

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

In the Matter of)	
)	
Service Rules for the 698-746, 747-762 and 777-792 MHz Bands)	WT Docket No. 06-150
)	
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
)	

TO: CHIEF, PUBLIC SAFETY AND HOMELAND SECURITY BUREAU

STATEMENT FOR THE RECORD

JULY 14, 2009

I. Summary

The State of Maryland (“Maryland”), the District of Columbia (“District”), Prince George’s County, Maryland (“Prince George’s”), and Regional Planning Committee Twenty (“Region 20”), known collectively as the Parties to this Statement for the Record (“Parties”), have reached an administrative consensus relative to the Waiver filed with the Federal Communications Commission (“Commission”) styled as “Request of the District of Columbia for Waiver of the Commission’s Rules to Enable Prompt and Efficient Deployment of a Public Safety Interoperable Broadband Network in the 700 MHz Band”¹.

¹ See Filing of the District of Columbia relative to Dockets WT 06-150 and PS 06-229 on June 26, 2009

The Parties agree to work cooperatively to facilitate continued operation of the District's Regional Wireless Broadband Network ("RWBN") in the 700 MHz narrowband voice spectrum of 769-775 and 799-805 MHz spectrum through and no later than February 21, 2010 pursuant to the Special Temporary Authority ("STA")² issued by the Commission. Further, the Parties agree that the District will not seek from the Commission an extension of the STA to operate in the 700 MHz narrowband voice spectrum or seek any other waiver or request for authority of any kind to operate the RWBN in the 700 MHz narrowband voice spectrum after February 21, 2010. If the District has not been authorized by the Commission to operate the RWBN in spectrum other than the 700 MHz narrowband voice band by February 21, 2010, the District will cease RWBN operations in the 700 MHz narrowband voice spectrum by taking the RWBN off of the air.

Notwithstanding the statements above, Maryland, Prince George's, and Region 20 do not oppose the Waiver request of the District as related to operation in the broadband 763-768 and 793-798 MHz spectrum.

II. Standing of the Parties

The Commission has issued to the District a STA to operate in the 700 MHz narrowband voice spectrum³. Maryland borders all parts of the District north of the Potomac River and has been issued a statewide 700 MHz geographic license⁴ as well as license to operate on low-power⁵ 700 MHz frequencies⁶. Prince George's County

² See Request by National Capital Region for Special Temporary Authority to Operate a Broadband Network in the 700 MHz Public Safety Band, Order, 22 FCC Rcd 20912 ¶ 6 (PSSSB, rel. Nov. 29, 2007) (citation omitted). The STAs were assigned Call Signs WQHY489 and WQHY490.

³ *Id.*

⁴ See WPTZ805

⁵ See 47 CFR §90.531(b)(3)

⁶ See WQJU874

borders the eastern and part of the northern portion of the District and is licensed to operate in the 700 MHz narrowband voice spectrum⁷. Region 20 administers the 700 MHz Plan⁸ approved by the Commission⁹ for the District, Maryland, and the northern counties of the Commonwealth of Virginia.

III. Consensus of the Parties

The Parties recognize and believe that the RWBN offers value to the nation as a living laboratory in the development of wireless broadband operations in the 700 MHz frequency band. The Parties also agree that it is equally important for Maryland, Prince George's, and other Region 20 licensees to have interference free operations in the 700 MHz narrowband voice spectrum. In recognition of these findings, the Parties agree that the District will end all RWBN operations in the 700 MHz narrowband voice spectrum no later than February 21, 2010.

Continued operation of the RWBN in the 700 MHz narrowband voice spectrum has the greatest immediate impact upon Prince George's as the County is on the verge of implementing its new P25 digital trunked radio system that will operate in the 700 MHz frequency band pursuant to the licenses issued by the Commission¹⁰. Prince George's and the District have met and will attempt to operate both the RWBN as well as the County's 700 MHz system through February 21, 2010. Notwithstanding this plan to jointly use the 700 MHz narrowband voice spectrum where the authorized frequencies of the District and Prince George's overlap, the Parties specifically acknowledge that Prince George's reserves and retains all rights to exercise its rights to any regulatory protections

⁷ See WQJS917, WQJS918, WQJU812, and WQJU814

⁸ See 47 CFR § 90.527

⁹ See DA 08-1730

¹⁰ *Id.*

to which it is entitled by the rules of the Commission. Further, nothing in this Statement for the Record is intended to delay or defer the right of Prince George's to begin using their licensed 700 MHz frequencies immediately with the RWBN accepting any interference which may be generated from the Prince George's 700 MHz system.

Maryland is actively pursuing a public procurement process to acquire a statewide 700 MHz digital trunked P25 radio system. Like Prince George's, Maryland requires unfettered access to its 700 MHz narrowband voice channels no later than February 21, 2010. Maryland also reserves and retains its rights to exercise any regulatory protections to which it is entitled by the rules of the Commission. Nothing in this Statement for the Record is intended to delay or defer the right of Maryland to begin using their licensed 700 MHz frequencies immediately with the RWBN accepting any interference which may be generated from the Maryland 700 MHz system.

The Parties also acknowledge that this Statement for the Record in no way is intended to restrict the normal flow of processing Region 20 applications for new 700 MHz licenses either at the Region 20 level or at the Commission. The Parties also recognize that the RWBN, while operating in the 700 MHz narrowband voice spectrum, operates on a secondary¹¹ basis to licensees authorized by the Commission to operate in the 700 MHz narrowband voice spectrum. If at any time prior to February 21, 2010, a 700 MHz licensee receiving unacceptable interference may petition the Commission to revoke the STA of the District to operate in the 700 MHz narrowband voice spectrum.

IV. Dissolution of Consensus

In the event that the District changes administrative leadership with responsibility for the management and operation of the RWBN and if that new leadership seeks a

¹¹ See 47 CFR § 90.7

change in the date in which the RWBN may operate beyond February 21, 2010, Maryland, Prince George's, and Region 20 oppose any STA extensions and asks the Commission to terminate the RWBN's STA on or before February 21, 2010.

V. Conclusion

The Parties have reached this administrative consensus voluntarily in an effort to support the public's interest in effective and reliable public safety communications. The Parties urge the Commission to support the efforts of the District by permitting the rebanding of the RWBN into spectrum outside of the 700 MHz narrowband voice channels on or before February 21, 2010.

/s/

Gregory Urban, Deputy Chief Technology Officer, State of Maryland Department of Information Technology

/s/

Wayne McBride, Deputy Chief of Public Safety Communications, Prince George's County, Maryland

/s/

G. Edward Ryan, II, Chairman, Regional Planning Committee Twenty (700 and 800 MHz)

/s/

Kenneth Boley, Director, Intergovernmental Initiatives for the Office of the Chief Technology Officer, Government of the District of Columbia