

NPSPAC Region 43 Regional Planning Committee

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Federal Communications Commission
Washington DC 20504

Subject: Reply Comments on Further Notice of Proposed Rulemaking WT Docket 02-55

Region 43 National Public Safety Planning Advisory Committee (NPSPAC) is submitting reply comments to the Commission's Further Notice of Proposed Rulemaking, WT Docket 02-55, released on November 1, 2007. These reply comments are the work effort of over a dozen agencies and three consulting engineering companies.

We appreciate the opportunity to provide the Commission with input regarding this critical aspect to the 800 MHz Rebanding Plan. Please feel free to contact me if you have any questions.

Sincerely,



Steve Taylor
Chair, Region 43 / 800 MHz

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of:)	
)	
Improving Public Safety Communications)	WT Docket 02-55
In the 800 MHz Band)	
)	
New 800 MHz Band Plan for U.S – Canada)	
Border Region)	
)	
Further Notice of Proposed Rulemaking)	DA 07-4489
)	

**REPLY COMMENTS BY NPSPAC PLANNING REGION 43
IN CANADIAN BORDER REGIONS 5, 6, AND 7 REGARDING THE PROPOSED
CANADIAN BORDER AREA 800 MHZ BAND PLAN.**

1. The Federal Communications Commission Public Safety and Homeland Security Bureau released on November 1, 2007 the subject Further Notice of Proposed Rulemaking (FNPRM) related to the reconfigured 800 MHz band plan on the U.S.-Canada border region in order to accomplish the Commission’s goals for band reconfiguration. The Commission proposed a band plan for the various Canadian border regions. Comments on the proposed band plan were due December 3, 2007. Ten agencies submitted comments on the rules. These reply comments by the National Public Safety Planning Advisory Committee (NPSPAC) for Region 43 (Region 43)¹ apply only to border Regions 4, 5, and 7 in Region 43². This document provides reply comments to the comments submitted by others in response to the subject FNPRM.

I. EXECUTIVE SUMMARY

2. Region 43 represents agencies providing coverage ranging from local county-wide coverage to the State of Washington that operates two statewide 800 MHz system. Region 43 agencies operate in excess of 42,000 mobile and portable units throughout the state. Interoperability has been the cornerstone upon which many of these systems have been developed including the system operated by The Boeing Company. The Region 43 border area licensees have struggled with limited spectrum availability due to the heavy use of 800 MHz spectrum in the Lower British Columbia, Canada area. Region 43 is extremely concerned that the Commission’s proposed band plan modifications will result in a reduction of spectrum and require technical changes resulting in reduced performance or require major system

¹ Attachment A lists the members of NPSPAC Planning Region 43.

² Region 43 believes it is important to harmonize the band plan between Regions 4, 5, and 7 as much as possible. However, Region 43 does not feel like it can properly address areas outside of Region 43 due to lack of knowledge of the other areas’ needs.

modifications. In general, we support many of the comments made by the nine entities other than Region 43. There are, however, some significant differences due to the unique nature of border Region 5.

3. The terrain in the Puget Sound area of Washington State and the Greater Vancouver and Victoria, British Columbia areas often results in signal levels across the border much higher than anticipated. This is due to the relatively high sites and mountainous areas on both sides of the border combined with the “over the water” path that exists between the Seattle Metropolitan Area and densely populated areas in southern British Columbia. This makes frequency coordination and interference more difficult to manage than many other border areas without this combination of geographic features.

4. The 140 km border area line bisects the area between the Seattle Metropolitan Area and the Tacoma Metropolitan area. Both of these areas use 800 MHz frequencies and have compatible system technologies. They have daily interoperability requirements. Subscriber units are programmed to work on each of the systems. Any final frequency plan must consider this tightly integrated interoperability requirement.

5. The State of Washington’s departments of Transportation (WSDOT) and Corrections (WSDOC) operate two independent state-wide 800 MHz systems. Each system maintains significant life-critical public safety operations within the affected border regions. These agencies must maintain the ability for any user or unit to operate anywhere in the state, not only for emergency use, but also for effective and contiguous use of any of their personnel and equipment as required. Recent examples include a bridge collapse, avalanche, earthquake, riot, and other natural and man-made incident response coordination. Therefore, it is imperative that the Commission include an assessment of the impact of any final border region plan on systems with operations extending beyond the border region.³

6. Region 43’s reply comments are based on the following key elements:

- Public Safety and non-ESMR B/ILT licensees must retain comparable facilities throughout and at the end of the rebanding process. We fully understand the complexity of this task in the border regions which means this proceeding must carefully consider the technical aspects of any proposed band plan.
- Reduced interference for Public Safety and non-ESMR B/ILT licensees must be the result of rebanding and interference protection standards should be implemented.
- There should be no interleaved spectrum between ESMR and non-ESMR technologies.

³ The WSDOT has 67 sites below the 140 km line, nine sites in border Region 7, 32 in border Region 5, and 17 in border Region 4. The WSDOC operates eight of their 16 sites within the border regions.

- The border area band plan should be harmonized as much as possible with the non-border areas to ensure equipment compatibility and reduce potential interference and frequency coordination problems between border and non-border areas.
- There should be no expansion of the Special Coordination Procedure frequencies until all of the frequency requirements of the non-ESMR licensees have been satisfied.
- Prior to releasing the the final band plan, there must be a licensee-by-licensee evaluation of current spectrum and proposed rebanding spectrum showing that the proposed band plan will not create system degradation or require major system modifications. The evaluation must also show a comparable number of channels are available, including Canadian Primary channels extensively used by most licensees.

7. Region 43 border area licensees would like to proceed with rebanding as soon as possible but not before the technical complexities have been fully evaluated and a determination made as to the adequacy of the assigned spectrum.

II. BACKGROUND

2. Comments were presented by 10 agencies. They are:
- A. Consumers Energy Company
 - B. Enterprise Wireless Alliance
 - C. SmartLink
 - D. Sprint Nextel
 - E. State of Michigan
 - F. New York Statewide Wireless Network
 - G. The Boeing Company
 - H. NPSPAC Region 33 State of Ohio
 - I. Combined comments APCO, IAFC, and IACP
 - J. NPSPAC Region 43 State of Washington

The comments range from detailed proposed band plans to general statements about an agency's needs or about the process. Region 43 is providing reply comments to each of the sets of comments discussed below.

III. Reply Comments

A. Consumers Energy Company

8. We agree the Commission should define the term “Comparable Spectrum.”⁴ The use of this term instead “Comparable Facilities” results in confusion as to the evaluation of differing spectrum allocations. As an example, one could argue that placing the new NPSPAC band adjacent to existing 25 kHz allocations will result in transmit combiner design issues and would not be “Comparable Spectrum.”

9. We agree the FNPRM does not adequately define how the spectrum will be allocated. Region 43’s comments propose a band plan that will separate ESMR operations from non-ESMR B/ILT operations. This approach will allow B/ILT licensees to evaluate whether or not adequate spectrum has been set aside for their operations. Ultimately, the size of the channel blocks for any given area cannot be determined until a frequency-by-frequency analysis is done.

10. We disagree with Consumers Energy Company regarding the relocation of NPSPAC licensees that operate on a secondary basis on Canadian Primary channels to U.S. Primary spectrum.⁵ Region 43 recommends the entire block of 806-809/851-854 MHz be allocated to 12.5 kHz channels and where there are adequate channels, licensees using NPSPAC Canadian Primary spectrum block be granted U.S. Primary frequencies.

11. We agree with Consumers Energy Company that primary status should not be granted to Canadian facilities using U.S. Primary frequencies under the Special Coordination Procedures.⁶

12. We agree with Consumers Energy Company regarding the concern with the “double border” problem.⁷ The Washington State DOT has a “quad border” problem because of systems located in border Regions 4, 5, and 7. This is one reason Region 43 supports harmonizing the 806-809/851-854 MHz band with the rest of the U.S.

13. We strongly agree that the B/ILT frequencies should not be interleaved with the ESMR spectrum and support the Consumers Energy Company comments.⁸

14. We are also concerned about how any proposed band plan will affect transmitter combiner facilities.⁹ While technologies exist to combine frequencies as close as 12.5 kHz, these systems result in high power loss which, in many cases, will result in unacceptable coverage reduction. Unfortunately, the effect of the border area band plan on any licensee’s transmitter combiners can not be determined until frequencies have been assigned.

⁴ See *WT Docket 02-55, Further Notice of Proposed Rulemaking, DA 07-4489, November 1, 2007*, Comments by Consumers Energy Company, page 4.

⁵ *Id.* Page 5.

⁶ *Ibid.*

⁷ *Id.* Page 6.

⁸ *Id.* Pages 7-11.

⁹ *Id.* Page 11.

15. We support the expanded use of 900 MHz by Sprint Nextel to assist with frequency rebanding in the 800 MHz band. Sprint Nextel has dual- and tri-band technology allowing a single subscriber unit to operate on multiple bands. Even if additional 900 MHz spectrum were available to Public Safety or B/ILT licensees, manufacturers do not provide dual-band (800/900 MHz) equipment. Given the limited spectrum options to Public Safety and B/ILT, we agree with the Consumers Energy Company that Sprint Nextel should maximize the use of 900 MHz spectrum to meet their needs.

B. Enterprise Wireless Alliance

16. Region 43 remains in opposition to any interleaving of ESMR channels with either Public Safety or B/ILT channels.

17. We strongly support the Enterprise Wireless Alliance (EWA) general comments supporting Commission action to implement interference standards.¹⁰ However, Region 43 believes the interim standards of -85 dBm (portable) and -88 dBm (mobile) do not provide adequate protection to systems implemented in Region 43. We recommend the Commission adopt a permanent carrier-to-interference level standard of C/(I+N) of 20 dB minimum in order to protect public safety and B/ILT users operating in the areas where there is less than -85/88 dBm signal levels. This interference standard should be used in addition to guard bands not in lieu of guard bands.

18. EWA proposes that it might be possible for some licensees to remain on their existing frequencies and not be “rebanding.”¹¹ Region 43 believes that existing interference problems will be perpetuated if some licensees are rebanded and others remain where they are. We oppose this approach unless a licensee who does not reband gives up all rights to interference protection.

19. We concur with the issue and concerns raised by EWA regarding possible assignment of *de facto* Canadian Primary status to Canadian Secondary channels that are currently U.S. Primary, because of an existing Special Coordination Procedure (SCP) frequency sharing arrangement between Sprint Nextel and the Canadian licensee.¹² We strongly support the position that the Commission should not take any action that would give Canadian licensees effective “veto” authority over prospective U.S. applicants seeking to operate on U.S. Primary spectrum.

C. SmartLink

20. Region 43 supports the comments made by SmartLink in respect to reaffirming the concern about interleaving Public Safety or B/ILT users between ESMR operations. Region 43 believes that interleaving the non-ESMR users with ESMR users will result in unacceptable interference. Region 43 clearly stated in its comments the necessity to provide both Public Safety

¹⁰ See *WT Docket 02-55, Further Notice of Proposed Rulemaking, DA 07-4489, November 1, 2007*, Comments by Enterprise Wireless Alliance, page 7.

¹¹ *Id.*

¹² *Id.* Page 8.

and B/ILT users with their own blocks of spectrum with an associated guard band for interference protection. We agree and support with special emphasis the following comment:

“Therefore, for the reasons stated above, it is essential that the Commission extend interference protection to affected B/ILT and public safety operations in border regions that are equal to the protection afforded operations that are rebanded throughout the United States. To do otherwise would be to deny equal protection to essential operations based on nothing more than the geographic location of those operations. There should exist no penalty for operating in border regions and the Commission's adoption of the recommended interference protection will assure equal treatment.”¹³

And:

“At paragraph 105 of the 800 MHz Order, the Commission stated, “we specify that public safety, B/ILT and other non-cellular 800 MHz systems must receive at least a minimum measured input signal power of -101 dBm for portable (i.e. hand-held) units and -104 dBm for vehicular mobile units in order to be eligible for protection from interference.” Smart-Link accepts this standard for eligibility for interference protection and suggests that it be extended to operations within the new interleaved bands following rebanding within the Canadian border region. Based on this condition for eligibility, Smart-Link recommends that the Commission adopt a definition of unacceptable interference --as any impairment to the desired signal that causes the C/(I+N) ratio of a voice radio receiver to drop below 20 dB.” 800 MHz, Order at ~ 107, and such other protections afforded by the Commission for operations in the 856-860 MHz band in other regions of the United States. Specifically, Smart-Link recommends that the Commission state specifically that those protections provided and methodologies adopted within paragraphs 108-141 of the 800 MHz Order be fully extended to affected licensees operating on interleaved channels within the Canadian border regions. Smart-Link deems a specific statement necessary to reconcile the differences in spectrum allocation and the effect on licensees during and following rebanding while operating above Line A.”¹⁴

D. Sprint Nextel

21. We appreciate the work and effort Sprint Nextel has made in working with Region 43 in the past to help develop border area options. We also appreciate the difficulty Sprint Nextel has rearranging their networks while maintaining good customer service. Many licensees in Region 43 have the same pressures of maintaining a high standard of service not only during system reconfiguration but also afterwards.

22. Sprint Nextel commented about the need to have access to the same amount of spectrum including secondary use channels.¹⁵ However, Region 43 is not convinced there will be adequate 800 MHz spectrum after rebanding to allow all parties access to the same amount of spectrum. Therefore, we urge the Commission to assign spectrum first to Public Safety and non-ESMR B/ILT licensees then remaining spectrum can be assigned to Sprint Nextel. Sprint Nextel

¹³ See WT Docket 02-55, Further Notice of Proposed Rulemaking, DA 07-4489, November 1, 2007, Comments by SmartLink, page 3.

¹⁴ Id. Page 5

¹⁵ See WT Docket 02-55, Further Notice of Proposed Rulemaking, DA 07-4489, November 1, 2007, Comments by Sprint Nextel Corporation, page 3.

has other spectrum options that are not available to Public Safety and B/ILT licensees. We recommend the Commission consider all of Sprint Nextel's spectrum holdings when evaluating "access to the same amount of spectrum."

23. We concur with Sprint Nextel that any intermingling of 12.5 kHz and 25 kHz channels must be reviewed for technical compatibility.¹⁶ In Region 43's comments, we urged the Commission to define the entire block from 806-809/851-854 MHz as 12.5 kHz channels with exceptions permitted by NPSPAC Regional Planning Committee approval.¹⁷

24. While we agree that some variation between regional band plans may be required, we urge the Commission to harmonize the band plans with the rest of the non-border areas as much as possible to avoid border area to non-border area spectrum incompatibilities. In addition, any band plan must consider equipment compatibility and availability with the rest of the U.S., so as not to burden the border area licensees with limited and costly equipment options in the future.

25. We agree that Sprint Nextel should continue to have access to some Canadian Primary spectrum but not at the expense of Public Safety and B/ILT licensees who have limited spectrum options.¹⁸ However, we strongly oppose any attempt to convert any U.S. Primary spectrum to Canadian Primary spectrum through the Special Coordination Procedure process.

26. Sprint Nextel makes several comments about where Public Safety and B/ILT licensees should be retuned in the spectrum.¹⁹ We urge the Commission to consider the more detailed proposal outlined in Region 43's original comments.

27. We agree with Sprint Nextel that interleaved spectrum should be avoided.²⁰ Even where interleaving is avoided, interference protection should be implemented. Region 43 opposes the limits proposed by Sprint Nextel and recommends a C/I+N of 20 dB minimum be used instead. This position is also supported by SmartLink.

28. We agree with Sprint Nextel there are numerous technical issues related to intermixing 25 kHz and 12.5 kHz channels in the lower band.²¹ Region 43 urges the Commission to adopt a band plan that reduces this intermixing and provides for frequency coordination by the Regional Planning Committees to resolve any interference issues between Public Safety licensees using 12.5 kHz and 25 kHz channels. We believe the band should be segmented as proposed in the Region 43 comments.

¹⁶ *Id.*

¹⁷ See *WT Docket 02-55, Further Notice of Proposed Rulemaking, DA 07-4489, November 1, 2007*, Comments by NPSPAC Planning Region 43, ¶9.

¹⁸ See *WT Docket 02-55, Further Notice of Proposed Rulemaking, DA 07-4489, November 1, 2007*, Comments by Sprint Nextel Corporation, page 4.

¹⁹ *Id.* Page 5.

²⁰ *Id.* Pages 6-7.

²¹ *Id.* Page 7.

29. We share Sprint Nextel's concern about the adequate availability of channels resulting from any final border plan proposed by the Commission.²² Region 43 also recommends the Commission direct the Transition Administrator to perform a licensee-by-licensee evaluation of channel assignments and verify there will be adequate channels available with any proposed band plan. This must also include any licensees operating on Canadian Primary channels. This evaluation must be completed and shared with NPSPAC Regional Planning Committees to obtain their comments prior to releasing any final band plan.

30. Sprint Nextel expresses concern that the U.S. Primary mutual aid channels remain available for use by Canadian NPSPAC licensees on the Canadian side of the border.²³ Cross border interoperability is critical for incidents that occur in the immediate vicinity of the border. Region 43 recommends the Commission, at a minimum, retain the original ICALL (821/866.0125 MHz) and ITAC1 (821/866.5125 MHz) channels for use in the vicinity of the border by Public Safety agencies requiring mutual aid communications with Canadian Public Safety agencies.

31. Sprint Nextel urges the Commission to ratify the Special Coordination Procedures used between Sprint Nextel and Telus.²⁴ Region 43 strongly opposes any expansion of the Special Coordination Procedures due to lack of frequency resources in the border regions.

32. Region 43 supports Sprint Nextel's request for additional 900 MHz channels where possible to relieve the pressure on the 800 MHz band.²⁵

33. Sprint Nextel proposed that the negotiations with non-public safety licensees and retuning their associated systems could occur in approximately one year.²⁶ Region 43 supports moving expeditiously to complete the rebanding process within the resource constraints faced. However, we disagree with this time line. As proposed in our original comments, we believe a more realistic time line is a minimum of 12 months for planning and negotiations and a minimum of 18 additional months for retuning.²⁷

34. We are concerned about Sprint Nextel's statement regarding their possible inability to undertake a portion of their retunes until they have access to their replacement spectrum in the old NPSPAC band.²⁸ Our concern is that this requirement may freeze the process because Sprint Nextel will be unable to vacate their spectrum until Public Safety vacates its spectrum. We believe the burden should be on Sprint Nextel to suffer any system operation degradation during rebanding resulting from loss of spectrum. Region 43 agrees the retuning process should occur as expeditiously as possible to minimize the degradation to Sprint Nextel's network and is willing to cooperate within the limitations of available resources.

²² *Id.* Page 8.

²³ *Id.*

²⁴ *Id.* Page 9.

²⁵ *Id.* Page 10.

²⁶ *Id.*

²⁷ See *WT Docket 02-55, Further Notice of Proposed Rulemaking, DA 07-4489, November 1, 2007*, Comments by NPSPAC Planning Region 43, ¶14 Page 4.

²⁸ See *WT Docket 02-55, Further Notice of Proposed Rulemaking, DA 07-4489, November 1, 2007*, Comments by Sprint Nextel Corporation, page 11.

E. State of Michigan

35. The comments made by the State of Michigan regarding Border Region 3, 4, and 7 generally apply to Region 43 border Regions 4, 5, and 7.²⁹ We strongly support the proposals outlined by the State of Michigan. Comments made by Region 43 in many cases mirror the comments made by the State of Michigan.

F. New York Statewide Wireless Network

36. We appreciate the immense task that the State of New York has taken on developing a statewide radio system. While we support the general concept of allowing both 12.5 kHz NPSPAC and 25 kHz blocks,³⁰ we do not support the interleaving of 12.5 kHz and 25 kHz blocks in the band 806-809/851-854 MHz band. As outlined in our comments, we strongly recommend this block be assigned as a contiguous block of 12.5 kHz channels with a 25 kHz block assigned from 809-809.75/854-854.75 MHz.³¹ We also recommend that 12.5 kHz and 25 kHz channels be allowed to be intermixed with frequency coordination approval by the NPSPAC Regional Planning Committee. This approach would allow the State of New York, through their NPSPAC Regional Planning Committee, to define the best mix of 12.5 kHz and 25 kHz channels for their own use without affecting other regions.

37. We concur there is a continuing need for involvement of the NPSPAC Regional Planning Committee in the frequency coordination and license application process for the 800 MHz band.³²

G. The Boeing Company

38. The Boeing Company (Boeing) is an integral part of a public safety response in areas around their various facilities. This includes two major commercial airports in the Puget Sound region. Boeing has worked cooperatively to develop mutual aid communication plans and, as outlined in their Comments, arrangements have been made for public safety responders from both government agencies and The Boeing Company to interoperate on each others trunked radio systems. Region 43 urges the Commission to consider this important relationship in any final rebanding plan for border area Region 5. This means Boeing needs interference protection equivalent to that provided to Public Safety.

39. We concur with the comments about maintaining comparable facilities and the unique geography in the Puget Sound area.³³ Region 43 is concerned that any change in the

²⁹ See *WT Docket 02-55, Further Notice of Proposed Rulemaking, DA 07-4489, November 1, 2007*, Comments by the State of Michigan, pages 8-14.

³⁰ See *WT Docket 02-55, Further Notice of Proposed Rulemaking, DA 07-4489, November 1, 2007*, Comments by New York State Wireless Network, page 2.

³¹ See *WT Docket 02-55, Further Notice of Proposed Rulemaking, DA 07-4489, November 1, 2007*, Comments by NPSPAC Planning Region 43, ¶9 and Attachment B.

³² See *WT Docket 02-55, Further Notice of Proposed Rulemaking, DA 07-4489, November 1, 2007*, Comments by New York State Wireless Network, page 3.

relationship between the Canadian and U.S. licensees will result in increased cross-border interference. We urge the Commission to take special care in reviewing any proposed band plan in light of the geography of the Region 5 area.

40. Region 43 concurs with Boeing in their opposition to interleaving as a potential solution to the rebanding challenges in U.S.-Canada border area.³⁴ The continued use of interleaving non-ESMR and ESMR technologies will only result in continued interference. We urge the Commission to consider solutions, such as guard bands, other than interleaving.

41. Region 43 agrees with Boeing that Sprint Nextel should be allowed access to Canadian Primary channels under the Special Coordination Procedures (SCP).³⁵ However, Region 43 opposes the use of the SCP where it results in loss of spectrum available to public safety and B/ILT licenses or the *defacto* granting to Canada Primary status on U.S. Primary channels. We also support Boeing's comment that U.S. licensees need continued access to Canadian Primary spectrum on a secondary basis subject to border power flux density limitations.

42. We concur with the comment that channels should be grouped into blocks based on technology (ESMR and non-ESMR) with either guard bands or other interference protection technique to reduce the potential for interference. Region 43 proposed this approach in their original comments.

43. We share Boeing's concern that there may not be adequate channels available for the proposed relocation. As outlined in our original comments, we recommend the Commission task the Transition Administrator to perform a trial packing of the licensees into the proposed spectrum to make sure adequate channels are available. We also urge the Commission to pay close attention to the special geographic conditions in the Region 5 area when performing this trial packing.³⁶

44. Region 43 strongly supports Boeing's comments on cost recovery for the border band plan analysis. Many hours of labor have been spent by Region 43 licensees, their technical support staff's and associated consulting engineering companies. These costs are a direct result of rebanding. We support Boeing's request that the Commission explicitly state that fair and reasonable costs associated with the band plan development work be a cost recoverable item.

³³ See *WT Docket 02-55, Further Notice of Proposed Rulemaking, DA 07-4489, November 1, 2007*, Comments by The Boeing Company, pages 6-7.

³⁴ *Id.* Pages 7-8.

³⁵ *Id.* Pages 9-10.

³⁶ See *WT Docket 02-55, Further Notice of Proposed Rulemaking, DA 07-4489, November 1, 2007*, Comments by NPSPAC Planning Region 43, ¶16.

H. NPSPAC Region 33 State of Ohio

45. We support Region 33's efforts to work cooperatively with neighboring regions. We agree and support with special emphasis the following comment:³⁷

“Lastly, Region 33 would like to see the coordination of the adjacent frequencies vacated by Nextel and others fall under the umbrella of the RPC's, much as the NPSPAC frequencies do now, at least for the first three years when public safety has exclusive rights to them. This would allow for smoother system expansion and a better local knowledge of who is occupying the spectrum contiguous to the primary public safety bands.”

46. Region 43 believes the role of the Regional Planning Committee's should be expanded to include all 800 MHz public safety frequencies. A licensee who is licensing both NPSPAC and 25 kHz channels must submit one application directly to the frequency coordinator and the other to the NPSPAC Regional Planning Committee. Given the crowded 800 MHz spectrum in many Regions, we feel it makes little sense to continue to have a bifurcated frequency coordination process.

I. Combined Comments of APCO, IAFC, and IACP

47. We support and concur in the comments made by APCO, the IAFC, and the IACP with a special emphasis on:³⁸

“As to the region-specific issues, we support the consensus proposals of public safety entities in each border region and urge the Commission to follow their recommendations. Licensees in heavily populated border states have spent considerable time analyzing border area rebanding plans for the past several years, and have a keen understanding of their unique spectrum requirements and operational needs. Importantly, most of these states have or are deploying substantial state-wide 800 MHz band public safety networks that provide critical interoperability for first responders. New band plans must accommodate those essential radio systems and future deployments.”

IV. CONCLUSION

48. While there are a few opposing views embodied in the comments, there appears to be much in common. Those common elements appear to be:

- The need for “Comparable Facilities” at the conclusion of the rebanding process.
- The need for continued interference protection standards.

³⁷ See *WT Docket 02-55, Further Notice of Proposed Rulemaking, DA 07-4489, November 1, 2007*, Comments by NPSPAC Region 33, State of Ohio, page 2.

³⁸ See *WT Docket 02-55, Further Notice of Proposed Rulemaking, DA 07-4489, November 1, 2007*, Comments by APCO, IAFC, and IACP, page 2.

- Interleaving between ESMR and non-ESMR frequencies is not acceptable.
- Reduced interference must be the outcome of the rebanding process.
- There should be no expansions of the Special Coordination Procedure frequencies until the spectrum requirements of Public Safety and non-ESMR B/ILT licensees have been met.
- This is a complex problem requiring additional analysis by the Commission and the Transition Administrator.
- Reliable communications are vital to the public safety of the citizens that live in the border areas.

49. There was some variation in the comments regarding the band plans from public safety. However, Region 43 believes these comments can be harmonized and that, in general, Public Safety presented similar approaches. There may be some unavoidable differences in the band plans based on the unique needs of each geographical area.

50. All of the comments further elucidate the technical complexity involved in the border area frequency planning. We believe there is no easy way to evaluate any proposed band plan. Only a detailed frequency and interference analysis that considers all frequencies, both U.S. Primary and Canadian Primary, will fully verify that a band plan is viable. We believe to develop a final band plan without this test will do both Public Safety and non-ESMR B/ILT licensees a grave disservice. Reliable communications are also vital to efficient operations to the border area B/ILT licensees not only for their commercial operations but also for their support of public safety in mutual aid responses. We believe this view is shared by the majority of the comments submitted.

51. We urge the Commission to develop a final Canadian border band plan that embodies the previous statements and goals for the 800 MHz band reconfiguration as stated by the Commission below:³⁹

- “... that are not made commercially available to the public by the provider.*
- *a solution that is both equitable and imposes minimum disruption to the activities of all 800 MHz band users, including public safety, non-cellular SMR, and Business, Industrial and Land Transportation (B/ILT) systems;*
 - *a solution that results in responsible spectrum management; and*
 - *a solution that provides additional 800 MHz spectrum that can be quickly accessed by public safety agencies and rapidly integrated into their existing systems.”*

Region 43 stands willing to assist in the process where they can and appreciates the opportunity to provide comments to the Commission on this important rulemaking process.

³⁹ See FCC Report and Order, Fifth Report and Order, Fourth Memorandum Opinion and Order, and Order, WT Docket 02-55, FCC 04-168, August 6, 2004, paragraph 2(c).

Respectfully submitted,

A handwritten signature in blue ink that reads "Steve Taylor". The signature is fluid and cursive, with the first name "Steve" and last name "Taylor" clearly legible.

Steve Taylor
Chairman, NPSPAC Region 43

Attachments

ATTACHMENT A

Agencies, jurisdictions, companies and associations supporting the Region 43 rebanding initiative outlined in this letter include:

APCO International
City of Auburn
Eastside Public Safety Communications Agency (EPSCA)
Snohomish County Emergency Radio System (SERS)
City of Bellingham
City of Brier
City of Edmonds
City of Everett
City of Federal Way
City of Issaquah
City of Kent
City of Kirkland
City of Lynnwood
City of Marysville
City of Mercer Island
City of Mill Creek
City of Mountlake Terrace
City of Mukilteo
City of Redmond
City of Renton
City of Seattle
City of Tacoma
City of Tukwila
City of Woodway
City of Yakima
King County Executive
King County Sheriff
Kitsap Transit
Port of Seattle
Snohomish County Sheriff
The Boeing Company
Valley Communications Center
Washington State Department of Corrections
Washington State Department of Transportation

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ADCOMM Engineering Co.
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Sparling Inc.