

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

In the Matter of	)	
	)	
Public Safety and Homeland Security Bureau	)	PS Docket No. 10-233
Seeks Comment on Petition for Waiver	)	
Filed by Thales Communications, Inc.	)	

**COMMENTS OF  
THE PUBLIC SAFETY SPECTRUM TRUST CORPORATION**

**Introduction and Summary**

The Public Safety Spectrum Trust Corporation (“PSST”) hereby submits these Comments in response to the November 12, 2010 Public Notice of the Public Safety and Homeland Security Bureau (“PSHSB”) in the above-referenced proceeding.<sup>1</sup> In the *Notice*, the PSHSB seeks comment on a waiver request submitted by Thales Communications, Inc. (“Thales”) to permit the manufacture and marketing of its “Liberty Multiband Land Mobile Radio” for use by 700 MHz narrowband public safety licensees operating in the 775-776/805-806 MHz Guard Band spectrum. The PSST supports the Thales waiver request, under the conditions described below. However, any such waiver relief that the Federal Communications Commission (“Commission”) grants should apply to all manufacturers, not solely to Thales.

**I. ABOUT THE PSST**

The PSST is a non-profit 501(c)(3) entity organized under the laws of the District of Columbia. The PSST has been selected by the Commission as the Public Safety Broadband Licensee (“PSBL”) for the 700 MHz public safety nationwide broadband spectrum. The PSST’s

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<sup>1</sup> *Public Safety and Homeland Security Bureau Seeks Comment on Petition for Waiver Filed by Thales Communications, Inc.*, PS Docket No. 10-233, Public Notice, DA 10-2180 (rel. Nov. 12, 2010) (“*Notice*”).

mission is to provide an organizational structure through which leaders and representatives of national public safety organizations can guide the construction and operation of a nationwide, interoperable, public safety-grade wireless broadband network.<sup>2</sup> The PSST also serves as the lessor for 20 long-term *de facto* transfer spectrum leases with local, regional and state public safety entities planning early deployment operations on the 700 MHz public safety broadband spectrum.

## **II. THE COMMISSION SHOULD GRANT THE REQUESTED WAIVER WITH CERTAIN CONDITIONS**

Thales requested a waiver of the equipment certification rules to allow the manufacture and marketing of its Liberty 700 MHz radio to cover the 775-776/805-806 MHz band. The 775-776/805-806 MHz band was originally part of the 700 MHz public safety narrowband spectrum but was redesignated as guard band spectrum when the band plan was revised to enable public safety broadband operations.<sup>3</sup> The revised band plan consolidated the narrowband 700 MHz band spectrum to the 769-775/799-805 MHz band segments.<sup>4</sup> The Commission also approved certain cost reimbursement provisions to enable licensees operating under the previous 700 MHz

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<sup>2</sup> The Board of Directors of the PSST consists of representatives of the following organizations: American Association of State Highway and Transportation Officials (AASHTO), American Hospital Association (AHA), Association of Public-Safety Communications Officials – International (APCO), Forestry Conservation Communications Association (FCCA), International Association of Chiefs of Police (IACP), International Association of Fire Chiefs (IAFC), International City/County Management Association (ICMA), International Municipal Signal Association (IMSA), National Association of State EMS Officials (NASEMSO), National Association of State 9-1-1 Administrators (NASNA), National Emergency Management Association (NEMA), National Emergency Number Association (NENA), National Fraternal Order of Police (NFOP), National Governors Association (NGA), and the National Sheriffs' Association (NSA).

<sup>3</sup> *Service Rules for the 698-746, 747-762 and 777-792 MHz Bands*, Second Report and Order, 22 FCC Rcd 15289 (2007).

<sup>4</sup> *Id.*

band plan to relocate to the revised, consolidated plan,<sup>5</sup> and it granted temporary waivers to certain narrowband public safety licensees to continue operating in the 775-776/805-806 MHz spectrum, pending eventual relocation to conform to the revised band plan.<sup>6</sup>

A grant of the waiver is in the public interest because it would allow the manufacture and marketing of multi-band equipment that can be programmed to operate in the 775-776/805-806 MHz band being used by the licensees with temporary waivers. It would also enable interoperability between the equipment previously deployed by these licensees and new equipment that they purchase (pending the full transition to the consolidated narrowband spectrum block). Moreover, as Thales notes, granting the waiver request could also create more flexible deployment options, increase spectrum efficiency, and lower costs to public safety licensees operating with temporary waivers.<sup>7</sup> However, it is important to avoid further additions to the relocation costs potentially reimbursable to these licensees as a result of granting the Thales waiver request. Accordingly, the PSST supports Commission grant of the requested waiver to provide narrowband 700 MHz equipment covering the 775-776/805-806 MHz band, under the limited conditions set forth below:

- 1) Equipment programmed to allow operation in the 775-776/805-806 MHz band should only be marketed to public safety entities that have a temporary waiver to continue operating in that spectrum;
- 2) The waiver relief should terminate when the last public safety licensee's waiver to operate in those channels terminates;
- 3) Equipment manufactured under the waiver must be capable of being reprogrammed in the field by authorized personnel to cease operation in the 775-776/805-806 MHz band when the waiver terminates;

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<sup>5</sup> See, e.g., *id.* ¶¶ 333-44. The narrowband relocation expenses have not yet been reimbursed, and the source of funding for such reimbursements remains uncertain.

<sup>6</sup> See, e.g., *Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band*, Order, 22 FCC Rcd 20290 (2007) (granting a waiver to Commonwealth of Virginia).

<sup>7</sup> See Thales Petition at 11.

- 4) Public safety licensees that deploy equipment manufactured pursuant to the waiver should not be eligible for reimbursement for reprogramming and other costs associated with relocating such equipment;
- 5) The waiver relief should be provided to all manufacturers and should not be limited to Thales; and
- 6) Equipment deployed pursuant to the waiver must meet technical parameters that are consistent with the equipment certification requirements for narrowband 700 MHz equipment in the current consolidated narrowband spectrum at 769-775/799-805 MHz.

### **Conclusion**

The PSST supports a temporary blanket waiver that would allow all manufacturers to provide equipment programmed to operate in the 775-776/805-806 MHz band under the conditions noted above. Such a waiver would support public safety interoperability without adding to the narrowband relocation costs.

Respectfully submitted,



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