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ATTORNEYS AT LAW

3 March 2009

**BY ELECTRONIC FILING**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

**Re: *Notice of Ex Parte Presentation, WP Docket No. 07-100***

Dear Ms. Dortch:

On Monday, March 2, 2009, JoAnne Dalton of Tyco Electronics, Kim Baum of Motorola Mary Brown of Cisco, and I met with Paul Murray, wireless advisor to Acting Chairman Michael Copps to request that Acting Chairman Copps circulate the draft Part 90 Report and Order providing primary status for permanent fixed links that are part of a 4.9 GHz public safety network to his fellow Commissioners for vote.

The companies noted the importance and non-controversial nature of amending Part 90 to provide primary status to permanent fixed 4.9 GHz links.<sup>1</sup> 4.9 GHz promises wireless broadband applications for public safety such as *ad hoc* mobile hotspots, data file transfer, Intelligent Transport Systems and IP surveillance video. Acting Chairman Copps can facilitate public safety access to these applications in the immediate term, by circulating this widely supported item.

The record reflects unanimous support from the public safety community for primary status.<sup>2</sup> That support was provided a year and a half ago. At a time of even more limited local

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<sup>1</sup> See In the Matter of Amendment of Part 90 of the Commission's Rules, Notice of Proposed Rulemaking, WP Docket No. 07-100, FCC Rcd. (2007).

<sup>2</sup> See, e.g., WT Docket No. 07-100, including Comments of the American Association of State Highway and Transportation Officials at 17 (filed Aug. 13, 2007) (supporting "the clarification of the 4.9 GHz rules allowing fixed links deployed in support of an area wide 4.9 GHz broadband system be considered as primary."); Comments of the State of California at 5-6 (filed Aug. 13, 2007); Comments of The International Association of Fire Chiefs, Inc. and the International Municipal Signal Association at 9 (filed Aug. 13, 2007) (supporting the "proposal to afford primary (vs.

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budgets, the Commission can be assured that competition in the 4.9 GHz vendor market will provide public safety competitively-priced access to 4.9 GHz systems and applications.

Pursuant to Section 1.1206 of the Commission's rules, a copy of this letter has been filed via ECFS with your office and served on the Commission staff noted below. Should you have any questions, please do not hesitate to contact me by telephone at +1 202 730 1314 or by email at [tpaoletta@harriswiltshire.com](mailto:tpaoletta@harriswiltshire.com).

Sincerely,



Patricia Paoletta  
*Counsel for Tyco Electronics*

cc: Paul Murray  
Renee Crittendon  
Angela Giancarlo  
David Furth  
Erika Olsen  
Jeff Cohen  
Kim Baum  
Mary Brown

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secondary) status to certain permanent fixed links.”); Comments of the Land Mobile Communications Council at 18 (filed Aug. 13, 2007) (supporting “the proposition that fixed links deployed in support of an area-wide 4.9 GHz broadband system should be considered as primary.”); Comments of Motorola, Inc. at 11 (filed Aug. 13, 2007) (agreeing “that the rules regarding fixed links are creating some confusion in the marketplace and would benefit from FCC clarification.”); Comments of the National Public Safety Telecommunications Council at 16-17 (filed Aug. 13, 2007) (supporting “a clarification in the rules for 4.9 GHz operations. . . . In the end, we feel primary status should be afforded to all functions that support and contribute to the overall development of delivering 4.9 GHz user-based service as envisioned by the implementing agency.”); Comments of the Private Radio Section of the Wireless Communications Division of the Telecommunications Industry Association at (filed Aug. 13, 2007); Comments of RadioSoft at 6 (filed Aug. 13, 2007) (agreeing “that so long as point-to-point service in the 4.9 GHz band is fully in support of traffic in that service, it should be afforded primary designation.”); Comments of Tropos Networks at 4 (filed Aug. 13, 2007) (agreeing “that the Commission’s rules should indicate clearly that fixed links using directional antennas, operating as part of an integrated network with hot spots and mobile links, are authorized on a primary basis.”) .