

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
Service Rules for the 698-746, 747-762 and 777-792 MHz Bands	)	GN Docket Nos. 09-47, 09-51, 09-137
	)	PS Docket Nos. 06-229, 07-100, 07-114
	)	WT Docket No. 06-150
	)	CC Docket No. 94-102
	)	
Public Safety, Homeland Security and Cybersecurity Elements of National Broadband Plan	)	WC Docket No. 05-196
	)	

**COMMENTS OF NEW EA DBA FLOW MOBILE**

**I. INTRODUCTION**

New EA dba Flow Mobile (“Flow Mobile”) submits the following comments on the National Broadband Plan in the above-captioned proceeding with respect to public safety. Flow Mobile is a mobile broadband provider focused primarily on serving rural areas with a particular emphasis on addressing the needs of public safety in rural areas. Historically, rural areas have been the last to receive advanced mobile telecommunications services. The high cost of traditional cellular networks has made it difficult for rural areas to receive ubiquitous coverage. Today, many rural areas have severe coverage gaps in 2G service, and 3G coverage is grossly inadequate.

As the Commission attempts to foster the deployment of a nationwide mobile broadband public safety network, special attention must be paid to solving the “rural riddle” if there is to be a true nationwide network. A nationwide public safety network is going to require the Commission to embrace innovative solutions that can radically change the price structure of

deploying mobile broadband networks. Further, requiring open standards and open access on mobile broadband services, including public safety services in the 700 MHz band, is an essential element to ensure that low-cost options can emerge to address public safety needs.

## **II. THE CHALLENGE OF DEPLOYING A MOBILE BROADBAND NETWORK IN RURAL AREAS**

One of the greatest challenges facing public safety in rural areas is access to a mobile broadband network. Many rural states are still plagued with numerous dead zones with respect to 2G mobile service with 3G mobile service still very limited. The high cost of deploying these networks under the traditional cellular model has condemned many rural areas of the country to perpetual dead zones which can become deadly areas in the case of an emergency. While many rural states have been able to build and operate narrowband public safety networks, the prospect of achieving ubiquitous coverage with a mobile broadband network seems unattainable if the costs are going to be anywhere in the neighborhood of 3G networks.

Take North Dakota as one example. According to a CTIA CostQuest study, the total cost of deploying a statewide 3G network in North Dakota would cost approximately \$528 million to reach 71% unserved users<sup>1</sup> and over \$700 million to reach 100% of the unserved population. If 4G networks using LTE technology – the preferred technology of the large incumbent wireless carriers and some national public safety organizations – are going to be anywhere near the cost of 3G, mobile broadband service will be unattainable. There are 4,700 public safety users in North Dakota that use the public safety state radio network. Assuming an LTE network is going

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<sup>1</sup> U.S. Ubiquitous Mobility Study Identification of and Estimated Initial Investments to Deploy Third Generation Mobile Broadband Networks in Unserved and Underserved Areas. CostQuest Associates. April 17, 2008 at 21.

to cost the same as 3G, the price tag is \$150,000 per public safety user – just for the network -- which will make the network financially infeasible.

The only way rural states like North Dakota are going to have an opportunity to participate in a national public safety broadband network is for a different technology solution to emerge. Interoperability presumes operability and for many rural states, a lower-cost solution is required.

### **III. FLOW MOBILE'S RECOMMENDATIONS**

As a network provider for public safety, Flow Mobile does not wish to speak for its customers who are best suited to address the specific questions raised in this notice. However, Flow Mobile would like to take the opportunity to reinforce a few key regulatory issues that the Commission should address in the 700 MHz proceedings on the Public Safety Broadband Licensee (PSBL) and the D Block.

#### **A. THE COMMISSION MUST MAINTAIN TECHNOLOGY NEUTRALITY**

First, ensuring an interoperable nationwide network for public safety does not equal endorsing a single proprietary technology standard. While the large national carriers and some national public safety organizations have expressed a preference for a particular national standard, the Commission should not exclude the existence of other standards. In fact, the endorsement of one proprietary standard will inhibit interoperability and then thwart the reality of a national broadband network for public safety. The Commission should allow open standard technology options and open access models that will provide financially feasible options for public safety in rural areas of the country.

Not only should the Commission maintain a technological neutral approach to its rules related to the 700 MHz band for public safety, the Commission should not permit one standard from becoming the de facto standard. The debate over how to deploy a national public safety network is being waged by some with the presumption that any technology that is not LTE, the preferred proprietary standard of the major wireless carriers and some public safety organizations, is not acceptable. The effect of this is to kill innovation and competition that would bring the benefits of lower costs and greater options for the public safety community.

#### **B. THE COMMISSION SHOULD REQUIRE PUBLIC-PRIVATE PARTNERSHIPS**

Second, the Commission should embrace a public-private partnership approach as an essential element of building out a national public safety network. The only financially feasible way for rural areas to afford to construct mobile broadband networks for public safety is through a joint use approach. Public safety simply does not have enough of its own resources to justify the cost of constructing mobile broadband networks in the way that they have built and operated narrowband networks in the past. Commercial services are going to be required to help attract private capital to help finance the next generation networks for public safety.

#### **C. THE COMMISSION SHOULD MOVE QUICKLY TO AUCTION THE D BLOCK**

Thus, the Commission should quickly decide on how to best license the D Block and link the licensing of the D Block with obligations to serve public safety. The Congress allocated the 700 MHz spectrum 12 years ago. The United States cannot afford to continue endless debate on this important spectrum band. The Commission needs to move quickly. Flow Mobile urges the Commission to auction the D Block on a statewide basis and impose important conditions on the

auction – such as statewide build out, national interoperability compliance, roaming, and technical flexibility.

#### **IV. CONCLUSION**

Flow Mobile urges the Commission to continue its encouragement of innovation and technical flexibility to address the broadband needs of public safety communications. Further, the Commission should remain mindful of the effect of cost in deploying next generation networks for public safety and remain open to options that can best address the unique local circumstances, while maintaining national operational requirements.

Respectfully submitted,

/s/ Sree Tangella

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