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ATTORNEYS AT LAW

15 January 2008

BY ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: *Notice of Ex Parte Presentation, WP Docket No. 07-100*

Dear Ms. Dortch:

On Monday, January 14, 2008, Greg Henderson and Jeff Logan of M/A-COM, Inc. ("M/A-COM"), Damon Ladson and I from Harris, Wiltshire & Grannis, and Bruce Rabenold, Operations Manager for the Pennsylvania Office of Public Safety Radio Services ("OPRS") communicated via telephone with Jeff Cohen, Senior Legal Advisor to the Public Safety and Homeland Security Bureau ("PSHSB") Chief, Zenji Nakazawa, Associate Chief of the PSHSB Policy Division, PSHSB Electronics Engineer Brian Marengo and PSHSB Attorney Advisor Greg Intoccia.

OPRS is within the Pennsylvania Governor's Office of Administration and oversees the design and development of the Pennsylvania Statewide Radio Network, operates and maintains its infrastructure, supports and regulates its use, and establishes interoperable communication with public safety organizations at all levels of government. M/A-COM is a subsidiary of Tyco Electronics Ltd. and provides critical radio communications systems for EMS, firefighters, police, federal law enforcement and other private radio user segments, and is a leading manufacturer of devices for the commercial wireless, aerospace and defense industries.

M/A-COM and OPRS discussed the need to amend Part 90 to provide primary status to permanent fixed 4.9 GHz links that are part of a public safety network.¹ OPRS is reluctant to deploy certain 4.9 GHz permanent links on a secondary basis without the assurance of protection against interference provided by a primary status allocation.

¹ See Clarification of Sections 90.1207(c), 90.1207(d), and 90.1215 of the Commission's Rules to Conform with Findings and Conclusions in WT Docket No. 00-32, Amended Petition for Clarification or, in the Alternative, Petition for Rulemaking of M/A-COM, Inc., WT Docket No. 00-32 (filed Aug. 23, 2005); see also Reply Comments of M/A-COM, WP Docket No. 07-100 (Sept. 9, 2007).

M/A-COM noted that much of the 4.9 GHz deployment by public safety today is of permanent fixed links, and that deployment of such fixed infrastructure today will permit access by mobile units in the future as agencies expand their networks. OPRS explained that their intended use of 4.9 GHz permanent links would be to provide broadband connectivity to over two hundred cell sites in Pennsylvania, and as such, would be an essential component to their state network. Unlike in a warfighter mesh network environment, where there may be no permanent fixed wireless infrastructure, and mobile-to-mobile mesh communications may be the only choice, most public safety applications will require permanent fixed 4.9 GHz links, both for regular communications and to backhaul data to command centers and on to public safety networks using other frequency bands.

Given the broad support for primary status of fixed permanent links on the record², and as expressed currently by OPRS, M/A-COM reiterated its proposal that *Subpart Y – Regulations Governing Licensing and Use of Frequencies in the 4940-4950 MHz Band* be amended in the immediate term, regardless of deliberations on other Subparts noticed in the Part 90 Notice of

² See, e.g., *Amendment of Part 90 of the Commission's Rules*, WT Docket No. 07-100, including Comments of the American Association of State Highway and Transportation Officials at 17 (filed Aug. 13, 2007) (supporting “the clarification of the 4.9 GHz rules allowing fixed links deployed in support of an area wide 4.9 GHz broadband system be considered as primary.”); Comments of the State of California at 5-6 (filed Aug. 13, 2007); Comments of The International Association of Fire Chiefs, Inc. and the International Municipal Signal Association at 9 (filed Aug. 13, 2007) (supporting “the M/A-COM, Inc. proposal to afford primary (vs. secondary) status to certain permanent fixed links.”); Comments of the Land Mobile Communications Council at 18 (filed Aug. 13, 2007) (supporting “the proposition that fixed links deployed in support of an area-wide 4.9 GHz broadband system should be considered as primary.”); Comments of Motorola, Inc. at 11 (filed Aug. 13, 2007) (agreeing “that the rules regarding fixed links are creating some confusion in the marketplace and would benefit from FCC clarification.”); Comments of the National Public Safety Telecommunications Council at 16-17 (filed Aug. 13, 2007) (supporting “a clarification in the rules for 4.9 GHz operations. . . . In the end, we feel primary status should be afforded to all functions that support and contribute to the overall development of delivering 4.9 GHz user-based service as envisioned by the implementing agency.”); Comments of the Private Radio Section of the Wireless Communications Division of the Telecommunications Industry Association at (filed Aug. 13, 2007); Comments of RadioSoft at 6 (filed Aug. 13, 2007) (agreeing “with MA/COM that so long as point-to-point service in the 4.9 GHz band is fully in support of traffic in that service, it should be afforded primary designation.”); Comments of Tropos Networks at 4 (filed Aug. 13, 2007) (agreeing “with M/A-COM that the Commission’s rules should indicate clearly that fixed links using directional antennas, operating as part of an integrated network with hot spots and mobile links, are authorized on a primary basis.”).

Proposed Rulemaking (“NPRM”).³ The Part 90 Notice addresses many issues apart from public safety. In the interest of expediting the delivery of broadband to public safety, the Commission should therefore issue as soon as possible a stand-alone report and order addressing the Subpart Y in the Part 90 NPRM and revise its rules to clarify that 4.9 GHz licensees have authority to operate on a primary basis point-to-point and point-to-multipoint fixed links that are a part of a public safety network.

Pursuant to Section 1.1206 of the Commission’s rules, a copy of this letter has been filed via ECFS with your office and served on the Commission staff noted below. Should you have any questions, please do not hesitate to contact me by telephone at +1 202 730 1314 or by email at tpaoletta@harriswiltshire.com.

Sincerely,



Patricia Paoletta
Counsel for M/A-COM, Inc.

cc: Jeff Cohen
Zenji Nakazawa
Brian Marenco
Greg Intoccia

³ See Amendment of Part 90 of the Commission’s Rules, Notice of Proposed Rule Making and Order, WP Docket No. 07-100 (rel. May 14, 2007).