

**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	)	WT Docket No. 06-150
	)	
Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band.	)	PS Docket No. 06-229
	)	

**REPLY COMMENTS OF T-MOBILE USA, INC.**

On December 15, 2009, the Public Safety Spectrum Trust (“PSST”) submitted recommendations to the Federal Communications Commission (“FCC” or “Commission”) regarding the minimum requirements necessary for state and local government entities to construct systems using 700 MHz public safety broadband spectrum prior to the time contemplated by the FCC’s rules.<sup>1</sup> The PSST recommendations included a report of the National Public Safety Telecommunications Council (“NPSTC”) Broadband Task Force (“BBTF”).<sup>2</sup>

On March 17, 2010, the Commission’s Public Safety and Homeland Security Bureau sought comment on both the recommendations of the PSST and the BBTF Report, and in particular, on those elements of the BBTF Report that address the technical aspects of the

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<sup>1</sup> *Ex Parte* filing by Public Safety Spectrum Trust (PSST) Corporation, PS Docket No. 06-229, WT Docket No. 06-150 (filed December 15, 2009) at 1-10. *See* 47 C.F.R. § 90.523.

<sup>2</sup> *See Id.*

operation and interoperation of the regional networks the BBTF contemplates.<sup>3</sup> T-Mobile USA, Inc. (“T-Mobile”) respectfully submits these reply comments in response to the Commission’s March 17, 2010 Public Notice.

T-Mobile supports granting waivers to allow state and local governments to use the 10 MHz of public safety 700 MHz broadband spectrum to construct an interoperable public safety broadband network before the time set forth in the Commission’s rules. However, grant of those waivers should include some principles beyond those specified by the PSST and the BBTF Report to ensure consistency with the Commission’s National Broadband Plan (“Plan”).<sup>4</sup> The PSST recommendations and the BBTR Report were submitted prior to the release of the Plan on March 16, 2010 and, as a result, do not fully incorporate the goals set forth in the Plan.<sup>5</sup>

Accordingly, the Commission should condition the waiver grants on the licensees’ commitment to operate systems compatible with the use of the 700 MHz band contemplated in the Plan and any future rules which govern the use of the 700 MHz band. In particular, the Commission should direct licensees to use technologies that allow:

- a clear path to the Long Term Evolution (LTE) standard and designation of LTE as the eventual standard technology (consistent with commercial deployments in the 700 MHz Band);<sup>6</sup>
- the option to roam and gain priority access on all commercial networks in the 700 MHz Band, not just the licensee of the D Block spectrum;<sup>7</sup>

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<sup>3</sup> Comment Sought On NPSTC Broadband Task Force and Public Safety Spectrum Trust Technical Recommendations For 700 MHz Public Safety Broadband Deployments, WT Docket No. 06-150, PS Docket No. 06-229 (Mar. 17, 2010) (“Public Notice”).

<sup>4</sup> *Connecting America: The Nation’s Broadband Plan*, The Federal Communications Commission (rel. March 16, 2010) (“*National Broadband Plan*”) at 314-317.

<sup>5</sup> See *supra* note 1; see also *NPSTC Broadband Task Force Report*, (September 4, 2009).

<sup>6</sup> See *National Broadband Plan* at 316.

<sup>7</sup> *Id.*

- the option to share spectrum flexibly with all commercial operators in the 700 MHz Band, not just the licensee of the D Block spectrum;<sup>8</sup> and
- the implementation of interoperability requirements that will be set forth by the Emergency Response Interoperability Center (“ERIC”).<sup>9</sup>

## CONCLUSION

For the reasons set forth above, T-Mobile encourages the Commission to grant waivers to state and local governments conditioned on their compliance with the operational parameters envisioned for the 700 MHz spectrum in the Plan and any future regulations that are ultimately adopted that govern the use of this band.

Respectfully submitted,

/s/ Thomas J. Sugrue

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<sup>8</sup> *Id.*

<sup>9</sup> See *National Broadband Plan* at 317. T-Mobile supports the creation, development and operation of the ERIC to develop common standards for interoperability and operating procedures to ensure that all portions of the national public safety network work together seamlessly. As part of the Public Safety and Homeland Security Bureau, the ERIC is the appropriate organization to work with the Department of Homeland Security, the National Institute of Standards and Technology and the public safety community. T-Mobile looks forward to working with the Commission and public safety interest groups in its creation and development.