

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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

**COMMENTS OF
THE NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS COUNCIL**

The National Public Safety Telecommunications Council (NPSTC) submits these Comments in response to the Commission’s Public Notice released November 12, 2010 regarding a request for waiver filed by Thales Communications, Inc. (Thales).¹ Thales seeks a waiver of Sections 2.106 and 90.531(b) of the Commission’s rules 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 guardband.

As addressed in the comments herein, NPSTC supports a grant of the waiver that would cover all manufacturers, not just Thales. NPSTC has recommended conditions to limit this temporary relief to that necessary to support certain public safety narrowband operations during the transition to the consolidated narrowband spectrum and to prevent adding to the 700 MHz relocation costs.

¹ Public Notice, DA 10-2180, released November 12, 2010. On November 18, 2010, the Commission also issued an Erratum to correct the Public Notice by including a docket number, PS Docket No. 10-233, which was inadvertently omitted from the original Public Notice.

The National Public Safety Telecommunications Council

The National Public Safety Telecommunications Council is a federation of public safety organizations whose mission is to improve public safety communications and interoperability through collaborative leadership. NPSTC pursues the role of resource and advocate for public safety organizations in the United States on matters relating to public safety telecommunications. NPSTC has promoted implementation of the Public Safety Wireless Advisory Committee (PSWAC) and the 700 MHz Public Safety National Coordination Committee (NCC) recommendations. NPSTC explores technologies and public policy involving public safety telecommunications, analyzes the ramifications of particular issues and submits comments to governmental bodies with the objective of furthering public safety telecommunications worldwide. NPSTC serves as a standing forum for the exchange of ideas and information for effective public safety telecommunications.

The following 15 organizations participate in NPSTC:

- American Association of State Highway and Transportation Officials
- American Radio Relay League
- Association of Fish and Wildlife Agencies
- Association of Public-Safety Communications Officials-International
- Forestry Conservation Communications Association
- International Association of Chiefs of Police
- International Association of Emergency Managers
- International Association of Fire Chiefs
- International Municipal Signal Association
- National Association of State Chief Information Officers
- National Association of State Emergency Medical Services Officials
- National Association of State Foresters
- National Association of State Technology Directors
- National Emergency Number Association
- National Sheriffs' Association

Several federal agencies are liaison members of NPSTC. These include the Department of Homeland Security (the Federal Emergency Management Agency, the Office of Emergency Communications, the Office for Interoperability and Compatibility, and the SAFECOM Program);

Department of Commerce (National Telecommunications and Information Administration); Department of the Interior; and the Department of Justice (National Institute of Justice, CommTech Program). NPSTC has liaison relationships with associate members, the Telecommunications Industry Association, the Canadian Interoperability Technology Interest Group, and the Utilities Telecom Council.

NPSTC Comments

Thales requested a waiver of the equipment certification rules to allow the marketing of its Liberty 700 MHz radio to cover the 775-776/805-806 MHz band segment previously included in the narrowband spectrum under the former bandplan. As noted in the Public Notice, the 775-776/805-806 MHz band segment that was previously part of the narrowband spectrum was redesignated as guardband spectrum when the bandplan was revised to consolidate the narrowband spectrum and accommodate broadband operations. However, the Commission granted waivers to certain narrowband public safety licensees to continue operating on the pre-consolidation narrowband frequencies, including 775-776/805-806 MHz, pending eventual relocation to the consolidated narrowband segment at 769-775/799-805 MHz.

Without a waiver of the type Thales has requested on equipment certification, public safety agencies that have the waiver to operate are in a “Catch 22” situation—they can temporarily operate in 775-776/805-806 in addition to operation under the revised bandplan, but they can’t buy any more equipment to do so. That would mean that during the transition, the new equipment purchased would not be fully interoperable with equipment previously purchased, as some equipment could operate on 775-776/805-806 MHz and some could not.

NPSTC supports a grant of the waiver to allow manufacturers to provide narrowband 700 MHz equipment that covers 775-776/805-806 MHz band, under the limited conditions set forth below:

- 1) Under the waiver, equipment programmed to allow operation in the 775-776/805-806 MHz band may only be marketed to public safety entities that have a waiver to continue operating in the 775-776/805-806 MHz band segment, pending relocation to the consolidated narrowband 700 MHz spectrum;
- 2) The waiver to market equipment with channels programmed for the 775-776/805-806 MHz band must terminate when the last public safety licensee's waiver to operate in those channels terminates;
- 3) Equipment added under this waiver must be capable of field reprogramming by authorized personnel to delete operation in the 775-776/805-806 MHz band when the waiver terminates;
- 4) The additional equipment deployed under the waiver Thales requests does not qualify for cost reimbursement to cover the reprogramming noted in condition 3, above ; and
- 5) The waiver is applicable to all manufacturers, not just Thales;

The Commission also seeks comment on whether the waiver relief sought by Thales should also be extended to other manufacturers.² As noted above, NPSTC recommends that the waiver grant apply to all manufacturers, not just Thales. Doing so supports a competitive equipment market with multiple manufacturers being allowed to serve the public safety entities who have received a temporary waiver to continue operating in the 775-776/805-806 MHz band, pending transition to the consolidated narrowband 700 MHz spectrum.

Since the relief is temporary rather than permanent, NPSTC recommends the Commission provide the relief requested by issuing a temporary blanket waiver for any manufacturer to market/sell equipment with the above conditions, rather than by modifying the actual equipment certification grants. However, any equipment deployed must meet compatible technical parameters, e.g., power levels, emissions, frequency stability, etc. as it already meets under a Commission

² Public Notice at page 3.

certification grant to operate in the current consolidated narrowband 700 MHz spectrum at 769-775/799-805 MHz under the revised bandplan.

This approach allows those public safety entities holding temporary waivers to operate in the 775-776/805-806 MHz band to have full interoperability among new equipment purchased and equipment previously deployed during the term of their waiver to continue operating on the 775-776/805-806 MHz band. At the same time, the conditions recommended above limit the relief only to that necessary to meet public safety needs during this transition period. These conditions also prevent adding to the narrowband 700 MHz relocation cost when the affected licensees transition completely to the consolidated 700 MHz narrowband spectrum.

Conclusion

NPSTC supports the waiver requested by Thales to allow the marketing of equipment programmed to operate in the 775-776/805-806 MHz band to those public safety entities who already have a waiver to operate in that portion of the band. The waiver should be conditioned as recommended herein. Providing the waiver to all manufacturers under the conditions set forth in these NPSTC comments supports public safety interoperability and a competitive equipment market without adding to the narrowband relocation costs.

Respectfully submitted



Ralph A. Haller, Chair
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