial spectrum generally, should be introduced at this time on the public safety segment of that national network.

Governance of a National License. NENA spoke above about the importance of a "broad range of public safety inputs" to the creation of a Statement of Requirements for the public safety uses of a national broadband shared network. The same breadth of experience and view would benefit the management of the network after installation. We stated in our opening Comments, at 5:

> If emergency communications and the 9-1-1 system are all headed down the same IP path, we must start thinking more about the way the public communicates with 9-1-1 and how the emergency response community answers in response to calls for help as one single issue. As the sole national organization focused entirely on 9-1-1, NENA expects to be at the table during discussions of national public safety broadband networks.

We appreciate the breadth of the organizations listed by NPSTC (Comments, 6-7) as prospective members of a Board of Directors of a Public Safety Spectrum Trust Corporation that would represent public safety interests in a shared network. At its best, however, the emergency response process is an interdependent mix of initial call-taking, prompt and competent field response and follow-up care and/or investigation. In its several years of planning for a Next Generation network of networks and sets of applications that would better integrate these functions, NENA has gained experience and perspective that should be represented on such a Board.

To be sure, NPSTC has recognized these complementary interests by

proposing (Comments, 7-8) an advisory committee to the Board. But advice is not the power to decide. NENA would prefer a term of service on the Board to an indefinite tenure as an advisor. Some commenters have suggested true public members for the Board, as distinct from private trade associations whose members include public employees. These proposals are worth considering.

Respectfully submitted,

By_____

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June 4, 2007

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