

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

In the Matter of)	
)	
Service Rules for the 698-746, 747-762 and 777-792 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 COMMENTS OF MOTOROLA, INC.

Motorola, Inc. (“Motorola”) hereby replies to comments submitted in response to the Second Further Notice of Proposed Rulemaking in the above-captioned proceedings concerning the establishment of a Public/Private Partnership designed to facilitate the construction of a 700 MHz wireless broadband network that is capable of meeting the needs of public safety users.¹ In these reply comments, Motorola highlights common themes and recommendations provided in the opening round comments to help guide the Commission’s deliberations on this vitally important matter.

Commercial Viability and the Public/Private Partnership: In its opening comments to the *Second Further Notice*, Motorola stated that the creation of the Public/Private Partnership was an innovative attempt to achieve the worthy goal of providing public safety with the communications tools necessary to perform its mission

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

as effectively and cost efficiently as possible.² Motorola explained, however, that the initial auction of the D-Block license was not successful because carriers could not absorb the additional costs of building a commercial system designed to public safety specifications while still being able to charge commercially competitive rates.³ Given the constraints that the existing law imposes on the partnership, Motorola expressed its concern that minor tweaks to the service or auction rules would not be sufficient to develop the necessary balance between a commercially viable network and a public safety network.⁴

The majority of commercial interests agreed with Motorola that the costs associated with deploying a shared network designed to public safety specifications would exceed those of typical commercial networks and would directly impact the commercial viability of the network.⁵ A significant number of public safety agencies

² Comments of Motorola, WT Docket No. 06-150, PS Docket No. 06-229, (submitted June 20, 2008) at 1. Unless otherwise noted, all comments cited in this document were filed in WT Docket No. 06-150 and PS Docket No. 06-229 on June 20, 2008.

³ *Id.* at 4.

⁴ *Id.* at 5.

⁵ *See, e.g.*, Comments of Verizon at 3 (“The cost of building such a network far exceeds the value of the spectrum that public safety would contribute, and the amount of revenue that might be generated from the network from both public safety and commercial users is impossible to predict”); Comments of AT&T at 2 (“[T]he significant investment obligations placed on the D Block winner suggested to potential bidders that an adequate return on investment was unlikely”); Comments of Sprint Nextel Corporation at 13 (“[A]dditional commercial incentives are required because the costs involved in constructing a network to exacting public safety standards exceed the costs of a typical commercial network”); Comments of MetroPCS at 5 (“[T]here is serious irreconcilable problems inherent in any mandatory public/private partnership fashioned for public safety purposes, and MetroPCS is concerned that any such proposal, despite what may be the Commission’s best efforts, may be doomed for failure”).

expressed similar concerns.⁶ Some commenters proposed alternative solutions for fostering a Public/Private Partnership outside of the auction context, such as allowing the PSBL to solicit bid proposals from commercial entities interested in gaining access to the D-Block and the public safety broadband spectrum.⁷ Others recommended that the D-Block be reallocated to public safety or that Federal funding be used to offset costs.⁸

While there continues to be support for the concept of the Public/Private Partnership, public safety commenters agree with Motorola that simply building another commercial grade network is inadequate to meet public safety needs.⁹ Regardless of how

⁶ See, e.g., Comments of New York City Police Department at 3 ("[T]here is simply no business case for a commercial wireless network operator to build a nationwide network that will meet public safety coverage and survivability standards."); Comments of The City and County of San Francisco, California at 7 ("[T]he proposed process is flawed, fraught with difficulties, and probably unworkable in any form."); Comments of King County, Washington Regional Communications Board at 2 ("The financial viability of a public-private partnership has not been demonstrated. . . . it appears unlikely to be a commercial success."); Comments of the Florida Region 9, Regional Planning Committee at 3 ("Without Federal funding we believe any public/private partnership will fail the requirements of the PSST.").

⁷ See, e.g., Comments of AT&T at 2 ("AT&T believes that the selection of commercial partners through a competitive Request for Proposal ('RFP') process, instead of an auction, offers the best path to achieving the goals of the Public/Private Partnership"); Comments of Verizon Wireless at 19 ("RFPs are a highly effective means of bringing together the public and private sector to build and operate public safety communications systems"); Comments of MetroPCS at 12 ("[[P]ublic funding of such a network which would enable the Public Safety Trustee to utilize a standard RFP process to select a system integrator would be optimal").

⁸ See, e.g., Comments of the Florida Region 9, Regional Planning Committee at 3 ("Without Federal funding we believe any public/private partnership will fail the requirements of the PSST.").

⁹ See, e.g., Comments of the National Public Safety Telecommunications Council ("NPSTC") at 8 ("Public safety will not be well-served by the mere availability of an additional commercial-grade system and the Commission should neither explicitly or implicitly allow the public private initiative to default to that result"); Comments of the Public Safety Spectrum Trust, Corporation ("PSST") at 7 ("critical public safety requirements cannot be abandoned — a network meeting the needs of this nation's

it is built and funded, it is imperative that the wireless broadband network be designed to meet the performance requirements for public safety and to provide the necessary features and applications so that public safety can effectively discharge its duties. The Commission, Congress and the industry as a whole must remain focused to identify and utilize all possible funding sources to make that vision a reality.

Narrowband Relocation: Public safety commenters expressed near unanimous agreement that the FCC's existing policies for funding the relocation and modification of recently deployed 700 MHz narrowband systems to come into compliance with the revised band plan for the 700 MHz public safety allocation requires immediate attention.¹⁰ Many commenters agreed with Motorola that: 1) the \$10 million cap for compensating public safety licensees forced to relocate is inadequate; 2) the timing for completing relocation must be adjusted; and, 3) the pool of narrowband units eligible for funding must be expanded.

Motorola agrees with the comments of the NPSTC, which argues that the \$10 million cap on relocation funding is “off several-fold from what is required for full reimbursement and relocation.”¹¹ As Motorola has stated, its previously filed preliminary estimate of costs that the FCC relied on to establish the \$10 million cap was based on

emergency responders and the public they serve is one of the key goals of the partnership”).

¹⁰ See, e.g., Comments of American Association Of State Highway And Transportation Officials at 13; Association Of Public-Safety Communications Officials International, Inc. at 39; Comments of National Association of Telecommunications Officers and Advisors, the National Association of Counties, the National League of Cities, and the U.S. Conference of Mayors at 16; Comments of NPSTC at 23-25; and the Comments of the Public Safety Spectrum Trust Corporation at 51-54.

¹¹ Comments of NPSTC at 24.

limited and incomplete information and only considered the costs to reconfigure Motorola equipment.¹² Motorola has also previously explained that the estimate did not include any management costs or other costs that licensees and the parties actually performing the reconfiguration may determine are appropriate and reasonable.¹³ For these reasons, Motorola previously urged that the Commission adopt the process originally proposed by NPSTC, which included a census phase where deployment information is gathered from public safety licensees to develop more precise information regarding the costs of reconfiguration before any cost cap is established.¹⁴

Motorola continues to believe that the only way to establish an accurate estimate is to solicit information directly from licensees.¹⁵ NPSTC agrees and urges the Commission to poll 700 MHz narrowband licensees on the amount of specific deployment of embedded equipment that must be relocated in order to obtain an accurate estimate.¹⁶ The PSST states that it “has confirmed that the current cap substantially underestimates the funds needed to address this situation” and recommends that the funding cap be increased to \$75 million.¹⁷

Motorola understands the desire to establish a fixed cost for this effort and believes that the \$75 million estimate recommended by PSST may be a reasonable figure.

¹² Letter from Steve B. Sharkey, Motorola, Inc. to Marlene H. Dortch, Secretary, Federal Communications Commission, WT Docket No. 06-150 (June 29, 2007).

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Comments of Motorola at 19.

¹⁶ Comments of NPSTC at 25.

¹⁷ Comments of PSST at 53.

However, Motorola recommends that a firm cap should be set only after a review and aggregation of specific cost data provided by licensees.

Essentially all commenters who addressed the relocation issue noted the need to alter the February 17, 2009, deadline for completing the relocation of affected narrowband systems. As Motorola pointed out, that date was established assuming that a D-Block licensee would be in place at least 9-12 months before the deadline. Motorola supports the recommendation of the PSST that a new deadline for relocation be established twelve months after funding from the D Block winner becomes available.¹⁸ This provides a more realistic time frame to effectuate relocation than the Commission's previously adopted policies.¹⁹

Finally, in its opening comments, Motorola recommended that the Commission extend the August 30, 2007, cut off date for narrowband deployments eligible for relocation funding and urged the Commission to allow continued build-out of existing implementations. Pierce Transit and the Commonwealth of Virginia also commented in this regard, noting that the existing policy does not consider licensees that had signed contracts to accept the delivery of 700 MHz radios after the August 30, 2007, deadline.²⁰

¹⁸ Comments of the PSST at 52.

¹⁹ Under the rules adopted in the *Second Report and Order* in this proceeding, the funding to support narrowband relocation reimbursement would not have been available until the PSBL and D block winner had successfully negotiated a network sharing agreement. That means the funding would have been available to licensees only a few months before the relocation deadline.

²⁰ Comments of Pierce Transit at 6; Comments of the Commonwealth of Virginia at 3, 4. Both Pierce Transit and Virginia have pending waiver requests to allow units deployed after August 30th to qualify for relocation funding.

PSST urged the FCC to retain the current August 30, 2007 deadline, arguing that any extensions will undermine the deployment of the shared network in timely fashion.²¹

Motorola understands the interest in ensuring that deployment of the broadband network not be delayed by the narrowband relocation. With the proper rules to ensure that adequate relocation funding is available early in the process, Motorola believes the licensees, the PSST and manufacturers should be able to establish schedules that avoid any impact on the deployment of the broadband network. As the PSST points out, a “\$75 Million cap is but a fraction of the anticipated cost of purchasing the spectrum at auction and deploying and operating” the shared network and, in any event, “[i]t is not an amount that should deter an otherwise interested D Block bidder.”²² Motorola concurs with this analysis. The total cost of relocation determined by aggregating cost estimates obtained from each affected agency is likely to be significantly less than 1 percent of the cost to obtain the spectrum and deploy and operate the network, even if the FCC were to eliminate the auction reserve price. Furthermore, there are tremendous public interest benefits associated with the continued deployment of these narrowband systems, which provide public safety users with improved interoperability, increased coverage and new state of the art features supporting their operational requirements. Their continued implementation should be strongly encouraged by the Commission. Motorola urges the FCC to at least allow inclusion of systems that were contracted prior to August 30, 2007.

Regional versus Nationwide Deployment: In its comments, Motorola supported an approach that allowed local agencies and jurisdictions the flexibility to satisfy their

²¹ Comments of the PSST at 52.

²² Comments of the PSST at 53.

broadband needs on a regional basis under a national framework as opposed to a national basis only.²³ Motorola stated that local entities are most familiar with their day to day coverage and usage requirements and are best positioned to effectively deploy in their own area pursuant to a national framework that would ensure the goal of nationwide interoperability could be met.²⁴

Numerous public safety agencies agreed, in whole or in part.²⁵ Further, commercial carriers and manufacturers did not oppose regional public safety deployment, provided that technical standards ensure nationwide interoperability.²⁶

Motorola believes that allowing regional networks constructed under national guidelines will speed the delivery of broadband services to public safety agencies. Local

²³ Comments of Motorola at 15-17.

²⁴ *Id.* at 16.

²⁵ *See e.g.*, Comments of the District of Columbia at 9 (“the best option for wireless broadband service adequate for public safety in the District and available in the relatively near term is the [Regional Wireless Broadband Network]”); Comments of the Florida Region 9, Regional Planning Committee at 5 (“[G]ive the Block ‘D’ spectrum back to the RPC’s for use by the States”); Comments By The King County, Washington Regional Communications Board at 3 (“solutions that work for one area of the country may not be what is needed in another”); Comments of NPSTC at 12 (“The Commission’s rules should encourage rather than discourage local build out expeditiously so that data and video applications can be available to public safety, even where it is uneconomic for the D block operator to provide service”).

²⁶ *See e.g.*, Comments of AT&T, Inc. at 26 (“AT&T sees no reason to prohibit the construction of these private networks as long as the private networks provide seamless roaming onto the public/private network and any 700 MHz public safety broadband spectrum licenses are conditioned on the proposed private networks meeting the interoperability requirements detailed by the Commission and the PSBL”); Comments of Verizon Wireless at 25 (“One alternative means of creating a national framework without requiring the construction of a single new nationwide network by one carrier is to develop an integrated national network on a so-called ‘network of networks’ or ‘system of systems’ . . . developed on a common set of standards that allow for national interoperability”); Comments of Alcatel-Lucent at 10, 11 (“ALU urges the Commission to allow local and regional public safety entities to control their circumstances and to commence construction of network facilities in advance of the PSBL”).

agencies are in a far better position to assess their own coverage requirements and can tailor deployment in areas of the most need. Further, such deployments can occur in parallel and thus enable national coverage in a more expeditious fashion. Undoubtedly, interoperability is an important consideration in a Public/Private Partnership. We believe the PSST is well equipped to establish technology standards that achieve the goal of seamless coverage, while accommodating regional deployments under its existing nationwide license.

* * * * *

The nation's best efforts should be extended to providing a wireless broadband network for public safety. Motorola urges the Commission to proceed in a manner consistent with the recommendations herein.

Respectfully Submitted,

/S/ Steve B. Sharkey

Steve B. Sharkey
Senior Director,
Regulatory and Spectrum Policy

/S/ Kimberly Baum

Kimberly Baum
Assistant Director,
Spectrum and Telecommunication
Regulation

Motorola, Inc.
1455 Pennsylvania Avenue, NW
Washington, DC 20004
202.371.6900

July 7, 2008