

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

In the Matters of

Service Rules for the 698-746, 747-762
and 777-792 MHz Bands

WT Docket No. 06-150

Implementing a Nationwide, Broadband,
Interoperable Public Safety Network in
the 700 MHz Band

PS Docket No. 06-229

**REPLY OF TYCO ELECTRONICS M/A-COM TO COMMENTS FILED ON THE
SECOND FURTHER NOTICE OF PROPOSED RULEMAKING**

Although the comments filed in response to the *Second FNPRM*¹ advance a myriad of positions, Tyco Electronics M/A-COM (“TE M/A-COM”) would like to highlight in this reply two common concerns it shares with a variety of public safety agencies. *First*, public safety agencies generally agree that the Commission should not, in the interest of making 700 MHz D-Block spectrum more attractive to commercial bidders, revise its rules in any way that would diminish the reliability and geographic coverage of a public safety-grade network. *Second*, these public safety agencies support TE M/A-COM’s contention that the Commission must provide a measure of regional flexibility to suit regional and local needs in implementing networks and technologies that may form a nationwide public safety broadband network. TE M/A-COM

¹ *Service Rules for the 698-746, 747-762 and 777-792 MHz Bands; Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band, Second Further Notice of Proposed Rulemaking, FCC No. 08-128, WT Docket No. 06-150 and PS Docket No. 06-229 (rel. May 14, 2008) (“Second FNPRM”).*

continues to believe the above points should be cornerstones of any regulatory regime for a 700 MHz public safety broadband network (“PSBN”).

I. Many Public Safety Agencies Agree that the Commission Should Not Compromise Requirements for Public Safety-Grade Networks Simply to Attract Greater D-Block Bidding Activity

In its comments, TE M/A-COM cautioned the Commission that in adopting requirements for licensing the D-Block spectrum, it must not compromise public safety requirements. Among other public safety grade network requirements, TE M/A-COM noted particular concern over a possible reduction of network integrity in the areas of coverage, reliability, and capacity. TE M/A-COM noted these requirements include standards for resiliency (*e.g.*, hardened sites and back-up power sources), and reliability (*e.g.*, backhaul and redundancy). TE-M/A-COM provided examples of recent disasters where first responders’ communications needs were met only by public safety-grade networks.²

A range of public safety agencies—who stand to lose the most with weakened public safety requirements for the PSBN—support TE M/A-COM’s views on the dangers of compromising the integrity of the PSBN to serve commercial interests. For example, the National Public Safety Telecommunications Council argues that “[p]ublic safety will not be well-served by the mere availability of an additional commercial-grade system and the Commission should neither explicitly [n]or implicitly allow the public-private initiative to default to that result.”³ The Florida Region 9 Regional Planning Committee (“Florida Region 9”) expresses particular concern about watering down public safety-grade requirements in the interest of making D-Block spectrum more attractive to potential bidders, noting that potential

² TE M/A-COM Comments at 4, WT Docket No. 06-150 and PS Docket No. 06-229 (filed June 20, 2008) (“TE M/A-COM Comments”).

³ National Public Safety Telecommunications Council Comments at 8, WT Docket No. 06-150 and PS Docket No. 06-229 (filed June 20, 2008).

bidders were correct in assuming costs associated with building a public safety-grade network may not be recoverable from “whatever *portion* of the 2 million public safety users that would use the services.”⁴

Florida Region 9 further contends that reliance on a commercial-grade network would expose public safety users to a greater risk of PSBN failure. Florida Region 9 noted that during Florida’s most recent storm season, every wireless carrier had services fail, thereby suggesting that commercial-grade networks without public safety-grade requirements would risk such failures in the future.⁵ The State of Louisiana (“Louisiana”)—another jurisdiction exposed to extreme conditions during storm season—also cautions against reliance on commercial-grade, rather than public safety-grade, networks.

Louisiana urges the Commission to continue its efforts at requiring that a public safety broadband network must be built to meet public safety requirements. Louisiana and other State and local public safety agencies throughout the country must have access to broadband communications that are built to a higher public safety standard. We do not need another commercial network.”⁶

These are but a couple of examples in the record of public safety agencies imploring the Commission to maintain public safety-grade requirements for any PSBN.⁷

⁴ Florida Region 9 Regional Planning Committee Comments at 3, WT Docket No. 06-150 and PS Docket No. 06-229 (filed June 20, 2008) (emphasis added).

⁵ *Id.*

⁶ State of Louisiana Comments at 2, PS Docket No. 06-229 (filed June 11, 2008).

⁷ Other parties share this view. *See e.g.*, International Association of Fire Fighters Comments at 2, WT Docket No. 06-150 and PS Docket No. 06-229 (filed June 20, 2008); National Association of Telecommunications Officers and Advisors, *et al.* at 7-8, WT Docket No. 06-150 and PS Docket No. 06-229 (filed June 20, 2008).

II. Many Public Safety Agencies Seek Regional Flexibility in the Implementation of Any PSBN

The comments of public safety agencies on the *Second FNPRM* highlight another area of concern identified by TE M/A-COM in its initial comments: the need for regional flexibility, based on local needs and conditions, in the implementation of any nationwide PSBN. In its comments, TE M/A-COM recognized the need for regional flexibility in the “build out and the requirements of any interoperable public safety broadband network.”⁸ Public safety network requirements vary wildly based on geography, population distribution, meteorological environment, and, importantly, available funding. Moreover, even during disasters, and particularly in the case of first responder communications used during disasters and disaster recovery, public safety communications remain local or possibly regional in scope, rather than national.⁹

Many public safety agencies commenting in this proceeding make the same point: that the Commission should ensure that any PSBN solution meets particular public safety needs, which vary regionally. For example, the New York City Police Department (“NYPD”) believes that public safety needs are best met by allowing regional or local licensing of 700 MHz broadband spectrum. The NYPD contends that regional interoperability could be achieved by

⁸ TE M/A-COM Comments at 9.

⁹ Moreover, as TE M/A-COM stated in its comments, it is particularly troubled by the possibility of unfunded mandatory usage requirements for a D-Block Network. *See* TE M/A-COM Comments at 10. The comments filed in response to the *Second FNPRM* reinforce this concern. Among others, the Public Safety Spectrum Trust opposes the imposition of a mandatory use policy. *See* Public Safety Spectrum Trust Comments at 17-18, WT Docket No. 06-150 and PS Docket No. 06-229 (filed June 20, 2008).

conforming to regional standards. NYPD stresses to the Commission that the “needs of one region are very different from another.”¹⁰

Similarly, the City and County of San Francisco (“San Francisco”) argue that the Commission should “expedite the process” by allowing regional licensing of public safety broadband spectrum as “regional networks cannot wait—they are underway.”¹¹ San Francisco goes on to enumerate the uses it foresees for a public safety broadband network, concluding that applications useful to public safety are inherently local in nature and thus, decisions on technical and operational standards should be on the local or regional level.¹² Based on these views and numerous others in the record, TE M/A-COM continues to urge the Commission not to implement a one-size-fits-all approach to any PSBN or other solution for public safety communications.

¹⁰ New York City Police Department Comments at 5, WT Docket No. 06-150 and PS Docket No. 06-229 (filed June 19, 2008).

¹¹ City and County of San Francisco Comments at 3, WT Docket No. 06-150 and PS Docket No. 06-229 (filed June 20, 2008).

¹² *Id.* at 5.

CONCLUSION

For the reasons noted above, in TE M/A-COM's initial comments, and in the comments of numerous public safety agencies, the Commission should continue to ensure that any PSBN be built to meet public safety requirements and that the Commission should provide regional flexibility in implementing any regime for a nationwide public safety broadband network.

Respectfully submitted,

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