

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

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**In the Matter of** )

**Improving Public Safety** )  
**Communications in the 800 MHz Band** )

**New 800 MHz Band Plan for U.S.-** )  
**Canada Border Region** )

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**WT Docket No. 02-55**

**To Chief, Public Safety and Homeland Security Bureau**

**REPLY COMMENTS OF THE BOEING COMPANY**

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## SUMMARY

The initial comments filed in this proceeding sound a number of common themes raised by Boeing including (1) the unacceptability of continued interleaving of Enhanced Specialized Mobile Radio (“ESMR”), and similar cellular architecture systems, with non-ESMR systems like Boeing’s, and (2) the need for Guard Bands to ensure mitigation of such interference. The Federal Communications Commission (“FCC” or “Commission”) should note that commonality of view in preparing a final proposed 800 MHz band plan for the U.S.-Canada border regions.

The Commission cannot abandon its commitment to “comparable facilities” for relocated licensees. “Comparable spectrum” is not the same. The Commission needs to reconfirm its long-standing commitment to the former.

Continued interleaving is unacceptable to Boeing and others. It is the very phenomena that engendered this proceeding. The Commission must find alternatives, including, if necessary, the dedication of additional spectrum to Business/Industrial Land Transportation (“B/ILT”) and public safety licensees. Reliance on interim or even enhanced interference standards is not a substitute for eliminating interleaving.

The Commission must take care to ensure that any actions with respect to existing or expanded authorizations afforded by Specialized Coordination Procedures (“SCP”) do not in any way adversely impact existing authorizations granted by waivers to B/ILT and public safety licensees or complicate the elimination of interleaving.

U.S.-Canada Mutual Aid channels should be preserved. Access to these channels plays an important role in public safety coordination near and across the border.

Any proposed plan must be subject to FCC or Transition Administrator “trial packing” before it is set in stone. Knowledgeable commenters favored that approach.

The timing of implementation needs to consider the inevitable unique complexities of the border region. Applying the same ambitious schedule recently announced for non-border areas would be tantamount to ignoring those differences.

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The Boeing Company (“Boeing” or “Company”), acting with counsel and pursuant to Section 1.415(c) of the Federal Communications Commission’s (“FCC” or “Commission”) Rules, 47 C.F.R. § 1.415(b), hereby respectfully submits its reply comments in the Commission’s Further Notice of Proposed Rule Making (DA 07-4489), released in WT Docket No. 02-55 on November 1, 2007.<sup>1</sup> Boeing respectfully submits the following<sup>2</sup>:

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<sup>1</sup> *In re Improving Public Safety Communications in the 800 MHz Band and New 800 MHz Band Plan for U.S.–Canada Border Region, Further Notice of Proposed Rule Making*, 22 FCC Rcd 19266 (PS&HS Bur. 2007) (“*FNPRM*”). Boeing’s reply comments are timely filed in accordance with the schedule established in the *FNPRM*.

<sup>2</sup> Boeing has already outlined in detail its special interest in the outcome of this proceeding, particularly as a result of its unique and special partnerships with first responders and public safety licensees in the Region 5 area where the Company’s wide-area Business/Industrial Land Transportation (“B/ILT”) system operates. Initial Comments Of The Boeing Company, pp. 2-5 (“Boeing Comments”). These relationships were acknowledged by others filing initial comments. See Comments of Region 43 National Safety Planning Advisory Committee (“Region 43 Committee”), p.2, n.6 (“Region 43 Comments”). The Commission must similarly consider these reply comments in that context.

## **I. INTRODUCTION**

The initial comments filed by others in this proceeding share a number of the fundamental concerns outlined by Boeing. For example, Boeing is not alone in its view that “comparable facilities” must also apply to border area licensees and that continued interleaving of Enhanced Specialized Mobile Radio (“ESMR”), and similar cellular architecture systems, with non-ESMR Business/Industrial Land Transportation (“B/ILT”) systems is an unwise and unacceptable solution. The Commission should heed those comments as opposed to suggestions that because of the unique challenges in the border areas, licensees can only realistically expect to receive some “alternative” methods of interference protection rather than the full extent of the protections that the Commission has committed to afford as part of the non-border-area rebanding plan. The Commission did not adopt a separate, less-demanding set of goals for 800 MHz rebanding in the border regions. It should not adopt a rebanding plan in this proceeding that, by its terms, now essentially abandons or dilutes key elements of those goals.

## **II. THE FOCUS OF BOEING’S REPLY COMMENTS**

Boeing’s reply comments focus on (a) the clearly common views expressed about the challenges and essential components of a U.S.-Canada rebanding plan that would satisfy the FCC’s announced standards, (b) comparable facilities, as opposed to comparable spectrum, as the foundation of any such plan, (c) interleaving of ESMR, and similar cellular architecture systems, with non-ESMR systems, like Boeing’s, (d) future reliance upon the Commission’s original interim interference standards, (e) adjustments to authorizations granted by Specialized Coordination Procedures (“SCP”), (f) the

continued need for U.S.-Canada Mutual Aid channels, (g) further specific comments about the Region 5 plan and (h) the timeline for resolution and implementation of the terms of the U.S.-Canada border area rebanding plan.

### **III. THE INITIAL COMMENTS REFLECT COMMON VIEWS ABOUT THE CHALLENGES AND ESSENTIAL COMPONENTS OF BORDER AREA REBANDING**

The initial comments clearly reveal an across-the-board commonality of view with Boeing about the challenges and essential components of a U.S.-Canada border rebanding plan that will satisfy the FCC's announced standards.<sup>3</sup>

For example, the comments of APCO, IACP and IAFC stress the need for any band plan to "accommodate essential radio systems and future deployments" such as wide area public safety systems that "provide critical interoperability for first responders."<sup>4</sup> These are exactly the types of concerns that Boeing has articulated with respect to the impact on its wide area system that is frequently used by its mutual aid partners.

Even more specifically, the Region 43 Comments echo and buttress Boeing's views about the unique challenges of Region 5. Boeing believes that the Region 43 Committee proposal touches on all of the essential issues and critical key elements that the FCC must consider in formulating the U.S.-Canada border band plan, including the need for Guard Bands to protect B/ILT and public safety systems from interference, the

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<sup>3</sup> See, e.g., Comments of Sprint Nextel Corporation ("Sprint"), pp. 1-2, referring to the "inherent challenges of providing high-quality communications services where the spectrum allocated for such services is far less than in the rest of the U.S." ("Sprint Comments"); Comments of the State of Michigan, pp. 1-2, referring to the "complex spectrum issues along the U.S.-Canadian border" ("Michigan Comments"). Meeting and resolving these challenges where the services involve public safety demands is particularly important.

<sup>4</sup> Comments of APCO, IACP and IAFC, p. 2 ("APCO Comments").

unacceptability of interleaving, the importance of preserving at least two (2) U.S.-Canada Mutual Aid channels and the important role that B/ILT systems, particularly Boeing's, play in Region 5.<sup>5</sup> These systems must be protected against interference to facilitate interoperable communications with local public safety agencies using compatible non-ESMR systems. Similar themes are sounded in part in the comments of the Enterprise Wireless Alliance and the Consumers Energy Company.<sup>6</sup>

#### **IV. THE STANDARD IS "COMPARABLE FACILITIES," NOT MERELY "COMPARABLE SPECTRUM"**

In its initial comments Boeing stressed that the FCC's inveterate "comparable facilities" standard for rebanding must be maintained in developing the plan for the U.S.-Canada border region.<sup>7</sup> Since it is an issue of fundamental importance, Boeing reiterates that "comparable facilities," the term used in the Commission's original *Rebanding Order*<sup>8</sup>, not "comparable spectrum," the term used by the Commission in the *FNPRM*<sup>9</sup>, is the standard to be applied.

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<sup>5</sup> Region 43 Comments, pp. 2, 4, 6, 8. Sprint provided input into the Region 43 Committee proposal. *Id.*, p. 2. The APCO Comments also generally support the "consensus proposals of public safety entities in each border region and urge the Commission to follow their recommendations." APCO Comments, p. 2.

<sup>6</sup> See Comments the Enterprise Wireless Alliance, p. 2-3 (commenting on the impact on non-public safety entities in the region) ("EWA Comments"); Comments of the Consumers Energy Company ("CEC Comments"), p. 2 (commenting on the potential for exacerbating existing interference problems for B/ILT licensees); see also Michigan Comments.

<sup>7</sup> Boeing Comments, pp. 6-7.

<sup>8</sup> This standard dates back to the Commission's original order committing that "[a]ll relocating licensees shall be relocated to *comparable facilities*." *In re Improving Public Safety Communications in the 800 MHz Band, Report and Order*, 19 FCC Rcd 14969, 15077 ¶201 (2004) (emphasis supplied) ("*Rebanding Order*"). Therein, the Commission defined "comparable facilities" as those that will "provide the same level of service as the incumbent's existing facilities, with transition to new facilities as transparent as possible to the end user." *Id.* More specifically "comparable facilities" includes (1) equivalent channel capacity; (2) equivalent signaling capability, baud rate and access time; (3) coextensive geographic coverage and (4) operating costs." *Id.* Channel capacity is defined as "the same number of channels with the same bandwidth that is currently available to the end user." *Id.*, at n. 527.

<sup>9</sup> *FNPRM*, ¶7 ("All licensees will receive comparable spectrum assignments....").

Under the Commission's rebanding rules, relocated licensees like Boeing and its partners are entitled to be relocated to "comparable facilities."<sup>10</sup> As noted by CEC, the *FNPRM* does not explicitly define the term "comparable spectrum."<sup>11</sup> The FCC should explicitly confirm that it meant "comparable facilities" to avoid any doubt.

Boeing doubts that it was the Commission's intent to change, for border area licensees, the fundamental commitment that the agency made to ensure "comparable facilities." As the Enterprise Wireless Alliance observed, "[t]hat is the precept on which the 800 MHz reconfiguration decision was based; it cannot be compromised if the FCC is to keep faith with the incumbents in the band."<sup>12</sup> Boeing agrees that "comparable facilities" is "a non-negotiable predicate against which any proposed band plan must be measured."<sup>13</sup>

As noted by Boeing in its Initial Comments, the Commission must take whatever steps are necessary to ensure that the rebanding plan in the U.S.-Canada border areas meets this goal.<sup>14</sup> If this means that additional spectrum must be allocated to B/ILT and public safety licensees in order to effect the necessary spectral separation of ESMR and non-EMSR systems, then the Commission should do so. Boeing will closely examine any

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<sup>10</sup> See Note 8, *supra*.

<sup>11</sup> CEC Comments, p. 4. CEC suggests that the Commission clarify this term. The only clarification acceptable to Boeing would be for the Commission to clarify that it meant to use the term "comparable facilities." As Boeing pointed out in its Initial Comments, the Commission did cite to 47 C.F.R. §90.677(f), which is entitled "comparable facilities," so perhaps it was just an unfortunate choice of words. See Boeing Comments, p. 6 n. 7.

<sup>12</sup> EWA Comments, p. 5.

<sup>13</sup> *Id.*

<sup>14</sup> Boeing Comments, pp. 8-9.

final proposed band plan to ensure that it satisfies this foundation principal that the Commission has reiterated on numerous occasions.<sup>15</sup>

**V. BOEING CONTINUES TO OPPOSE INTERLEAVING OF ESMR AND NON-ESMR SYSTEMS AS COMPONENT OF REBANDING PLANS IN U.S.-CANADA BORDER AREA**

Boeing respectfully disagrees with suggestions that continued interleaving of ESMR and non-ESMR systems must be an inevitable component of any band plan for the U.S.-Canada border area.<sup>16</sup> Others clearly agree with Boeing's opposition to such interleaving as an element of the border area rebanding solution.<sup>17</sup> Continued interleaving is "an unacceptable solution" for Boeing.<sup>18</sup>

Interleaving of technologically compatible non-ESMR systems is one thing, and is not incompatible with safe and effective radio system operations. However, as the Commission knows only too well, it was the interleaving of such systems with ESMR systems that largely engendered this very proceeding in the first place.<sup>19</sup> Such interleaving has already proven to be, and is widely accepted as being, the source of interference from ESMR systems to non-ESMR systems, and, as such, must not be allowed to continue. If the Commission is committed to protecting non-ESMR systems from such interference in non-border areas through the elimination of interleaving, licensees in the border areas must be treated in a similar manner and not as second class

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<sup>15</sup> See CEC Comments, p. 4, n. 6.

<sup>16</sup> See Sprint Comments, p. 6; EWA Comments, p. 7; Smart-Link Communications, Inc. Comments, p. 2 ("Smart-Link Comments").

<sup>17</sup> See Region 43 Comments, p. 6; CEC Comments, pp. 7-8.

<sup>18</sup> See CEC Comments, p. 7; EWA Comments, p. 6.

<sup>19</sup> See Smart-Link Comments, p. 2 ("It is this very condition that the Commission sought to remedy in its previous efforts....").

citizens. In other words, they must not be forced to accept spectrum arrangements that would only continue or worsen the existing situation and could not ensure the provision of “comparable facilities” to relocated licensees in the border areas. The Commission cannot in good faith allow geography to dictate a lesser standard of protection.

As Boeing suggested in its initial comments, other alternatives must be employed. All spectrum available to ESMR systems, whether it be 800 MHz, 900 MHz or other spectrum available to such systems, must be fully utilized as a means to effect the necessary spectral separation.<sup>20</sup> Boeing does not object to *temporary* use by Sprint of additional 900 MHz spectrum if necessary to affect the rebanding plan ultimately adopted. At the same time, Boeing notes that the Commission does not propose to make any adjustments in the current allocation of 900 MHz spectrum in this proceeding. If the Commission were to decide to make such proposals, it cannot do so in isolation of other proposals regarding the use of such spectrum by B/ILT and other licensees already pending in WT Docket No. 05-62.<sup>21</sup>

Furthermore, as noted in Boeing’s Comments, in the context of its reciprocal mutual aid agreements, Boeing operations become functionally indistinguishable from those of other regional first responders when local fire agencies respond to incidents within Boeing facilities. These governmental agencies expect an identical degree of communications system integrity regardless of their using the Boeing B/ILT system. Boeing’s 800 MHz B/ILT system is regularly utilized by local public safety entities in

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<sup>20</sup> See Smart-Link Comments, pp. 2-3 (“As the Commission has consistently found, the separation of analog and digital, cellularized operations is the greatest tool in reducing incidents of harmful interference.”).

<sup>21</sup> See Joint Comments of the Association of American Railroads, American Petroleum Institute, MRFAC, Inc., National Association of Manufacturers and United Telecom Council, dated May 18, 2005, p. 21 (proposing equitable set-aside of 900 MHz Channels for continued B/ILT site-based licensing).

such first responder incidents and therefore serves to extend capacity, coverage and availability of critical communication systems to public safety on an as needed basis.

Since Boeing's system is technically identical to those of its public safety mutual aid partners in this region, Boeing's system is equally susceptible to interference caused by cellular architecture ESMR systems, in exactly the same manner as its mutual aid public safety partners' systems. Boeing's 800 MHz system therefore requires the same interference protection and spectral separation within the band plan as do its public safety mutual aid partners in this region.

The requirement that the mutual aid partners be able to use the Boeing or public safety systems for critical responses makes it, in Boeing's view, even more imperative that the Commission avoid interleaving in the border region band plan, just as it has in the non-border areas. Continuing to permit interleaved channel architectures will undermine the *FNPRM's* goal of separating public safety and other non-cellular licensees from licensees that employ cellular technology (specifically ESMR architecture Sprint systems).

The mitigation of interference between non-ESMR (including regional public safety and its mutual aid partners (e.g., Boeing)) and ESMR and similar cellular architecture systems is of course a fundamental overall goal of 800 MHz rebanding. While interleaving cannot be the vehicle for such mitigation, Boeing maintains that the Commission should consider fixed, region-wide guard bands and, if necessary, special geographic considerations, in determining the appropriate solutions to mitigate 800 MHz band interference.

Again, ultimately, if these technical solutions prove unfeasible or unworkable, the Commission must take whatever other steps are necessary to ensure that the rebanding plan meets its fundamental goal of mitigation of interference – even if that means allocation of additional spectrum to non-ESMR systems in the region. Continued interleaving is not the answer or in the public interest.

## **VI. INTERIM INTERFERENCE STANDARDS WERE NEVER INTENDED AS A LONG-TERM PANACEA FOR ESMR INTERFERENCE WITH NON-ESMR SYSTEMS**

The comments also reflect the suggestion that continued adherence to the interim interference standards adopted by the Commission, as a prelude to the final formulation and implementation of a rebanding plan, is sufficient to protect non-ESMR systems from ESMR-system interference if interleaving continues.<sup>22</sup> The *Rebanding Order* was very clear that such technical solutions and mechanisms were only “to address interference abatement in the short-term.”<sup>23</sup> These standards were never intended by the Commission to serve as a long-term technical solution to such interference, as an alternative to rebanding. As the Commission unequivocally observed in the *Rebanding Order*, “[i]n our judgment, in the final analysis, the best long term solution requires a restructuring of the 800 MHz band to substantially reduce the need for case-by-case interference management” (i.e., spectral separation).<sup>24</sup>

Rather, the Commission established them as a short-term remedy while it took steps to separate the “incompatible ESMR and non-ESMR systems into different

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<sup>22</sup> See Sprint Comments, p. 7; EWA Comments, p. 7.

<sup>23</sup> *Rebanding Order*, ¶8.

<sup>24</sup> *Id.*, ¶122.

bands.”<sup>25</sup> The technical thresholds contained in these interim standards are a wholly inadequate alternative to the elimination of interleaving as the most effective means to mitigate ESMR interference with non-EMSR systems.<sup>26</sup> Continuing interleaving and using “interim” standards as a band-aid solution would fall far short of providing affected B/ILT and public safety licenses with the “equal protection” from EMSR interference to which they are entitled.<sup>27</sup>

## **VII. THE COMMISSION MUST PROCEED WITH CARE IN CONNECTION WITH ANY ADJUSTMENT OF AUTHORIZATIONS ISSUED PURSUANT TO SPECIALIZED COORDINATION PROCEDURES**

The Commission must approach with care requested changes to, or expansion of, spectrum uses currently authorized by SCP.<sup>28</sup> The Commission must first fully satisfy itself that any such changes will not impact spectrum uses on Canadian primary channels by B/ILT and public safety licensees long authorized by coordinated and approved FCC waivers.

As Boeing noted in its Initial Comments, the *FNPRM* did not seek comment on, or propose treatment for, these waiver authorizations going forward. The Commission must address this issue as part of the 800 MHz band plan for the U.S.-Canada border area and should not take actions with respect to existing authorizations pursuant to SCP that would inalterably prejudice the ability to implement a mutually grandfathered scheme for

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<sup>25</sup> See CEC Comments, p. 9 (“The FCC ultimately determined that technical solutions were, at best, only a short term remedy.”).

<sup>26</sup> See Smart-Link Comments, p. 5 (Smart-Link concedes as much by proposing alternative technical standards.). Boeing maintains that even these more rigorous standards are not the long-term solution. Spectrum separation is that solution.

<sup>27</sup> See *Id.*, p. 3; EWA Comments, pp. 7-8 (conceding that protection under interim standards is not equal treatment).

<sup>28</sup> See Sprint Comments, p. 9.

U.S. and Canadian primary spectrum which was authorized under SCP or waivers prior to the *FNPRM*.

This is only fair and equitable if Sprint's use of Canadian primary spectrum is to be grandfathered. Indeed, application of such grandfathering to B/ILT and public safety authorizations is even more critical in light of the important public safety use made of these channels by Boeing, and its mutual aid partners.<sup>29</sup> Such ongoing protection for this use is supported by the Region 43 Committee.<sup>30</sup>

Again, however, as Boeing noted in its initial comments, because Sprint's facilities using spectrum in accordance with SCP are a current part of the interference sources affecting local public safety systems and the Boeing system, Sprint's operations must be shifted into channel groupings that provide non-ESMR systems the same degree of protection against harmful interference as that provided in other segments of the larger 800 MHz band. This will require that Sprint ESMR systems be separated within the band from non-ESMR systems to mitigate potential interference, using the same methods as applied for U.S. primary channel assignments.<sup>31</sup>

## **VIII. THE BAND PLAN SHOULD PRESERVE U.S.-CANADA MUTUAL AID CHANNELS**

In the *FNPRM* the Commission proposes Mutual Aid channels with 25 kHz spacing will be included in the new band plan to match the mutual aid channels in the

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<sup>29</sup> Sprint acknowledges the reliance of B/ILT and public safety licensees on these channels (Sprint Comments, p. 2, n. 2.) and asserts that the plan "must account for the unique spectrum sharing circumstances" in the region (*Id.*, p. 3).

<sup>30</sup> See Region 43 Comments, pp. 5, 6, mentioning "critical role" these channels play in providing public safety and B/ILT communications in Region 5.

<sup>31</sup> Boeing Comments, pp. 10-11.

non-border NPSPAC band plan.<sup>32</sup> The Region 43 Committee also specifically supports the FCC's proposal to preserve U.S.-Canada Mutual Aid channels.<sup>33</sup>

Boeing commends the Commission on this element of its plan and encourages it to resist any substantive modification to this proposal.<sup>34</sup> The Company believes that these channels are very important to U.S. and Canada public safety. They are an essential element of both U.S. homeland and international security. Mutual aid requirements within the U.S. and between the border regions must not be compromised as a result of the plan that is adopted or the post-rebanding requirement. The Region 43 proposal is consistent with the *FNPRM* proposal to include such channels.<sup>35</sup>

## **IX. FURTHER COMMENTS ON REGION 5 PLAN**

Boeing also agrees with the Region 43 Comments on the *FNPRM* proposal to break up the lower portion of the band into segments with channels assigned on a 25 kHz basis and channels assigned on a 12.5 kHz basis, with a 12.5 kHz channel center used for a fully relocated NPSPAC band and a 25 kHz channel center spacing applied for non-NPSPAC public safety spectrum.<sup>36</sup> As suggested, the Region 43 Committee would continue in its current role, evaluating the potential for interference for each license application prior to submittal of applications for coordination and to the FCC.

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<sup>32</sup> *FNPRM*, ¶7. In addition, "existing cross-border mutual aid channels in the former NPSPAC band that fall on U.S. primary spectrum will be maintained so that they can continue to be used for mutual aid on the Canadian side of the border. These channels will be kept clear and protected from ESMR operations in the border regions." *Id.*

<sup>33</sup> See Region 43 Comments, p. 8.

<sup>34</sup> The Commission could make available an equivalent spectrum resource to licensees along the entire U.S.-Canada border which is compatible with U.S. public safety requirements.

<sup>35</sup> *FNPRM*, ¶7 ("Mutual aid channels with 25 kHz spacing will be included in the new band plan to match the mutual aid channels in the non-border NPSPAC band plan.").

<sup>36</sup> Region 43 Comments, p. 4.

The Company also strongly agrees that the Commission or the Transition Administrator should “analyze the existing channel use in border areas” before any rebanding plan is finalized.<sup>37</sup> Region 43’s Comment in this regard is consistent with Boeing’s recommendation that the Transition Administrator be engaged to perform trial “channel packing” in the Region.<sup>38</sup>

**X. TIMING OF BAND PLAN IMPLEMENTATION MUST CONSIDER SPECIAL CIRCUMSTANCES IN U.S.-CANADA BORDER REGIONS**

As noted in its Initial Comments, Boeing is in favor of pressing forward to complete rebanding activity in the border region in a reasonably expedited manner pursuant to a prescribed timeline. The Company perceives this as a means of reducing unnecessary costs, impact to its organization and impact to mutual aid capabilities with public safety agencies across the region.<sup>39</sup>

Like Boeing, the Region 43 Committee recognizes that the special circumstances of the border areas require “additional time for planning and implementing changes” and proposes a schedule partially comparable to that proposed by Boeing. Boeing suggests that simple application of the rebanding timing guidelines established in September for

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<sup>37</sup> *See id.*

<sup>38</sup> Boeing Comments, p. 11. Sprint recommends a similar general exercise. Sprint Comments, p. 8 (“Bureau [should] thoroughly review the licensee-by-licensee channel assignments that would result from the proposed border plans to ensure that reconfiguration can be accomplished without creating co-channel conflicts.”).

<sup>39</sup> *See* Sprint Comments, p. 9 (“Because of the significant spectrum limitation issues in the border areas, both Phase I and Phase II of band reconfiguration in the border areas must be carefully staged and coordinated, taking into account the lessons learned through reconfiguration in the non-border U.S.”).

non-border areas<sup>40</sup> as a “one size fits all” solution is not appropriate. None of the comments supported such an approach.

## **XI. CONCLUSION**

The Commission’s band plan for the U.S.-Canada border area must adhere to the fundamental principles of rebanding, including access to “comparable facilities,” not just “comparable spectrum” and protection from interference. Interleaving must not be part of the solution to unique challenges presented in these regions. “Interim” interference standards are not a substitute for eliminating what caused the Commission to initiate this proceeding in the first place.

Continued use of spectrum authorized pursuant to SCP is acceptable to Boeing so long as B/ILT and public safety waivers to use Canadian primary spectrum on a secondary basis are also grandfathered. Any revisions or expansions to SCP authorizations should not impact such grandfathering or other spectrum availability that might be needed to ensure that B/ILT and public safety licensees receive “comparable facilities.”

The schedule established as part of the U.S.-Canada border area plan should not be overly ambitious, but must recognize the unique complexities in the case of the border

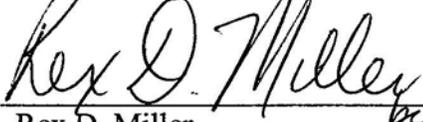
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<sup>40</sup> See “FCC Announces Supplemental Procedures and Provides Guidance for Completion of 800 MHz Rebanding,” *Public Notice*, 22 FCC Rcd 17227 (2007).

areas that are not present in the implementation of rebanding in the non-border areas of the U.S.

Respectfully submitted,

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## CERTIFICATE OF SERVICE

I, Carly T. Didden, certify on this 18th day of December, 2007, a copy of the foregoing Reply Comments of The Boeing Company has been served by first class mail, postage pre-paid, to the following:

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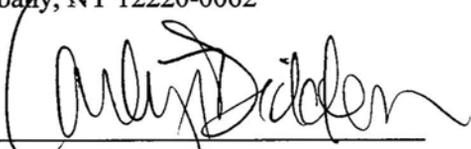
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