



Department of Public Property ORIGINAL

# CITY OF PHILADELPHIA

DEPARTMENT OF PUBLIC PROPERTY

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COMMISSIONER

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Federal Communications Commission  
Office of the Secretary

Brian Marengo, Electronics Engineer  
Federal Communications Bureau  
Public Safety and Homeland Security Bureau  
445 12th Street, SW  
Washington, DC 20554

**Re: Philadelphia Comments in the Matters of Service Rules for the 698-746, 747-762, and 777-792 MHz Bands, WC Docket No. 06-150, and Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band, PS Docket No. 06-229**

Dear Mr. Marengo:

I am in receipt of two questions you submitted via email to Robert Sutton, Divisional Deputy Solicitor for the City of Philadelphia (the "City" or "Philadelphia"), regarding Comments and Reply Comments submitted by Philadelphia in the above-referenced proceedings. Thank you for this opportunity to add to the record additional information regarding the need for direct allocation of the 700 MHz public safety spectrum to those municipalities who choose to construct their own wireless broadband networks.

1) If the Commission were to license the 700 MHz broadband spectrum directly to the cities as requested, how would the local jurisdictions propose to resolve the issue of achieving nationwide interoperability?

As a preliminary matter, we note that Philadelphia is not currently planning independent development of a wireless data network in the 700 MHz spectrum. Philadelphia expects to develop a wireless data network in the future, however, and we believe that sound public policy requires that the Commission preserve the rights of Philadelphia and other municipalities that find it necessary, to ensure adequate public safety communications, to deploy wireless data facilities in the 700 MHz spectrum independently of the proposed shared network. The Commission has already acknowledged that it will not mandate subscription by local governments to the proposed shared wireless network. This decision, while critical, is only a first step; to permit local governments to opt out of the shared wireless network without also permitting them to use the public safety spectrum for their own facilities will result in either a waste of the spectrum (in the event that neither commercial nor public safety

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users are allowed to use it), or an unconscionable spectrum grant to private industry at the expense of public safety users, in express contradiction of Congressional intent – or worst of all, both outcomes in different parts of the country. Moreover, we are unaware of any technical limitation that would prevent interoperability between those jurisdictions that participate in the shared wireless network and those that choose to develop their own network(s), provided the Commission attaches appropriate requirements to licenses for 700 MHz public safety spectrum.

The Commission itself has acknowledged that the proposed auction and subsequent public/private partnership may not result in a nationwide interoperable public safety network. Under the current proposal, the Commission may award a set of regional licenses to the D Block spectrum that does not result in nationwide coverage. With respect to interoperability, the challenges posed by licensing the 700 MHz public safety spectrum to those municipalities who choose to construct their own networks and can demonstrate the capacity to do so are the same challenges posed by deploying the network to areas omitted from the shared network, should the D Block be licensed on a regional basis to a set of regions that falls short of nationwide coverage. In the latter case, the Commission has proposed allowing regions outside the shared network to develop their own networks through an RFP process. For these and all independent networks, the Commission can achieve sufficient interoperability by conditioning the license grant on the licensees adopting standards set by the Commission or the PSBL. Such standards would include, at a minimum, the use of a common air interface (as determined through the auction process, as currently proposed, or as selected by the Commission on its own initiative, as proposed by some commenters in this proceeding), and some provision for coordinating the authentication of qualified users by a national or regional entity. Municipalities willing to agree to such conditions should have the option of developing their own wireless networks in the 700 MHz public safety spectrum, regardless of whether or not a D Block license was awarded in their region.

With respect to specific applications and handsets, we believe that the great majority of interoperability benefits can be realized by providing for voice interoperability. The Commission could require that municipalities constructing their own 700 MHz networks provide, at a minimum, the capacity to support voice functionality on the network and an interface with their mobile radio system, even if the municipality's planned use of the 700 MHz spectrum will not include voice applications. This would allow public safety users traveling to the municipality from other jurisdictions to use their 700 MHz equipment to communicate with the recipient municipality's public safety users.

A different problem is posed in the event a municipality not using its 700 MHz network for voice communications sends public safety users to a jurisdiction that does. But this scenario could be addressed by requiring all jurisdictions to maintain an inventory of 700 MHz radios capable of voice communications. This inventory could be maintained at the municipal level or, if more efficient, at a regional level. This would be an enormous

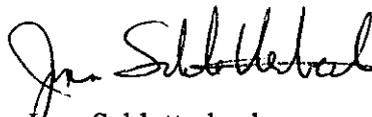
improvement over current arrangements, under which regions must collectively maintain and track a wide variety of equipment in order to support interoperability across myriad communication networks. Though admittedly short of the ideal of universally deployed interoperable handsets, this would, in our view, be sufficient to ensure interoperability and preserves the considerable benefits of permitting independent networks. (It should also be noted that depending on a commercial D Block licensee's choice of how to offer wireless services is likely to result in some municipalities subscribing to a set of services that does not include voice communications, again pointing to the need to ensure voice interoperability by means other than universally deployed handsets. This issue is independent of whether opt-outs and independent facilities are to be permitted.)

2) How would the local jurisdictions propose to work towards and achieve the goal of establishing a network with nationwide coverage with network coverage outside the jurisdiction of major cities?

As noted in our Comments filed in this proceeding, Philadelphia is not opposed *per se* to the public/private partnership proposed by the Commission, provided (i) that local governments have adequate opportunity to participate in the development of both the design of the network and the operational rules governing its use, and (ii) that we have the options, discussed above, both to opt out of the shared network and to develop our own networks. We believe the proposed auction, modified to reflect the requirements outlined above, remains an appropriate strategy for pursuing nationwide network coverage and interoperability.

Philadelphia understands that potential bidders may be relying on the economies of scale inherent in densely populated regions to subsidize roll-out of the shared networks to less densely populated regions. They contend the advantages of nationwide interoperability are so great as to justify this kind of cross-subsidization. That, however, is a policy matter properly addressed only by Congress. We believe the Commission would be acting outside its authority, and Congress' intent, if it limited local public safety access to 700 MHz spectrum for the purpose of inducing private, for-profit commercial entities to deploy networks in areas where it is otherwise uneconomic to do so.

Sincerely,



Joan Schlotterbeck  
Commissioner

Brian Marengo, Electronics Engineer  
Federal Communications Bureau  
700 MHz Public Safety Spectrum  
December 18, 2008  
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c: Michael Athay, Chief Deputy City Solicitor  
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