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VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth St., SW
Washington, DC 20554

December 10, 2008

Re: *Ex Parte* Notice

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

Dear Ms. Dortch:

On December 10, 2008 representatives and members of the Telecommunications Industry Association (TIA) met with Jon Peha, Chief Technologist. The TIA representative was Patrick Sullivan. TIA members present were Michael McMEnamin of Alcatel-Lucent, Kimberly Baum of Motorola, Mary Brown of Cisco, Paul Schomburg of Panasonic, and Joanne Dalton of Tyco Electronics. The purpose of this meeting was to discuss TIA's position on the D Block proposed rules and avenues of support to the FCC from TIA regarding the digital television (DTV) transition.

In this meeting, as reflected in the document attached which was provided at the meeting, TIA urged the Commission to adopt the following policies for new 700 MHz D Block auction rules:

- a) Reduce its proposed minimum bid and establish bond requirements for regional licensees;
- b) Eliminate its proposed cap on reimbursement for narrowband relocation and establish at a later time full reimbursement amounts based upon actual data reflecting the licensee(s) costs of narrowband relocation;

- c) Allow the licensee and the PSBL to negotiate in the NSA charges for use of the shared network and hardening requirements that exceed the requirements mandated by the Commission;
- d) Amend its proposed rules to allow the D Block licensee(s) to provision interoperability to other public safety networks to the extent the D Block licensee and PSBL agree to do so;
- e) Clarify that proposed data rates are design objectives that are baselines based on current capacity, and allow increased data rates to be established without further rulemaking; and
- f) Require the PSBL to establish public safety device specifications and allow public safety to select commercial products meeting these parameters.

TIA also discussed next steps in analyzing technical aspects of and requirements for a shared wireless broadband network.

Pursuant to Section 1.1206(b) of the Commission's rules, 47 C.F.R. § 1.1206, a copy of this letter is being filed electronically today. If you have any questions, do not hesitate to contact me at (202) 346-3244.

Sincerely,

_____/S/_____

Patrick Sullivan,
Director, Technical and Government Affairs
CC: Bruce Gottlieb



TIA's Key Points on the Commission's Proposed D Block Rules

- 1. TIA SUPPORTS REDUCING OR ELIMINATING THE PROPOSED MINIMUM BID AND ESTABLISHING BOND REQUIREMENTS FOR REGIONAL LICENSEES.** Given our current economic crisis, the proposed minimum bid of \$750 million will greatly discourage investment in a shared wireless broadband network. To stave off bidders unable to build the network, regional licensees should be required to execute milestone-based performance bonds.
- 2. TIA ENDORSES ELIMINATION OF THE PROPOSED CAP ON REIMBURSEMENT FOR NARROWBAND RELOCATION.** As there is insufficient data on actual relocation costs, the Commission should base its full reimbursement on information from the licensee submitted to the PSBL or the Commission directly. This should occur in another phase of this proceeding, concluding no later than June 1, 2009.
- 3. THE LICENSEE AND THE PSBL SHOULD NEGOTIATE CHARGES FOR USE OF THE NETWORK.** As charges for access to the shared network are part of a greater whole -- an entire structure of operations and relations between the licensee and the PSBL -- they should be decided in the NSA.
- 4. THE LICENSEE AND THE PSBL SHOULD BE ABLE TO NEGOTIATE HARDENING LEVELS THAT EXCEED REQUIREMENTS MANDATED BY THE COMMISSION.** This approach will set maximum ceilings on which bidders may rely, but afford parties flexibility in their approach to resolving hardening issues in the NSA.
- 5. THE COMMISSION SHOULD CLARIFY THAT PROPOSED DATA RATES ARE DESIGN OBJECTIVES REFLECTING CURRENT CAPACITY, AND ALLOW INCREASED DATA RATES TO BE ESTABLISHED WITHOUT FURTHER RULEMAKING.** Proposed code language could imply that these rates are mandatory, which appears inconsistent with the Commission's proposal. Additionally, parties should be able to modify these rates for the use of new applications without need of a rule change.
- 6. THE PSBL SHOULD ESTABLISH PUBLIC SAFETY DEVICE SPECIFICATIONS AND ALLOW PUBLIC SAFETY TO SELECT COMMERCIAL PRODUCTS MEETING THOSE PARAMETERS.** TIA agrees that commercially available technology will reduce the costs of end user devices for first responders. However, allowing the PSBL to be the specific device and application gatekeeper could create a "bottleneck" that will slow adoption of innovative technologies and applications vital for public safety. Instead, the PSBL should be responsible for determining and approving relevant specifications for public safety equipment used on the network to ensure local, regional and national interoperability; public safety entities should then be free to select compliant technologies best suited to specific community needs.