



October 31, 2008

***Via Electronic Filing***

The Honorable Kevin J. Martin  
Chairman  
Federal Communications Commission  
445 12th Street, S.W.  
Rm. 8-B201  
Washington, DC 20554

**Re: PS Docket No. 06-229, WT Docket Nos. 06-150 and 96-86**

Dear Chairman Martin:

Cyren Call Communications Corporation (“Cyren Call”) has devoted the past two and one-half years to supporting the Commission’s efforts to develop a Public/Private Partnership that would deploy a nationwide, interoperable shared commercial/public safety broadband wireless network at 700 MHz. In October, 2007, Cyren Call was selected by the Public Safety Spectrum Trust (“PSST”), the FCC-designated 700 MHz Public Safety Broadband Licensee, to assist the PSST in fulfilling its obligations with respect to that shared network.

The Commission is currently considering a number of issues relating to the Public/Private Partnership in its Third Further Notice of Proposed Rulemaking (“3<sup>rd</sup> FNPRM”) in this proceeding. The FCC’s decisions on certain matters in the 3<sup>rd</sup> FNPRM proceeding could affect the PSST’s future business relationships, including its relationship with Cyren Call and other third-party vendors. The record in that proceeding will be developed in the coming weeks, and the Commission will make its public interest determinations on the issues it has raised based on that record.

In the interim, however, there are two issues that are not addressed in the 3<sup>rd</sup> FNPRM and that were raised during recent discussion between the PSST and FCC staff on which Cyren Call requests more immediate clarification. Clarification is requested because Cyren Call is at a juncture at which it must make a decision with respect to continuing to provide services as advisor to the PSST pursuant to the deferred payment arrangements currently in place until the conclusion of the D Block spectrum license auction, when the spectrum lease payments proposed in the 3<sup>rd</sup> FNPRM are available to the PSST.



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Specifically, Cyren Call requests a Commission response to the following two questions:

1. Is there any prohibition, existing or contemplated, against the PSST increasing – above the amount most recently in effect – the monthly services fee payable to Cyren Call in the period from October 2008 through June 2009; and
2. Has the Commission reached even a tentative conclusion on the questions of how and when the PSST will be permitted to retire the obligations incurred prior to its receiving payments from the D Block licensee(s), which obligations include, but are not limited to, the amounts due to Cyren Call under its agreement with the PSST?

As to the first issue, Cyren Call requests confirmation that, while the Commission will have budgetary approval authority with respect to the PSST, there is no prohibition against the PSST agreeing to increase the monthly services fee that will be payable to Cyren Call in the period from October 2008 to June 2009, recognizing that any such change will be subject to FCC oversight.

The second matter is not addressed directly in the 3<sup>rd</sup> FNPRM. Although the FCC has proposed to adopt restrictions on the PSST's funding sources, it has not indicated how it intends to facilitate the retirement of the PSST's outstanding debt obligations. Specifically, the 3<sup>rd</sup> FNPRM does not reconcile the proposed \$5 million annual cap on PSST financing with the need to provide the means to eliminate, as quickly as possible, the debtor-creditor relationship between the PSST and Cyren Call (and other third-party service providers who have deferred payment arrangements with the PSST) that the FCC has suggested is problematic. The FCC's proposed cap on permissible PSST financing would dictate that those outstanding debt obligations remain in place for years. Cyren Call requests confirmation that the 3<sup>rd</sup> FNPRM has neither proposed nor precluded any particular approach to resolving this issue and that the FCC remains open to considering reasonable solutions.

It is essential to the future of the PSST that these matters be addressed promptly. Cyren Call is prepared to pursue, and will use its best efforts to obtain, additional financing to support the continuation of its advisory services to the PSST in the worst financial environment in more than 50 years. However, Cyren Call must suspend this fund-raising effort if the FCC advises the company that (1) the PSST is prohibited from increasing its monthly services fee payable to Cyren Call above the level most recently in effect, or (2) the PSST's total indebtedness to various service providers, including Cyren Call, incurred through the time when the PSST begins to receive D Block lease payments must be repaid over many years and exclusively from annual D Block payments capped at \$5 million.

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Cyren Call will terminate its relationship with the PSST only with the greatest reluctance. Cyren Call has been committed to the Public/Private Partnership approach since its inception and considers it the only viable means of addressing long-term, cost-effective public safety interoperability and technological requirements. In the absence of any other funding option, it has been pleased to be able to structure arrangements that have made resources available to the PSST to enable it to fulfill its obligations to the public safety community and to the FCC, while deferring the charges for such resources until alternative funding is available to the PSST. Cyren Call also has been unstinting in its efforts to promote commercial participation in the D Block auction, working with the PSST and commercial operators to strike the right balance between their requirements. There is every reason to believe that no other organization is prepared to step into Cyren Call's role and provide the PSST with the necessary services on a deferred compensation basis, since they too would be deterred by FCC responses indicating that to support the PSST would be to risk providing services with no reasonable expectation of ever being adequately compensated.

Cyren Call must await the Commission's response to these questions before it can continue its fund-raising activities and, thus, respectfully requests the FCC provide a response to the questions raised herein as promptly as possible.

I am available to address any questions that you or any of the Commissioners might have regarding this request, and I have arranged for a copy of this letter to be placed in the public record of the above-captioned proceedings.

Respectfully submitted,

**CYREN CALL COMMUNICATIONS  
CORPORATION**

By: \_\_\_\_\_ /s/  
Morgan E. O'Brien  
Chairman of the Board

cc: Commissioner Michael J. Copps  
Commissioner Jonathan S. Adelstein  
Commissioner Deborah Taylor Tate  
Commissioner Robert M. McDowell