

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of: Petition for Rulemaking to Amend the RM-11527
Land Mobile-TV Sharing Rules in the 470-512 MHz Band

Reply Comments of State of CT Region 2 Regional Systems and the Town of
Westbrook, Connecticut

1. INTRODUCTION

The Town of Westbrook and Region 2 ESF-2 of Connecticut submits to the Commission its support of the Petition filed by the National Public Safety Telecommunications Council (NPSTC) as amended by the Revised Comments of RadioSoft. We also further support the additional comments made by The Town of Durham - Scott Wright Communications Coordinator additional suggestions.

Several regional dispatch centers in Connecticut as well as a majority of Region 2 which I serve as the ESF-2 Communications chair, have looked at constructing regional systems - thus making efficient use of this spectrum and enabling both operability and interoperability. What is found is that frequencies can't be found. Those that "might" work in one area can't be used in another - even on a low power basis. Town and City based systems are similarly affected.

A review of Subsection (c)(1) of Section 337 of the Act helps to demonstrate the need. This Subsection, in its relevant part, states: Use of Unused Channels for Public Safety Services - upon application by an entity seeking to provide public safety services, the Commission shall waive any requirement of this Act or its regulations implementing this Act (other than its regulations regarding harmful interference) to the extent necessary to permit the use of unassigned frequencies for the provision of public safety services by such entity. An application shall be granted under this subsection if the Commission finds that -

1. No other spectrum allocated to public safety is immediately available to satisfy the requested public safety service use;
 2. The request is technically feasible without causing harmful interference...to other spectrum users entitled to protection from such interference under the Commission's regulations;
 3. The use of the unassigned frequency for the provision of public safety services is consistent with other allocations for the provision of such services in the geographic area for which the application is made;
 4. The unassigned frequency was allocated for its present use not less than two years prior to the date on which the application is granted; and
 5. Granting such application is consistent with the public interest
1. For many users, we believe utilizing the proposed channels will entail little more than retuning and/or reprogramming existing equipment.
 2. In the greater Hartford area. We believe that the frequency coordination process will adequately address any potential problems with any incumbent users.

3. The use of the unassigned frequency for the provision of public safety services is consistent with other allocations for the provision of such services in the geographic area for which the application is made.

4. The unassigned frequency was allocated for its present use not less than two years prior to the date on which the application is granted. As was discussed in the NPSTC Petition, the Commission has permitted sharing the 470-512 MHz spectrum since 1971 under Docket 18261. The original allocation for the spectrum obviously pre-dates that decision. Thus, the requirements for this section are met.

5. Granting such application is consistent with the public interest
We believe that the granting of this Petition, including the greater Hartford, CT area, is very much consistent with public interest. It is in the public interest to have public safety responders effectively communicate. The public is served best when coordination can take place among public safety responders. Systems that have been built cannot be expanded to meet new and growing needs due to the lack of spectrum compatible with existing equipment. Similarly, the taxpayer is served when relatively new existing equipment can continue to be used into the foreseeable future. While we believe we understand the concerns raised by MSTV/NAB in their Reply Comments, we believe there must be a practical balance achieved: emergency responders need to have the ability to adequately communicate at the incidents that the media want to report from. These needs need not be mutually exclusive - we need to work together. Certainly, if the needs of the media can be met in the New York City area (where Channels 14, 15, and 16 can be used by land mobile services) then the needs in Greater Hartford can be met as well.

4. PUBLIC SAFETY v B/ILT ALLOCATION

We note that some Reply Comments call for the spectrum to be entirely allocated to Public Safety while others call for a sharing between Public Safety and the Business/Industrial services. As a practical matter, we note that an examination of existing allocations on these proposed frequencies reveals that some frequencies are already in use by Business/Industrial users under existing regulation. As NPSTC points out in their Reply Comments, at times B/ILT services work in concert with Public Safety services to provide essential services to the Public Safety community. We propose that any such B/ILT service that wishes to utilize this spectrum undergo review by the appropriate Public Safety authority having jurisdiction for authentication and confirmation of need and their relationship to Public Safety.

5. THE FIRST 300

We note the number of Public Safety services that have applied for and been granted waivers to use what is currently Part 22 spectrum in the first 300 KHz of each channel allocation. We propose that under this Petition the first 300 KHz of spectrum be allocated exclusively for Public Safety services. We further propose that these first 300 KHz of spectrum be allocated, specifically in the Hartford, CT area and perhaps other areas as can be accommodated, for the purposes of interoperability. We propose that these channels be limited to low power (5 or less watts) mobile only operations and be licensed by rule, thus alleviating individual licensees of the undue burden of having to individually apply for these interoperability channels - with one caveat. We believe the appropriate authority having jurisdiction may license one or more of these channels for large area interoperability using mobile relay/repeater stations, with such use being included and delineated in the particular areas Statewide

Communications Interoperability Plan. Such licensing would, of course, be subject to frequency coordination.

6. HOW BIG THE CIRCLE?

The Petitioners call for the land mobile base station area of operation to be extended from 50 miles (or 80 kilometers) to 80 miles (or 128 kilometers). We agree with Reply Comments that this is a reasonable request, provided that protections are in place for existing broadcast users.

7. TILE v CONTOUR

We believe that the Commission should require the use of the TSB-88 analysis during frequency coordination. Although contour studies can be helpful, our experience has shown that a properly completed TSB-88 study can demonstrate the ability to re-use frequencies where a simple contour study would seem to preclude such a re-use.

8. CONCLUSION

We appreciate the work that NPSTC, RadioSoft, the LMCC, and MSTV/NAB have put into this Petition and the Reply Comments that they have submitted. Particularly, we appreciate that RadioSoft has made a proposal and argument to add the Hartford, Connecticut area as a metropolitan area that can utilize the resource known as "T-Band" channels. A quick scan of the Reply Comments submitted by users overwhelmingly demonstrates a compelling need for such resources in this area. The Reply Comments submitted by users in the Hartford, Connecticut area are a plea for help, in this case spectral relief, which can only be accomplished through the granting of the proposal. We urge that the Commission issue a Notice of Proposed Rule Making in short order.

Respectfully Submitted,

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