

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Service Rules for the 698-746, 747-762 and)	WT Docket No. 06-150
777-792 Bands)	
)	
Implementing a Nationwide, Broadband,)	PS Docket No. 06-229
Interoperable Public Safety Network in the)	
700 MHz Band)	

REPLY COMMENTS OF AT&T INC.

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EXECUTIVE SUMMARY

As detailed in its initial comments, AT&T strongly supports the Commission's goal of improving communications capabilities for our nation's first responders. However, given the broad concerns expressed in the record about the Commission's proposed reauction and, most notably, the opposition of significant segments of the public safety community to the public/private partnership proposed by the Commission, it would be unwise and, in AT&T's view, untenable for the Commission to proceed with a reauction of the D Block at this time.

Instead, consistent with the recommendations of most public safety commenters, the Commission should reallocate the D Block spectrum to public safety. Providing this spectrum directly to the public safety community would enable first responders to have sufficient control over the spectrum to ensure that the resulting network meets their critical, but differing, needs. This approach would also increase the opportunities for developing successful public/private partnerships on a regional basis, such as through AT&T's recommended regional Request-For-Proposal ("RFP") approach.

Regional partnerships are critical because, as the record makes clear, regional and local public safety entities must be deeply involved in decisions regarding the construction and operation of the network. Not only are local entities the ones that best know what capabilities they need, but the requirements of these first responders vary markedly from region to region. A regional RFP approach, to a far greater extent than the proposal set forth in the *Third Further Notice*, or any other option for that matter, would permit local public safety input from the outset. A regional RFP approach could effectively accommodate regional differences in requirements, while also achieving

nationwide interoperability. This process would additionally provide greater certainty to potential commercial partners and would make it more viable for regional, as well as national, carriers to participate in the build-out of the network, despite these uncertain economic times. Of course, any build-out of the public safety broadband spectrum by public safety entities must comply with standards to ensure interoperability. To that end, the Commission must require use of technology that is compatible with the future shared network. Specifically, AT&T urges the Commission to mandate that all such networks utilize Long Term Evolution (“LTE”) technology or a commercially available standard air interface that will evolve to LTE, which is the most advanced and spectrum efficient technology for the foreseeable future. Permitting such public safety build-out can be accommodated under AT&T’s regional RFP proposal.

In sum, AT&T urges the Commission to heed the broad concerns expressed on the record and not proceed with a reauction of the D Block spectrum. Instead, the Commission should reallocate the D Block spectrum to public safety, as the public safety community requests. Further, the Commission should implement AT&T’s regional RFP proposal, which would accommodate the variety of regional needs clearly illustrated on the record.

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REPLY COMMENTS OF AT&T INC.

AT&T Inc., on behalf of AT&T Mobility LLC and its wholly-owned and controlled wireless affiliates (collectively “AT&T”), hereby submits these reply comments on the Commission’s *Third Further Notice of Proposed Rulemaking* (“*Third Further Notice*”) in the above-referenced proceeding.¹ As detailed in its earlier comments and reply comments in this proceeding,² AT&T strongly supports the goal of providing improved communications capabilities for our nation’s first responders. While we applaud the Commission’s efforts to propose rules that would result in a national, interoperable network that would serve the nation’s first responders, the record is clear that first responders overwhelmingly believe that the reauction proposed in this *Third*

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*, Third Further Notice of Proposed Rulemaking, WT Docket No. 06-150, PS Docket No. 06-229, FCC 08-230 (2008) (“*Third Further Notice*”).

² Comments of AT&T Inc., WT Docket No. 06-150 (filed Nov. 3, 2008) (“AT&T Comments”); Reply Comments of AT&T Inc., WT Docket No. 06-150 (filed July 7, 2008); Comments of AT&T Inc., WT Docket No. 06-150 (filed June 20, 2008).

Further Notice would frustrate rather than serve their needs.³ Indeed, substantial segments of the first responder community – the very community this effort is designed to benefit – have indicated that they would not use any network that might result from the Commission’s proposal.⁴

Given the broad concerns expressed in the record about the Commission’s proposed reauction and the strong opposition to the Commission’s proposal by significant segments of the public safety community, it would be untenable for the Commission to proceed with a reauction of the D Block at this time. Rather, consistent with the urgings of the first responder community, the Commission should allocate the D Block to public safety. This would allow the FCC to consider more effective ways to create a nationwide interoperable network to serve the needs of first responders, including AT&T’s recommended regional Request-For-Proposal (“RFP”) approach. As further discussed

³ Yesterday police chiefs from 35 major cities support a resolution that calls for a postponement of the reauction until a consensus is reached within the public safety sector. *See* Glenn Bischoff, *Major City Police Chiefs Say ‘No’ – For Now – to 700 MHz Network*, URGENT COMMUNICATIONS, Nov. 11, 2008, http://urgentcomm.com/policy_and_law/news/700mhz-d-block-postponement-1111/index.html. *See also*, Public Safety Officials and CIO Task Force, WT Docket No. 06-150 (filed Oct. 31, 2008) (representing the views of public safety officials from New York City; New York State; City of Boston, Massachusetts; Cook County, Illinois; City and County of Denver, Colorado; City and County of San Francisco, California; City of San Jose, California; and City of Seattle, Washington); Comments of The City and County of San Francisco California and the City of Oakland California, WT Docket No. 06-150 at 5 (filed Nov. 3, 2008) (“Comments of San Francisco/Oakland”); Comments of the King County Regional Communications Board and City of Seattle, WT Docket No. 06-150 at 5-6 (filed Nov. 3, 2008) (“Comments of King County Board/Seattle”); Comments of King County, Washington, WT Docket No. 06-150 at 3 (filed Nov. 3, 2008) (“Comments of King County”); Comments of Miami-Dade County, WT Docket No. 06-150 (filed Nov. 3, 2008); Comments of the Michigan Department of Information Technology, WT Docket No. 06-150 at 2 (filed Nov. 3, 2008); Comments of the New York City Police Department, WT Docket No. 06-150 at 7 (filed Nov. 3, 2008) (“NYPD Comments”); Comments of TeleCommUnity, WT Docket No. 06-150 at 6-7 (filed Nov. 3, 2008).

⁴ *See, e.g.*, Comments of Public Safety Officials and CIO Task Force; Comments of San Francisco/Oakland at 17-18; Comments of Miami-Dade County; NYPD Comments.

herein, the regional RFP approach is better suited than the auction process to ensuring local public safety involvement in the development and utilization of this spectrum and best accomplishes the Commission's goals in this proceeding.

I. GIVEN THE BROAD CONCERN EXPRESSED IN THE COMMENTS THAT A REACTION WILL NOT ACHIEVE AN EFFECTIVE PUBLIC/PRIVATE BROADBAND NETWORK THAT MEETS PUBLIC SAFETY'S NEEDS, THE COMMISSION MUST CONSIDER OTHER OPTIONS.

The record is replete with comments expressing a broad range of concerns about the Commission's proposed reaction. Most notably, the prospective users of the public safety broadband network, the public safety community, have with virtual uniformity expressed concern that the proposed reaction would not result in a network that meets their needs.⁵ A broad array of public safety organizations from all over the country have emphasized that their requirements vary significantly from region to region and that the proposed reaction would not sufficiently accommodate these regional differences. To make matters worse, even those commenters who support a reaction have very different views as to how the public/private partnership should work and how the shared network should be built. Given these concerns and differences, and particularly in light of the current economic climate, it would be unwise for the Commission to rush into a reaction of the D Block spectrum.

The opposition of the public safety community to the Commission's proposed reaction is rooted in their conclusion that this reaction would not result in a network that affordably provides the types of communications they need at the level of reliability

⁵ See Comments of San Francisco/Oakland") (finding that the proposed rules are "unworkable for public safety users and cannot be made workable in their present form."); see also *supra* note 3.

and control they desire. Public safety commenters stressed that the needs of public safety differ significantly from region to region, and they conclude that the Commission's proposal falls short of ensuring that local governments and public safety entities have a meaningful opportunity to participate in both the design and development of the shared network.⁶ Indeed, they oppose any proposal that would result in a national license for D block spectrum.⁷ Further, numerous public safety commenters felt that the reauction had little to no chance of success.⁸

⁶ See Comments of the City of Philadelphia, WT Docket No. 06-150 at 2 (filed Nov. 3, 2008) ("Comments of Philadelphia"); Comments of King County Board/Seattle at 7-8; Comments of the National Association of Telecommunications Officers and Advisors, the National Association of Counties and the National League of Cities, WT Docket No. 06-150 at 9-10 (filed Nov. 3, 2008) ("NATOA Comments") (discussing the dearth of representation of local governments within the PSST); NYPD Comments at 7; Comments of Pinellas County, Florida, WT Docket No. 06-150 at 2 (filed Nov. 3, 2008) ("Comments of Pinellas County"); Comments of TeleCommUnity at 6-7.

⁷ See Comments of San Francisco/Oakland; Comments of Philadelphia; Comments of the Commonwealth of Kentucky, WT Docket No. 06-150 (filed Nov. 3, 2008) ("Comments of Kentucky"); Comments of King County Board/Seattle; Comments of the Michigan Department of Information Technology; Comments of the National Regional Planning Committee, WT Docket No. 06-150 (filed Nov. 3, 2008) ("NRPC Comments"); NYPD Comments; Comments of Regional Planning Committee 20, WT Docket No. 06-150 (filed Nov. 3, 2008) ("Comments of Region 20"); Comments of TeleCommUnity; Comments of Tennessee Public Safety 700 MHz Region 39, WT Docket No. 06-150 (filed Nov. 3, 2008) ("Comments of Region 39"). In addition, the few entities that support a nationwide license indicate that they are not opposed to a regional approach. See Comments of the Association of Public-Safety Communications Organizations, WT Docket No. 06-150 (filed Nov. 3, 2008) ("APCO Comments"); Comments of the Joint Public Safety Commenters, WT Docket No. 06-150 (filed Nov. 3, 2008); Comments of the National Public Safety Telecommunications Council, WT Docket No. 06-150 (filed Nov. 3, 2008) ("NPSTC Comments"); Comments of the Public Safety Spectrum Trust, WT Docket No. 06-150 (filed Nov. 3, 2008) ("PSST Comments").

⁸ See Comments of King County, Washington, WT Docket No. 06-150 (filed Nov. 3, 2008) ("Comments of King County"); Comments of King County Board/Seattle at 5; Comments of Miami-Dade County; Comments of the Michigan Department of Information Technology at 2; NYPD Comments at 4 (stating "that there 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 Public Safety Officials and CIO Task Force at 3. As AT&T made clear in its comments, deferring specification of commercial entities' obligations in the partnership to a post-auction NSA negotiation may well discourage many otherwise qualified companies from participating in an auction. AT&T Comments at 16.

So deep is the opposition of key public safety entities that representatives from many of America's most populated regions indicated they did not plan to participate in the shared network at all.⁹ The Commission should not force a public safety solution that the public safety community itself does not want. Certainly, given the announced intent of so many critical public safety organizations not to participate in the shared network, it is not viable for the Commission to proceed with a reauction of the D block.¹⁰

Even those public safety commenters who support a public/private partnership have very different views as to how it would work and how the network should be structured. For example, public safety commenters disagree on the role the Public Safety Broadband Licensee ("PSBL") should play in managing the shared network and approving applications that run over the network.¹¹ Additionally, public safety commenters have different views as to how capacity should be shared between public safety and commercial users, as well as with regard to the nature of priority access and

⁹ See, e.g., Comments of Public Safety Officials and CIO Task Force; Comments of San Francisco/Oakland at 17-18; Comments of Miami-Dade County; NYPD Comments.

¹⁰ In its comments, AT&T emphasized that, at a minimum, the Commission should direct the conduct of regional demand studies to enable potential commercial partners to evaluate how potential public safety use of the network impacts the business case for the shared network. AT&T Comments at 18.

¹¹ See APCO Comments at 18; Comments of the Joint Public Safety Commenters at 18; Comments of King County Board/Seattle at 13; NPSTC Comments at 20; PSST Comments at 16.

the definition of “emergency.”¹² Public safety commenters also disagree on network hardening requirements,¹³ coverage requirements,¹⁴ and technology selection.¹⁵

In sum, the key customers of the proposed network have expressed grave concerns about the ability of the proposed reauction of the D Block spectrum to result in a broadband network that meets their communications needs. Given these broad concerns expressed and regional differences among public safety entities about the requirements for the network, it would be unwise for the Commission to proceed with a reauction. Even if commercial entities participated and met minimum bids for the licenses, the record makes clear that it is highly unlikely that the resulting network would meet the varying requirements of public safety users. Accordingly, the Commission should instead consider other solutions that could better address public safety’s needs. In particular, as discussed below, consistent with the requests of the public safety community, the Commission should allocate the public safety broadband spectrum to public safety officials that have the resources to build out regional networks.¹⁶

¹² See Comments of San Francisco/Oakland at 8; NPSTC Comments at 21, 24; PSST Comments at 23-25; Comments of Philadelphia at 5; Comments of Joint Public Safety Commenters at 9; Comments of King County Board/Seattle at 11-12; APCO Comments at 9; NRPC Comments at 10-11; Comments of Region 20 at 13.

¹³ See, e.g., APCO Comments at 15; PSST Comments at 20-22; Comments of Joint Public Safety Commenters at 13; NRPC Comments at 14-15; Comments of Region 20 at 7.

¹⁴ Commenters stated that the coverage benchmarks are too low, or that additional benchmarks should be included, or that benchmarks should vary for incumbent providers. See APCO Comments at 16-17; Comments of San Francisco/Oakland at 6-7; NPSTC Comments at 9-10; NRPC Comments at 16-18; NYPD Comments at 10; Comments of Public Safety Officials and CIO Task Force; Comments of Region 20 at 9; Comments of Region 39 at 17-18; PSST Comments at 16-19; NATOA Comments at 5.

¹⁵ See APCO Comments at 12-13; Comments of Region 39 at 16-17; Comments of Joint Public Safety Commenters at 11.

¹⁶ See Comments Public Safety Officials and CIO Task Force at 1.

II. AT&T AGREES WITH PUBLIC SAFETY COMMENTERS THAT THE D BLOCK SPECTRUM SHOULD BE ALLOCATED TO PUBLIC SAFETY.

Numerous public safety commenters requested that the Commission allocate the D Block spectrum to public safety.¹⁷ These commenters argue that allocation to public safety would be the best means to ensure that the resulting network sufficiently addresses critical public safety needs and requirements.¹⁸ Commenters also asserted that allocation to public safety would allow jurisdictions to proceed with building out local networks.¹⁹ In addition, the New York Police Department stated that so long as public safety build-out adheres to certain national standards, “[s]uch an approach would ensure nationwide interoperability and preserve local control for jurisdictions willing to build.”²⁰

AT&T agrees with these public safety commenters that all 10 MHz of the D Block spectrum should be allocated to public safety.²¹ Providing this spectrum directly to

¹⁷ See Comments of Public Safety Officials and CIO Task Force; Comments of San Francisco/Oakland; Comments of Kentucky; Comments of King County Board/Seattle; Comments of King County; NYPD Comments; Comments of Pinellas County at 2; NRPC Comments; Comments of TeleCommUnity, WT Docket No. 06-150 at 6-7 (filed Nov. 3, 2008); Comments of Miami-Dade County; Comments of the Michigan Department of Information Technology; Comments of City of Baton Rouge, Parish of East Baton Rouge, WT Docket No. 06-150 at 6-7 (filed Nov. 3, 2008) (“Comments of Baton Rouge”).

¹⁸ See, e.g. Comments of Public Safety Officials and CIO Task Force at 2.

¹⁹ See Comments of Miami-Dade County; Comments of Baton Rouge; Commonwealth of Kentucky at 1.

²⁰ NYPD Comments at 7.

²¹ AT&T believes that making additional spectrum available for commercial services such as mobile broadband is in the public interest. In this case, however, given the need for first responders to have interoperable mobile broadband networks, the need to provide sufficient spectrum for that purpose, and the fact that the D Block is adjacent to the block already allocated to public safety use, we submit that the D Block should be allocated to public safety. This is not to say that additional spectrum for commercial mobile services is not needed.

the public safety community would enable first responders to have sufficient control over the spectrum to ensure that the resulting network meets their critical, but differing, needs. Reallocation would also increase the opportunities for developing successful public/private partnerships on a regional basis, such as through the RFP proposal that AT&T described and recommended in its initial comments.²² Reallocation would additionally accommodate those local public safety entities that prefer to build their own networks.

III. ANY EFFECTIVE SOLUTION MUST EMBRACE THE PRINCIPLE THAT LOCAL PUBLIC SAFETY INVOLVEMENT IS CRITICAL TO MEETING PUBLIC SAFETY'S NEEDS.

The clear theme that can be drawn from the record is that a one-size-fits-all approach will not meet the needs of the public safety community. Indeed, the record makes clear that regional public safety entities must be deeply involved in decisions regarding the construction and operation of the network. AT&T submits that a regional RFP approach, unlike other options, would permit local public safety input from the outset. A regional RFP approach could effectively accommodate regional differences in requirements, while also achieving nationwide interoperability.

A. The One Item of Consensus among Public Safety Commenters Was the Strong Opinion that Local and Regional Public Safety Entities Must Be Deeply Involved in the Construction and Operation of the Network.

A consistent theme expressed in the comments is that public safety entities must be involved in the construction and operation of the shared network at the local level.²³

²² AT&T Comments at 6-8.

²³ See Comments of Philadelphia; Comments of King County Board/Seattle at 5; Comments of King County Washington at 3; NATOA Comments at 9-10; NYPD Comments; Comments of Pinellas County; Comments of Public Safety Officials and CIO Task Force; Comments of TeleCommUnity at 6-7.

Many commenters stressed that local and regional public safety agencies must have input into the decisionmaking processes regarding the local network design, build-out and usage.²⁴ A number of commenters stated that local public safety agencies must be involved in decisionmaking on specific network issues, such as the system of priority access and the level of network hardening.²⁵ Numerous commenters expressed that application and device choices should not be dictated by a national entity.²⁶ For example, Region 39 asserted that, for video and other high bandwidth applications, priorities on spectrum use should be set by local users.²⁷ Commenters also argued that NSAs should be negotiated with the RPCs, not a national entity.²⁸ Finally, commenters opposed a one-size-fits-all usage fee of \$48.50 because it does not take into account the broadband wireless needs and geographical differences of varied municipalities,²⁹ suggesting that such fees and service packages need to be negotiated regionally. Collectively, the comments emphasized that local public safety involvement in the public/private

²⁴ See Comments of San Francisco/Oakland at 9; Comments of Region 20 at 25; Comments of Region 39 at 10-11.

²⁵ See Comments of San Francisco/Oakland at 8 (“[T]he proposed process for declaring an emergency and activating priority access to spectrum is burdensome and time-consuming and may, therefore, be unacceptable for many local public safety users.”); Comments of Region 39 at 14-15 (stating that RPCs should be involved in the designation of “critical” sites for hardening); Comments of Philadelphia at 5.

²⁶ See Comments of San Francisco/Oakland at 11; Comments of Kentucky at 3-4; Comments of Pinellas County at 2.

²⁷ Comments of Region 39 at 10-11.

²⁸ See Comments of Philadelphia at 3; Comments of Region 20 at 15; Comments of Region 29 at 10-11.

²⁹ See, e.g., Comments of Public Safety Officers and CIO Task Force at 1.

partnership is critical to ensuring the shared network meets the varying requirements of public safety users.

B. Unlike Other Options Presented, a Regional RFP Process Would Directly Address This Key Concern of Public Safety.

In its comments in this proceeding, AT&T proposed that the Commission utilize a regional RFP process to form the public/private partnerships needed to develop the shared interoperable broadband network. A regional RFP process would allow public safety to have the local input they seek over the design and characteristics of the shared network, without sacrificing nationwide interoperability – thus addressing this important community's key concern. This approach would also clearly define the obligations of all parties from the outset, providing the certainty needed to encourage the participation of commercial entities and facilitating the selection of commercial partners best able to meet the requirements of local first responders.

Numerous commenters agree that a regional approach is essential to address public safety needs that vary from region to region.³⁰ A regional approach enables the differing views and needs of public safety entities not only to be heard, but implemented. Additionally, a regional approach makes participation more appealing to a wider variety of commercial entities. As commenters noted, regional participation offers more

³⁰ Numerous public safety commenters prefer a regional approach. *See supra* note 7. In addition, commercial providers, manufacturers and other commenters uniformly prefer a regional approach. *See* Comments of Bright House Networks, WT Docket No. 06-150 at 10 (filed Nov. 3, 2008); Comments of Cellular South, Inc., WT Docket No. 06-150 at 3 (filed Nov. 3, 2008); Comments of Leap Wireless, WT Docket No. 06-150 at 3 (filed Nov. 3, 2008); Comments of NTCH Inc., WT Docket No. 06-150 at 6 (filed Nov. 3, 2008); Comments of United States Cellular Corporation, WT Docket No. 06-150 at 3-4 (filed Nov. 3, 2008); Comments of Motorola Inc., WT Docket No. 06-150 at 5 (filed Nov. 3, 2008); Comments of Tyco Electronics, WT Docket No. 06-150 at 6 (filed Nov. 3, 2008); Comments of Wireless RERC, WT Docket No. 06-150 at 3 (filed Nov. 3, 2008).

manageable investment opportunities in these uncertain economic times.³¹ Regional participation also better enables the utilization of commercial carriers' existing infrastructure as some carriers have compatible networks in some areas, but not in others. Indeed, even those few entities that prefer a single nationwide license for purposes of efficiency acknowledge that a regional approach would also be reasonable and result in a nationwide, interoperable broadband network.³²

Further, an RFP process conducted on a regional basis would provide the best method for forming the public/private partnerships needed to develop the shared interoperable broadband network. As AT&T detailed in its initial comments, a regional RFP approach would address public safety's desire for local decisionmaking and control over the 700 MHz public safety spectrum and the D Block spectrum by enabling local entities to have significant input into shaping the RFP for their region and selecting the entity that can most effectively satisfies their needs. Additionally, an RFP process is a well-established and tested method, which has been used successfully in the past to build networks that address the communications needs of public safety.³³ As AT&T noted in its comments, an RFP process would also ensure that all parties understand the risks, revenue sources, and costs of the project from the outset. In these challenging economic

³¹ See Comments of Michigan Department of Information Technology at 2; Comments of Leap Wireless at 3-4.

³² See APCO Comments at 7; Comments of Joint Public Safety Commenters at 6; NPSTC Comments at 6; PSSST Comments at 2-7.

³³ For example, the Illinois Wireless Information Network was formed through a contractual partnership between the State of Illinois, Verizon Wireless, and Motorola. See Illinois Department of Central Management Services, BCCS Services, Wireless-Illinois Wireless Information Network at http://www.bccs.illinois.gov/BCCScatalog/services/Wire_iwin.htm.

times, such certainty substantially reduces the risks of failure for both public safety and commercial entities.

The few commenters that oppose an RFP approach do not raise credible concerns.³⁴ For example, the Joint Public Safety Commenters claim that an RFP approach would “inject delay, uncertainty and subjectivity into the process.”³⁵ In fact, the opposite is true. The proposed reaction would take place under a huge cloud of uncertainty with respect to the details of network design and operation, and even uncertainty over whether the very first responders it would be designed to serve would use it. Resolving this substantial uncertainty would require a lengthy post-auction NSA negotiation process.³⁶ On the other hand, an RFP approach eliminates uncertainty (and the resultant delays) by enabling all parties to understand their obligations and requirements upfront. Finally, subjectivity is limited under an RFP approach as the RFP spells out precise requirements and criteria on which selection decisions will be made. To the extent some subjectivity remains, it is beneficial to enabling public safety to select the commercial partner that can best meet its stated requirements. In short, the RFP approach ensures that the purpose the Commission seeks to achieve – an interoperable network that will be used by first responders – will be met. And the fact remains that RFPs are the way in which municipalities conduct business and the primary means by

³⁴ See Comments of Joint Public Safety Commenters at 6; NPSTC Comments at 13.

³⁵ See Comments of Joint Public Safety Commenters at 6.

³⁶ Obviously if a second auction failed and the Commission had to consider and implement a third attempt to license the spectrum, that would take substantially longer.

which cities and states secure services from vendors, including telecommunications services.³⁷

In its comments, AT&T proposed an RFP approach³⁸ that would effectively address public safety's consensus cry for local public safety input into the construction and operation of the shared network. Under AT&T's proposed approach, the PSBL would coordinate with the RPCs to issue region-specific RFPs and to select commercial partners on a regional basis that would build and operate a shared network with the PSBL to best meet the needs of state and local public safety users. Though AT&T initially proposed to establish regions based on the existing RPC structure, a viable regional RFP approach could also accommodate more granular region sizes as requested by certain commenters.³⁹ Moreover, a regional RFP approach would not compromise interoperability. The regional RFPs would be based on a national template that would ensure that all build-out is accomplished using the same air interface and such other protocols/standards as are necessary to ensure interoperability. The RFPs would then be tailored by local entities in each region to account for the unique needs and characteristics of their respective regions. AT&T submits that the regional RFP approach it describes would not only address this key concern of public safety, but would also be the most effective method for forming the public/private partnership.

³⁷ See, e.g., NYPD Comments (discussing the New York City Wireless Information Network). See also *supra* note 33 discussing the Illinois Wireless Information Network.

³⁸ See AT&T Comments at 6-10.

³⁹ Comments of San Francisco/Oakland at 15-16.

IV. AT&T SUPPORTS PERMITTING LOCAL PUBLIC SAFETY ENTITIES TO PROCEED WITH BUILD-OUT OF THE PUBLIC SAFETY BROADBAND SPECTRUM, SUBJECT TO CERTAIN CONDITIONS TO ENSURE INTEROPERABILITY.

AT&T supports permitting local public safety entities to proceed with build-out of the public safety broadband spectrum, so long as such build-out complies with certain standards to ensure interoperability. AT&T believes there are benefits to allowing public safety entities with the necessary resources to move forward in constructing a broadband public safety network without delay. However, to ensure that such build-out does not compromise interoperability, the Commission must require these local networks to utilize technology that is compatible with the future shared network. Permitting such public safety build-out can be accommodated under AT&T's regional RFP proposal.

Numerous public safety commenters expressed a desire to proceed with building systems on their own using the public safety broadband spectrum.⁴⁰ In some cases, these entities have already invested in planning for or constructing such broadband networks.⁴¹ Others have the resources and assets to build out networks immediately and do not want to wait until the shared network becomes available.⁴² For example, the City and County of San Francisco and the City of Oakland stated that, in urban areas, public safety users will likely find it more cost effective and practical to build their own networks.⁴³ Some

⁴⁰ See Comments of San Francisco/Oakland; NYPD Comments; Comments of King County; Comments of Public Safety Officers and CIO Task Force; Comments of Kentucky; Comments of Pinellas County; Comments of Miami-Dade County; Comments of Michigan Department of Information Technology; Comments of Baton Rouge.

⁴¹ See Comments of Kentucky at 2; NYPD Comments at 5.

⁴² See Comments of Kentucky; Comments of Public Safety Officers and CIO Task Force; Comments of King County at 5-6; Comments of Baton Rouge at 1.

⁴³ Comments San Francisco/Oakland at 9.

commenters requested that any regional licenses that are left unsold in a reauction be given to regional public safety to proceed with build-out.⁴⁴

AT&T agrees that, to the extent that certain public safety entities have the resources to proceed to construct a broadband network, they should not be thwarted from doing so. There are clear public benefits to facilitating public safety's access to advanced wireless broadband communications as quickly as possible. Further, permitting local build-out will directly address the concerns expressed that local public safety participation is needed to ensure the needs of the local public safety entities are met. Additionally, allowing local build-out might ensure that those public safety entities who have stated their unwillingness to be customers on a shared network, will nevertheless have interoperable capabilities with public safety users of the broader public/private network. To the extent that some public safety entities are ready and able to move forward now in constructing such networks, there is no reason to delay them if this can be accomplished consistently with achieving a nationwide interoperable network.⁴⁵

AT&T is persuaded by the record that it is more efficient and beneficial to address the needs of public safety on a local and regional basis first before focusing on the “holy grail” of an interoperable network covering the entire country. In some regions, public safety agencies may have the need, resources and money to build out their own private networks using all 20 MHz of available capacity in the D Block and the public safety broadband allotment without need of any commercial partner. This should be permitted.

⁴⁴ See Comments of Kentucky at 1; Comments of Pinellas County at 1.

⁴⁵ In pursuing their local build-out, public safety entities should be encouraged to consider proposals from commercial entities that utilize their existing infrastructure. This will help speed deployment, reduce costs, and ensure interoperability.

Other regions may have few, if any, resources to deploy private broadband networks for mission critical applications and may instead choose to lease all 20 MHz to commercial partners in order to achieve broadband coverage throughout the region. This too should be permitted. The important fact, however, is that no one understands the local and regional needs better than the local and regional agencies and they should be allowed to act on that knowledge.

Since nationwide interoperability is a key goal for this spectrum, the Commission must require that any locally built network utilize technology compatible with the future shared network. Specifically, AT&T urges the Commission to mandate that all such networks utilize Long Term Evolution (“LTE”) technology or a commercially available standard air interface that will evolve to LTE. LTE is the most advanced and spectrum efficient technology for the foreseeable future. AT&T believes that LTE will be the best choice for the shared network because it will offer 4G data speeds, global economies of scale derived from user pools exceeding two billion, and compatibility with future networks. The Commission should accordingly permit local public safety entities to proceed in building local networks in the public safety broadband spectrum, but only if such networks utilize LTE or a predecessor commercial technology.

Permitting such local build-out will not thwart the formation of the public/private partnership or the deployment of the shared network. Rather, the regional RFP process proposed by AT&T will easily accommodate such regional differences. In regions where public safety has already deployed one or more local systems, the RFP for that region can take this into account and provide specifications for either integrating such systems into the regional network or ensuring interoperability with systems that will continue to

operate on a standalone basis. The advantage of a regional RFP process is that each regional RFP can be tailored to fit the local situation and that all requirements and expectations can be defined prior to establishing the public/private partnership.

V. CONCLUSION

For the foregoing reasons, AT&T urges the Commission to heed the broad concerns expressed on the record and not proceed with a reauction of the D Block spectrum. Instead, the Commission should consider reallocating the D Block spectrum to public safety, as the public safety community requests. Further, the Commission should implement AT&T's regional RFP proposal, which would accommodate the variety of regional needs clearly illustrated on the record, including early local build-out by public safety, while still ensuring nationwide interoperability.

Respectfully submitted,

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