

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of

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

PS Docket No. 06-229

Development of Operational, Technical and
Spectrum Requirements for Meeting Federal
State and Local Public Safety
Communications Requirements Through the
Year 2010

WT Docket No. 96-86

Reply Comments of the National Regional Planning Council

The National Regional Planning Council (NRPC) is a membership driven organization that acts as an advocate for unique FCC designated Regional Planning Committees that operate at the regional level in the 700 and 800 MHz public safety band. While one of the goals of the NRPC is to promote the education and awareness of its members on pertinent public safety communications issues and related FCC proceedings, the NRPC files comments to support its membership in general and encourages its members to file their own comments on proceedings they feel are better addressed by the Commission when including their unique regional perspective.

The National Regional Planning Council (NRPC) provides these comments in response to the Commission's Further Notice of Proposed Rulemaking with the perspective of the public safety user community and those responsible for managing and ensuring public safety spectrum in the 700 and 800 MHz bands today meets the need of the user community. The NRPC feels that while the Commission has struck the right chord with some of its tentative conclusions proposed in the FNRPM, the NRPC feels that other conclusions are not in the

interest of the public safety user community. The NRPC generally supports the issues and perspectives raised in this proceeding by the Association of Public Safety Communications Officials, Inc. (APCO) and speaks to these issues below.

Eligibility

The NRPC feels that the Commission’s conclusion that Critical Infrastructure (CI) users are not eligible to access the 700 MHz Broadband through the Public Safety Broadband Licensee will negatively impact public safety communications. Regardless of the statutory limitations that exist preventing CI user from accessing public safety 700 MHz, the end user expectations are such that public safety needs CI users to support them in completing their mission at certain times and mechanisms should be put in place that allow that access to occur to ensure that the spectrum is used in a manner that promotes the public’s safety and operates within the public interest. The conditional access of CI users to 700 MHz public safety broadband through the PSBL should be the result of a dialogue and subsequent agreement between the PSBL, the Critical Infrastructure industry, including the Utilities Telecom Council (UTC), and the public safety community to ensure public safety has the resources available to it when necessary during critical incidents.

National Build-out Requirements

The NRPC supports the Performance Requirements as submitted by APCO in their November 3 filing which additional performance milestone time frames and breaks down more practically the population density categories originally established by the Commission. APCO established population densities and milestones as follows:

		Year	4	7	10	15
Greater than 300	population per square mile		40%	75%	90%	98%
Between 100-300	population per square mile		40%	75%	90%	96%
Between 10-99	population per square mile		40%	75%	90%	94%
Less than 10	population per square mile		30%	55%	70%	75%

The NRPC feels these values are an improvement to and consistent with the spirit and intent of our previous filings and we support the approach as developed by APCO. We look forward to working with the Commission, the PSBL and other public safety entities in making these goals a reality.

Reconfiguration of the PSST

With regard to the Commission's tentative conclusions addressing the reconfiguration of the Public Safety Spectrum Trust (PSST), the NRPC supports the position of the APCO filing dated November 3, 2008 with the understanding that the reconstitution of the PSST Executive Committee be accomplished by the election of a new Executive Committee by the members of the PSST with no restrictions.

The NRPC appreciates the Commission's tentative conclusion that the NRPC become a member of the Public Safety Broadband Licensee, the Public Safety Spectrum Trust. We feel the NRPC has a unique perspective to bring to the PSST with regard to issues addressing public safety communications as a whole, the 700 MHz public safety narrowband transition and knowledge of today's public safety mobile data use on a regional and local basis. We also feel that we can serve the PSST well with regard to its management and use of the 1 MHz Guard band between public safety broadband and narrowband at 768-769/798-799 MHz. We look forward to working to ensure that public safety communications can move forward to accessing 21st century communications technologies and applications to ensure the safety of public safety users and those they serve.

Respectfully

Alan Bull, Chairperson National Regional Planning Council
Knoxville, Tennessee

November 12, 2008