Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
A National Broadband Plan for Our Future	)	GN Docket No. 09-51

REPLY COMMENTS OF
THE PUBLIC SAFETY SPECTRUM TRUST CORPORATION

I. Introduction.

The Public Safety Spectrum Trust Corporation ("PSST") hereby submits its Reply Comments in response to the Federal Communications Commission's ("FCC" or "Commission") April 8, 2009 Notice of Inquiry ("*NOI*") in the above-referenced proceeding.[1] Under the American Recovery and Reinvestment Act of 2009,[2] the Commission must develop a National Broadband Plan ("Plan") that addresses, among other things, "the use of broadband infrastructure and services in advancing . . . public safety and homeland security."[3]

As discussed below, the PSST agrees with commenters that a key element of the Plan should be the expedited development of a nationwide, interoperable broadband network for public safety users. In addition, the FCC should grant the early buildout waiver requests filed by public safety entities seeking to deploy local and regional 700 MHz broadband networks for public safety use—as long as those networks advance the Commission's public safety and nationwide interoperability goals. Finally, as part of the Plan, the FCC should encourage broadband providers to develop customized public safety services and applications.

---

[1] *A National Broadband Plan for Our Future*, Notice of Inquiry, 24 FCC Rcd 4342 (2009) ("*NOI*").
[2] American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, 123 Stat. 115 (2009) ("Recovery Act").
[3] *Id.* § 6001(k)(2)(D).

II. The FCC Should Expedite, and the National Broadband Plan Should Facilitate, a Nationwide, Interoperable Broadband Network for Public Safety Users.

In the *NOI*, the Commission sought comment on a wide array of public safety and homeland security broadband issues, including "how access to broadband capability may promote interoperable wireless-based communications among various public safety agencies and jurisdictions," plans and benchmarks to improve interoperability, and the connection between the Plan and the Commission's efforts to promote the development of a nationwide, interoperable broadband network for public safety entities and first responders in the 700 MHz band.[4]

In response to the *NOI*, several commenters underscored the critical need of public safety users to obtain prompt access to mobile broadband services. APCO, for example, stated that "[f]irst responders and other public safety personnel are, by definition, mobile and must be prepared to operate and to communicate in real time from virtually any location, at least within a particular jurisdictional area. The ability to 'roam' into other jurisdictions, near and far, to provide multi-jurisdictional emergency responses is also increasingly important and creates the need for broadly interoperable radio communications."[5] Sprint Nextel agreed, calling mobile broadband technology "invaluable" for public safety and homeland security users.[6] AT&T echoed this statement, commenting that "mobile broadband provides an enormously important resource for public-safety providers."[7] The PSST agrees with these and other commenters that mobile broadband services can provide increasingly vital first responder functions and should be

---

[4] *See, e.g.*, *NOI* ¶¶ 72, 77.
[5] *See, e.g.*, Comments of the Association of Public-Safety Communications Officials-International, Inc., GN Docket No. 09-51, 2 (filed June 8, 2009) ("APCO Comments").
[6] Comments of Sprint Nextel Corporation, GN Docket No. 09-51, 42 (filed June 8, 2009) ("Sprint Nextel Comments").
[7] Comments of AT&T Inc., GN Docket No. 09-51, 64 (filed June 8, 2009); *see also* page 63 (noting that some first responders are using mobile broadband services for safety monitoring and disaster preparedness).

deployed expeditiously to all public safety users via a nationwide, interoperable broadband network.

Nationwide interoperability is a fundamental goal of the Commission's public safety broadband framework,[8] and the PSST supports continued efforts to facilitate nationwide broadband interoperability for public safety users. As the FCC itself emphasized, "[t]he successful creation of a nationwide interoperable broadband network meeting the needs of public safety will be of enormous value to the public . . . ."[9] A nationwide framework will also lead to "wider deployment, lower costs, better interoperability, and greater efficiency" rather than a series of small, balkanized networks.[10] A network with nationwide interoperability ensures that public safety entities in all jurisdictions – not just urban or affluent areas – have access to life-saving broadband services and applications. In addition, a nationwide network could link together existing, incompatible systems and increase communications and database interoperability across jurisdictions.[11]

As the Commission develops the Plan and continues its work to provide a nationwide, interoperable broadband network for public safety users in the 700 MHz band, it should continue to support reliable and recurring funding mechanisms for the network, as well as for the relocation of narrowband systems.[12] A primary obstacle to constructing a nationwide interoperable public safety network is that most individual public safety agencies lack funding for the construction of individual broadband networks, and this problem has been exacerbated in

---

[8] *Service Rules for the 678-746, 747-767 and 777-792 MHz Bands*, Second Further Notice of Proposed Rulemaking, 23 FCC Rcd 8047 ¶ 1 (2008).
[9] *Service Rules for the 678-746, 747-767 and 777-792 MHz Bands*, Third Further Notice of Proposed Rulemaking, 23 FCC Rcd 14301 ¶ 275 (2008).
[10] *See* APCO Comments at 5.
[11] *See id.* at 3.
[12] *See* Comments of NENA (National Emergency Number Association), GN Docket No. 09-51, 8 (filed June 8, 2009) ("NENA Comments").

the current economic recession. The Commission should also facilitate reliable, recurring funding for the PSST in its role as the nationwide licensee for the Public Safety Broadband License in the 700 MHz band.

The PSST also opposes a recent proposal to have the Commission auction the D Block solely for commercial purposes.[13] In addition to failing to put forward any viable plan for achieving the ultimate goal of a nationwide, interoperable broadband network for public safety, the proposal imposes two-fold harms on public safety users. First, it takes away spectrum access from public safety, leaving first responders constrained when they face the greatest needs. Second, the proposal removes crucial build-out support and leaves public safety with a small fraction of the funds needed to build and maintain a network on its remaining 10 MHz of spectrum.[14]

III. Public Safety Users Should be Authorized and Encouraged to Deploy Local and Regional Systems Expeditiously.

The PSST supports the efforts of several state and local governments, including the City of Boston, the Bay Area Cities (City and County of San Francisco, the City of Oakland, and the City of San Jose), the State of New Jersey, the City of New York, the State of New York, the District of Columbia, the City of Chesapeake, the City of San Antonio, and the State of New Mexico (collectively, the "Waiver Applicants"), to deploy local and regional 700 MHz wireless broadband networks for public safety.[15] The PSST has previously expressed support for the

---

[13] *Ex parte* letter from Leap Wireless International, Inc., MetroPCS Communications, Inc., Rural Telecommunications Group, Inc., and T-Mobile USA, Inc., PS Docket No. 06-229 (filed June 23, 2009).
[14] *See Ex Parte* letter from Harlin R. McEwen, PSST, to Acting Chairman Michael J. Copps, *et al.*, PS Docket No. 06-229 (filed June 29, 2009).
[15] Request by the City of Boston for Waiver of the Commission's Rules to Deploy a 700 MHz Public Safety Interoperable Broadband Network That Can Be Integrated into the Public-Private Partnership, PS Docket No. 06-229 (filed Dec. 11, 2008; amended request filed May 28, 2009) ("Amended Boston

FCC's rules regarding early build-out of local and regional 700 MHz broadband networks by public safety entities, noting that the existing rules "provide an appropriate safety valve for public safety licensees that wish to accelerate broadband deployment in their community" without undermining the development of a nationwide interoperable network."[16] After resolving the issues discussed below, the Commission should grant the early buildout waiver requests filed by these parties expeditiously and facilitate broadband deployment for public safety users.

Any relief provided to the Waiver Applicants should continue to advance, not hinder, the FCC's nationwide interoperability goal. Thus, as a condition of any waiver grant, the FCC should require the Waiver Applicants to ensure that their proposed local or regional networks are fully interoperable with the future nationwide public safety broadband network and incorporate a uniform technology, nationally coordinated technical standards and operating requirements, and network sharing and roaming functionality.[17] Any waiver relief should also include a

---

Request"); Request by the City and County of San Francisco, City of Oakland and City of San Jose for Waiver of the Commission's Rules to Allow Establishment of a 700 MHz Interoperable Mobile Public Safety Broadband Network, PS Docket No. 06-229 (filed Mar. 24, 2009; amended request filed May 27, 2009); Petition by the State of New Jersey on the Commission's Rules Regarding a 700 MHz Nationwide Public Safety Interoperable Broadband Network, PS Docket No. 06-229 (filed Apr. 3, 2009); Request by the City of New York for Waiver of the Commission's Rules to Deploy a Public Safety Interoperable Broadband Network in the 700 MHz Band, PS Docket No. 06-229 (filed June 8, 2009); 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, PS Docket No. 06-229 (filed June 26, 2009); Request by the State of New York for Waiver of the Commission's Rules Regarding a 700 MHz Public Safety Interoperable Broadband Network, PS Docket No. 06-229 (filed June 30, 2009); The City of Chesapeake, Virginia Waiver of the Commission's Rules to Allow Local Deployment of a Public Safety Broadband Network in the 700 MHz Band, PS Docket No. 06-229 (filed July 8, 2009); Petition by the City of San Antonio for Waiver of the Commission's Rules to Deploy a 700 MHz Public Safety Interoperable Broadband Network, PS Docket No. 06-229 (filed July 10, 2009); Petition by the State of New Mexico for Waiver of the Commission's Rules to Deploy a 700 MHz Public Safety Interoperable Broadband Network, PS Docket No. 06-229 (filed July 10, 2009).

[16] Comments of the Public Safety Spectrum Trust Corporation, PS Docket No. 06-229, 30 (Nov. 3, 2008).

[17] *See, e.g.*, APCO Comments at 5-6 (supporting nationwide interoperability and roaming requirements); NENA Comments at 8 (supporting a national network with a single standard and technology platform). With respect to roaming, any locally built, stand alone systems must be designed to allow local users to roam nationally when outside the local network. In addition, systems must be designed to allow other

mechanism for addressing the relocation (and related expenses) of any existing narrowband voice systems. Moreover, the Commission should ensure that the needs of public safety entities serving smaller communities and rural areas are met, and full interoperability can advance this objective. Cities, regions, and states with sufficient resources should be able to build out public safety broadband systems as expeditiously as possible, although stand-alone public safety systems that are capable of meeting local and regional requirements but that leave islands of incompatibility within a nationwide broadband network are contrary to the Commission's public safety goals. In addition, as noted in Section II, the Commission should make sure that any relief provided to the Waiver Applicants establishes or maintains a reliable funding mechanism for the PSST in its role as the nationwide Public Safety Broadband Licensee.

The FCC should also maintain the nationwide license framework for the public safety broadband spectrum. Consistent with this approach, the FCC should not disrupt the nationwide administrative and oversight role already established for the 700 MHz public safety broadband spectrum by providing a separate license to localities, regions, or states. Instead, the Commission should provide more limited relief to enable the Waiver Applicants to build-out their local, regional, or state systems expeditiously, subject to PSST approval and compliance with the FCC's other rules. In its Request for Waiver, for example, the City of Boston states that it "will obtain the approval of the Public Safety Broadband Licensee for any early deployment undertaken under the waiver."[18] The PSST supports this approach for ensuring that the FCC's public safety goals remain intact, and any relief should similarly require the Waiver Applicants

---

(*i.e.*, non-local) users of the nationwide public safety network to roam onto the system when in the local network area.

[18] Amended Boston Request at 12.

to coordinate with and obtain approval from the PSST, the licensee for the 700 MHz public safety broadband spectrum.

Only through a nationwide licensing framework can the Commission ensure that the public safety community's need for nationwide interoperability remains addressed for the long term. Although the FCC can prescribe a series of initial technical standards and operating requirements, interoperability issues will arise in the future as mobile technologies and the needs of public safety users continue to evolve. A nationwide licensee can coordinate with local and state public safety groups to address these issues and any potential conflicts expeditiously and collaborate on ongoing improvements necessary to the nationwide network. In addition, compared to numerous regional, statewide, or local licensees, a nationwide licensee provides a central point of contact for addressing other network issues, such as resolving interference and notifying users of any network outages. It can also serve as a central point of contact between public safety users and the FCC, minimizing the administrative burden on the Commission with respect to monitoring public safety users and ensuring compliance with the Commission's rules. As the Commission stated in the *Second Report and Order* when it established the nationwide Public Safety Broadband License:

> [C]reating a single nationwide geographic area license offers greater flexibility and eases the administrative burden on both the public safety community and the Commission. We find that centralizing the responsibilities for implementing a broadband network across the entire country under a nationwide geographic area license, assigned to a single entity, best serves the objectives discussed in the *700 MHz Public Safety Ninth Notice*, including the goals of achieving a nationwide level of interoperability and a public safety network that is robust, cost effective, spectrally efficient, and based on a flexible, IP-based, modern architecture. These goals would be very difficult, if not impossible, to achieve under regional, state, or local level spectrum planning approaches.[19]

---

[19] *Service Rules for the 678-746, 747-767 and 777-792 MHz Bands*, Second Report and Order, 22 FCC Rcd 15289 ¶¶ 369-70 (2007) ("*Second R&O*") (stating also that "a single Public Safety Broadband Licensee can achieve significant bargaining and purchasing power in acquiring equipment and services needed for the nationwide broadband system, and thus be able to obtain economies of scale with respect

A nationwide license framework will also serve better the needs public safety users in small communities and in rural areas. As APCO stated, "absent a national network approach, only those agencies with sufficient resources and expertise will be able to deploy broadband, and there is no assurance that systems will be interoperable or be able to take advantage of 'off-the-shelf' technologies and standards. Other public safety agencies will be left in the dark, or forced to rely upon less dependable commercial networks."[20] A nationwide licensee can work with these users to ensure that they obtain the same quality and range of services that are available to public safety users with more resources.

IV. The National Broadband Plan Should Encourage Broadband Service Providers to Develop Services and Applications Customized for Public Safety Users.

Commenters identified numerous current and future broadband applications that can benefit public safety users. As part of the Plan and the Commission's obligation to address "the use of broadband infrastructure and services in advancing . . . public safety and homeland security,"[21] the FCC should encourage broadband service providers to design customized features and applications directed at these users. Moreover, the FCC should facilitate public/private partnerships that meet these needs.

Sprint Nextel highlighted, for example, the potential use of mobile broadband services for records management; incident reporting; GPS and location-based applications; sensor-based monitoring, testing, and metering; and live streaming audio and video surveillance.[22] These are just some of the applications that are becoming increasingly critical to first responders, and

---

to network and radio equipment not unlike nationwide CMRS systems," and noting that a nationwide licensee could "increase spectrum efficiency as compared to multiple, specialized public safety network 'silos' overlapping in the same area and using incompatible frequencies and technologies").

[20] APCO Comments at 5-6.

[21] Recovery Act § 6001(k)(2)(D).

[22] Sprint Nextel Comments at 42.

service providers should strive to increase their availability. As broadband providers continue to develop and deploy new services to the general public, they should also ensure that the public safety community's coverage, reliability, and capacity needs are met wherever possible. The FCC could also encourage service providers to integrate satellite-based communications offerings for public safety users to promote ubiquitous geographic coverage.[23] By providing better tools for life-saving public safety efforts, such specialized products and applications can advance Congress's and the Commission's public safety goals.

Respectfully submitted,

Chief Harlin R. McEwen
Chairman
Public Safety Spectrum Trust Corporation
(202) 312-9235
chiefhrm@pubsaf.com

July 21, 2009

[23] *See, e.g.*, Comments of Iridium Satellite LLC, GN Docket No. 09-51, 5 (filed June 8, 2009) (discussing Iridium NEXT's satellite broadband technology and commenting that emergency response and homeland security users (among others) "in times of emergency and in rural areas, often have only satellite connectivity"); *see also Second R&O* ¶¶ 463-68 (requiring that the D Block licensee make available to public safety users at least one handset that includes a seamlessly integrated satellite solution).