

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of:)
) PS Docket No. 06-229
Petitions for Waiver to Use)
the 700 MHz for Regional Public)
Safety Broadband Communications)

COMMENTS OF THE SATELLITE INDUSTRY ASSOCIATION

The Satellite Industry Association (“SIA”) submits these comments in response to the FCC’s Public Notice¹ seeking comment on thirteen requests for waivers of the FCC’s rules governing use of the spectrum currently licensed to the Public Safety Spectrum Trust (“PSST”).² SIA is a United States (“U.S.”) based trade association providing worldwide representation of the leading satellite operators, service providers, manufacturers, launch services providers, and ground equipment suppliers.³

¹ See Public Safety and Homeland Security Bureau Seeks Comment on Petitions for Waiver to Deploy 700 MHz Public Safety Broadband Networks, Public Notice, 24 FCC Rcd 10814 (rel. Aug. 14, 2009).

² See City of Boston Request for Waiver, PS Docket No. 06-229 (filed Dec. 11, 2008); City of Boston Amended Request for Waiver, PS Docket No. 06-229 (filed May 28, 2009); City and County of San Francisco, City of Oakland, City of San Jose Request for Waiver, PS Docket No. 06-229 (filed Mar. 24, 2009); City and County of San Francisco, City of Oakland, City of San Jose Request for Waiver, PS Docket No. 06-229 (filed May 28, 2009); State of New Jersey Petition, PS Docket No. 06-229 (filed Apr. 3, 2009); City of New York Petition for Waiver, PS Docket No. 06-229 (filed June 8, 2009); District of Columbia Request for Waiver, PS Docket No. 06-229 (filed June 26, 2009); New York State Request for Waiver, PS Docket No. 06-229 (filed June 30, 2009); City of Chesapeake, Virginia, Request for Waiver, PS Docket No. 06-229 (filed July 8, 2009); City of San Antonio, Texas, Petition for Expedited Waiver, PS Docket No. 06-229 (filed July 10, 2009); State of New Mexico, Petition for Expedited Waiver, PS Docket No. 06-229 (filed July 10, 2009); North Dakota Petition, note 1, *supra*; Petition for Waiver of the City of Charlotte, North Carolina, PS Docket No. 06-229 (filed Aug 4., 2009); Petition for Expedited Waiver, PS Docket No. 06-229 (filed Aug. 7, 2009).

³ SIA Executive Members include: Artel Inc.; The Boeing Company; CapRock Government Solutions; The DIRECTV Group; Hughes Network Systems, LLC; DBSD North America, Inc.; Integral Systems, Inc.; Intelsat, Ltd.; Iridium Satellite, LLC; Lockheed Martin Corp.; Loral Space & Communications Inc.; Northrop Grumman Corporation; Rockwell Collins; SES World Skies, Inc.; SkyTerra Communications Inc.; and TerreStar Networks, Inc. Associate Members include: ATK Inc.; Comtech EF Data Corp.; DRS

SIA is the unified voice of the U.S. satellite industry on policy, regulatory, and legislative issues affecting the satellite business. As the primary trade association for the U.S.-based satellite industry, which provides communications links and services to public safety agencies nationwide, SIA has a direct interest in the deployment of a nationwide public safety broadband network.

The FCC has allocated and licensed dedicated terrestrial spectrum for a nationwide, interoperable public safety broadband network, but has acknowledged that satellite networks can provide the only means of communicating where terrestrial communications networks have been damaged or destroyed and can enable public safety users to communicate in rural and remote areas that terrestrial services do not reach.⁴ The *Second Report and Order* therefore adopted a requirement, now codified in the FCC's rules, that the D block licensee make available to public safety agencies at least one handset that includes a seamlessly integrated satellite solution.⁵ When the FCC re-examined the framework of the planned public-private partnership after the initial effort to auction the D Block license, commenters widely acknowledged the benefits of

Technologies, Inc.; EchoStar Satellite, LLC; EMC, Inc.; Eutelsat Inc.; iDirect Government Technologies; Inmarsat Inc.; Marshall Communications Corp.; Panasonic Avionics Corporation; Spacecom Ltd.; Stratos Global Corp; SWE-DISH Space Corp; Telesat; ViaSat Inc.; and WildBlue Communications, Inc. Additional information about SIA can be found at <http://www.sia.org>.

⁴ See Service Rules for the 698-746, 747-762 and 777-792 MHz Bands, WT Docket No. 06-150, Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, Section 68.4(a) of the Commission's Rules Governing Hearing Aid-Compatible Telephones, WT Docket No. 01-309, Biennial Regulatory Review – Amendment of Parts 1, 22, 24, 27, and 90 to Streamline and Harmonize Various Rules Affecting Wireless Radio Services, WT Docket 03-264, Former Nextel Communications, Inc. Upper 700 MHz Guard Band Licenses and Revisions to Part 27 of the Commission's Rules, WT Docket No. 06-169, 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, Declaratory Ruling on Reporting Requirement under Commission's Part 1 Anti-Collusion Rule, WT Docket No. 07-166, *Second Report and Order*, 22 FCC Rcd 15289 (2007) at ¶ 463 (“*Second Report and Order*”).

⁵ *Id.* at ¶¶ 405, 463; 47 CFR 27.1310(g).

incorporating satellite capability into plans for the national public safety broadband network,⁶ and in the *Third Further Notice*⁷ the Commission tentatively concluded that it should retain the “dual-mode” satellite device requirement.⁸

The Commission now seeks comment on thirteen petitions for waiver of the rules adopted in the *Second Report and Order*. Although the details of the requests vary, each petitioner seeks to construct facilities that would use the spectrum licensed to the PSST prior to resolution of the many complex issues that have delayed construction of the national public safety broadband network.⁹

SIA takes no position on the individual petitions. However, any facilities built pursuant to waivers should be consistent with the Commission’s goal of creating a nationwide, interoperable public safety broadband network and should “facilitate the incorporation of satellite-based communications capability into public safety networks.”¹⁰ Specifically, agencies that operate on the public safety broadband spectrum pursuant to “early build-out” waivers should be required to obtain and deploy dual-mode satellite-terrestrial devices when such devices become available. Because the D Block spectrum

⁶ See, e.g. Comments of National Public Safety Telecommunications Council (“NPSTC”), at 43 (June 20, 2008) (NPSTC “supports the notion of incorporating satellite or other nonterrestrial networks in at least one handset.”); Comments of the Public Safety Spectrum Trust Corporation, at Att. C p.3 (June 20, 2008) (“The goal is to construct a highlight reliable and available network that is better than commercial wireless networks today, yet economically viable [and] this can be achieved through a variety of means such as . . . backup reliance on satellite coverage.”); see also Comments of Leap Wireless International, at 13 (June 20, 2008); Comments of Mobile Satellite Users Association (June 20, 2008); Comments of Mobile Satellite Ventures Subsidiary LLC, at 2 (June 20, 2008); Comments of Inmarsat PLC, at 4-5 (June 20, 2008).

⁷ Service Rules for the 698-746, 747-762 and 777-792 Bands; Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band, WT Docket No. 06-150, PS Docket No. 06-229, 23 FCC Rcd 14301 (2008) (“*Third Further Notice*”).

⁸ *Id.* at ¶ 131.

⁹ For an overview of the issues, see Service Rules for the 698-746, 747-762 and 777-792 Bands; Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band, WT Docket No. 06-150, PS Docket No. 06-229, 22 FCC Rcd 8047 ¶¶ 2-6 (2008) (“*Second Further Notice*”) and *Third Further Notice* ¶¶ 2-15.

¹⁰ *Second Report and Order* at ¶ 463.

has not been licensed, no one is yet responsible for ensuring that dual-mode satellite/terrestrial devices are developed and distributed. However, if agencies that launch service pursuant to “early build-out” waivers are committed to deploy dual-mode devices once they become available, device manufacturers will be more likely to offer dual-mode devices sooner.

Earlier availability of dual-mode devices would benefit all public safety agencies. For agencies served by “early build-outs”, dual-mode devices would provide the same level of communications redundancy and resilience the FCC intended for the public safety broadband network generally and would effectively extend the service area of those networks, allowing first responders to access critical applications and data when they are deployed in areas beyond reach of terrestrial networks. Dual-mode devices would also benefit public safety agencies that are not served by “early build-out” facilities, by providing access to public safety data services and applications through satellite links using the same devices available to agencies in “early build-out” areas. Because dual-mode devices will be forward compatible with terrestrial services, they should stimulate demand for broadband and accelerate deployment of the 700 MHz public safety broadband network in other areas.

Respectfully submitted,



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