

**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	)	
	)	
Implementing a Nationwide, Broadband,	)	PS Docket No. 06-229
Interoperable Public Safety Network	)	
in the 700 MHz Band	)	

**REPLY COMMENTS OF SPRINT NEXTEL CORPORATION**

Commenters in this proceeding join Sprint Nextel Corporation (Sprint Nextel) in offering widespread support for developing a nationwide interoperable wireless broadband network for the nation’s public safety community.<sup>1</sup> Thorough inquiries into the communications needs of this country’s first responders have stressed that nationwide interoperability is necessary to enable public safety agencies to effectively discharge their obligations to protect life and property.<sup>2</sup> The D Block presents the Commission with a

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<sup>1</sup> See, e.g., Comments of Alcatel Lucent at 1 (ALU Comments) (“ALU supports the Commission’s continuing commitment to the deployment of a nationwide, interoperable broadband public safety network and commends the Commission for its ongoing pursuit of a 700 MHz public/private partnership to transform this objective into reality.”); see also Comments of Verizon Wireless at 1 (Verizon Wireless Comments) (“The development of a nationally interoperable system for public safety communications has been a public policy objective for decades, and its paramount importance became apparent in the aftermath of the 9/11 terrorist attacks.”); see also Comments of Leap Wireless International, Inc. at 1-2 (Leap Comments). (Unless otherwise indicated, all comments cited herein were filed in WT Docket No. 06-150 on June 20, 2008.)

<sup>2</sup> *Final Report of the Public Safety Wireless Advisory Committee to the Federal Communications Commission and the National Telecommunications and Information Administration*, attached to letter from Philip L. Verveer to William F. Caton, WT Docket No. 96-86, at 5 (Sept. 11, 1996); Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks, *Report and Recommendations to the Federal*

unique opportunity for delivering the communications network that this nation's public safety community needs. The Commission should act to meet the need for a nationwide interoperable communication system, or lose this "enormous but fleeting opportunity."<sup>3</sup>

**I. MOST COMMENTERS SUPPORT A PUBLIC-PRIVATE PARTNERSHIP THAT WOULD CONSTRUCT AND OPERATE AN INTEROPERABLE BROADBAND WIRELESS NETWORK FOR PUBLIC SAFETY USE ACROSS THE COUNTRY.**

Commenters uniformly recognize the importance of a nationwide interoperable wireless broadband network for public safety use. For example, NPSTC "urge[d] the Commission to remain dedicated to bringing about a nationwide interoperable public safety broadband network that meets the varied needs across the country."<sup>4</sup> Ericsson recognized that "reliable and interoperable public safety networks are so critically important and the need for such a network has been identified for some time but has yet to be realized."<sup>5</sup> The commenters differ, though, on the best way to achieve that laudable goal. For example, some commenters advocate reduced coverage requirements,<sup>6</sup> while others propose an extended construction period for this license.<sup>7</sup>

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*Communications Commission* (June 12, 2006), available at <<http://www.fcc.gov/pshs/docs/advisory/hkip/karrp.pdf>>; *Report to Congress on the Study to Assess the Short-Term and Long-Term Needs for Allocations of Additional Portions of the Electromagnetic Spectrum for Federal, State, and Local Emergency Response Providers*, WT Docket No. 05-157, 2005 FCC LEXIS 6907 (Dec. 19, 2005).

<sup>3</sup> Comments of the National Public Safety Telecommunications Council at 5 (NPSTC Comments).

<sup>4</sup> *Id.* at 7.

<sup>5</sup> Comments of Ericsson Inc. at 9 (Ericsson Comments).

<sup>6</sup> *See, e.g.*, Comments of the Public Safety Spectrum Trust Corporation at 34 (PSST Comments).

<sup>7</sup> *See, e.g.*, Ericsson Comments at 26; Leap Comments at 11-12; PSST Comments at 34.

In the *Second Report and Order*, the Commission made findings that remain valid and should continue to guide the agency's decision-making.

We find that promoting commercial investment in the build-out of a shared network infrastructure addresses the most significant obstacle to constructing a public safety network – the limited availability of public funding. Providing for a shared infrastructure that uses the D Block and the public safety broadband spectrum will help achieve significant cost efficiencies. It will allow public safety agencies “to take advantage of commercial, off-the-shelf technology and otherwise benefit from commercial carriers’ investments in research and development of advanced wireless technologies.” . . . The public/private partnership approach thus provides the most practical means of speeding deployment of a nationwide, interoperable, broadband network for public safety service that is designed to meet their needs in times of crisis.<sup>8</sup>

The people of the United States and their first responders deserve a means of fashioning a communications partnership between the public safety community and the commercial D Block licensee.

**II. SPRINT NEXTEL’S PROPOSAL WOULD ENABLE THE COMMISSION TO AUCTION THE D BLOCK AND ACCOMPLISH THE MYRIAD OF PUBLIC SAFETY-RELATED GOALS IN THE RECORD.**

As Sprint Nextel stated in its comments, there is no need to depart radically from the public safety-related requirements established for the D Block in the *700 MHz Second Report and Order* to make the public-private partnership economically viable. Instead, the Commission should establish commercially reasonable core licensing requirements for the D Block that support the minimum needs of the public safety community and employ targeted bidding credits to encourage auction participants to achieve much, if not all, of the public interest goals the Commission originally sought to achieve.

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<sup>8</sup> *Service Rules for the 698-746, 747-762 and 777-792 MHz Bands*, Second Report and Order, 22 FCC Rcd 15289, ¶ 396 (2007) (*700 MHz Second Report and Order*).

Other commenters with an in-depth understanding of public safety network costs share Sprint Nextel's opinion that the public-private partnership can be achieved with modified conditions on the D Block license. For example, Ericsson

urges the Commission to make the rule modifications and provide the clarifications that are needed to remove uncertainty and lead to a successful D Block auction and creation of the public-private partnership. Abandonment of the public-private partnership would deprive the public safety sector of many significant benefits, such as being able to rely on the expertise of the D Block licensee in deploying such a network, as well as the synergies of jointly siting and operating the commercial and the public safety networks.<sup>9</sup>

Northrop Grumman, another equipment manufacturer with extensive experience in public safety networks, also expressed the view that the D Block conditions could be modified “without compromising the goals for public safety, making the D Block with the public/private partnership more attractive to potential bidders.”<sup>10</sup> NPSTC emphasized that “[w]ith greater clarity and flexibility . . . a public/private partnership business plan can provide viable commercial opportunities while meeting public safety-grade requirements.”<sup>11</sup> APCO similarly offers guidance on rules to encourage an economically viable public-private partnership “while still ensuring that the network will meet the special communications needs of public safety agencies.”<sup>12</sup>

Sprint Nextel has submitted a proposal to license the D Block as part of a public-private partnership that would construct and operate a nationwide interoperable wireless broadband network for public safety use. In its comments, Sprint Nextel listed minimum

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<sup>9</sup> Ericsson Comments at 35-36.

<sup>10</sup> Comments of Northrop Grumman Information Technology, Inc. at 4.

<sup>11</sup> NPSTC Comments at 1

<sup>12</sup> Comments of the Association of Public-Safety Communications Officials-International, Inc. at 7 (APCO Comments).

network requirements that would form the core of the proposed public safety broadband network.<sup>13</sup> It suggested standards for meeting these requirements that are more rigorous than those associated with typical commercial networks, but adjusted slightly downward from the standards set forth in the *Second Report and Order*. Indeed, many public safety commenters recognized that the standards established in the *Second Report and Order* could be relaxed slightly while still providing the necessary communications capabilities needed by public safety agencies.<sup>14</sup> At the same time, the Commission could use targeted bidding credits to achieve standards far more comprehensive and far more effective in protecting public life and property. Sprint Nextel encourages the Commission to offer those incentives in the form of separate bidding credits for the different public safety-related requirements.<sup>15</sup> Sprint Nextel recommended separate bidding credits pertaining to: (1) build-out coverage requirements; (2) public safety preemption of commercial traffic during times of emergency; (3) network reliability; (4) assumption of narrowband relocation costs; and (5) back-up power requirements.<sup>16</sup>

Sprint Nextel's proposal, based as it is on Sprint Nextel's experience with the economics of constructing and maintaining public safety networks, would ensure that the D Block license conditions would not be so onerous as to extinguish commercial interest in the license. Yet, the proposal would also guarantee that the resulting public safety network would satisfy the heightened standards necessitated by the network's mission critical purpose. In addition, Sprint Nextel's proposal would allow market-determined outcomes

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<sup>13</sup> Comments of Sprint Nextel Corporation at 12-13 (Sprint Nextel Comments).

<sup>14</sup> See PSST Comments at iv-v; NPSTC Comments at 9-10; APCO Comments at 3.

<sup>15</sup> Sprint Nextel Comments at 14-15.

<sup>16</sup> *Id.*

within parameters acceptable to the public safety community. For example, it would eliminate the need for the Commission to identify the precise level of public safety-related conditions that a commercial bidder on the D Block would accept without losing interest in the license. Instead, bidders themselves would identify and act on their willingness to accept various enhanced license conditions.

Sprint Nextel's proposal also would allow the Commission the flexibility to provide bidding credits for other license conditions considered potentially valuable to a public safety broadband wireless network. For example, Ericsson strongly supports a 99.3 percent population coverage requirement.<sup>17</sup> To induce bidders to meet the build-out benchmark that Ericsson seeks but still ensure the spectrum is put to use for the benefit of consumers and public safety users, the Commission would use a targeted bidding credit system to reward those who pledge to meet the 99.3 percent coverage requirement. Similarly, bidders who agree to meet the Public Safety Spectrum Trust Corporation's (PSST's) proposed RF signal level reliability (95 percent reliability over 95 percent of the area covered) could also be entitled to a bidding credit based on their commitment to meet a pre-determined reliability level.<sup>18</sup> In addition, the Commission could encourage bidders to meet established data rates for public safety services, such as those proposed by the National Public Safety Telecommunications Council (NPSTC) or the PSST, by offering credits to those bidders that certify that their network will meet the proposed data rates.<sup>19</sup> By relying on market forces to

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<sup>17</sup> Ericsson Comments at 26.

<sup>18</sup> Attachment C to PSST Comments at 3.

<sup>19</sup> NPSTC Comments at 34; Attachment C to PSST Comments at 13. As another example, the Society of Broadcast Engineers has suggested that the Commission should set aside 100 kHz to be used exclusively for the Emergency Alert System nationwide. Comments of the Society of Broadcast Engineers at 5-6 (June 18, 2008). If it is determined that nationwide EAS is sufficiently important to the public safety community, the Commission could offer

reach preferred policy outcomes, the bidding credit proposal is extremely versatile. The Commission has already identified the key elements of a public-private network in the D Block and has the tools in place to implement it for the benefit of public safety and consumers at large.

### III. CONCLUSION

The Commission has before it a unique opportunity to enhance the safety and well-being of all Americans by improving the communications capabilities of this nation's first responders. The Commission should remain committed to licensing the Upper 700 MHz D Block as part of a public-private partnership that would construct and operate a nationwide interoperable broadband wireless network for public safety use. In doing so, it should make modest adjustments to some of the minimum requirements imposed on the D Block licensee. It should also incorporate a series of bidding credits to create incentives for commercial providers to enhance the public safety network beyond the minimum standards.

Respectfully submitted,

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bidding credits to bidders who commit to allocating the requisite amount of spectrum to use for the Emergency Alert System.