

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

In the Matter of)	
)	
In the Matter of Improving Public Safety Communications in the 800 MHz Band)	WT Docket No. 02-55
)	
Continued Use of the Former 800 MHz NPSPAC Mutual Aid Channels in the Canada/United States Border Areas)	DA 11-274
)	

Reply to Comments

Regional Planning Committee 55 (“R55”) agrees with Sprint Nextel that The Federal Communications Commission (the “Commission”) has conclusively demonstrated that resolving the CMRS-public safety interference issues requires the de-interleaving of Public Safety communication Systems from Commercial Cellular operations.

R55 however does not believe that The Public Safety and Homeland Security Bureau (“Bureau”) adequately addressed the Canadian Border Regions (“CBR’s”) public safety needs, specifically for Cross Border Interoperable Communications, nor did the Bureau intend to intentionally violate the International Treaty between the United States and Canada which establishes a block of spectrum made wholly available to Public Safety and Special Emergency operations. This Spectrum is invaluable during times of need involving mutual cross jurisdictional efforts to protect lives and property and better public interests on both sides of the border. Therefore R55 disagrees with Sprint Nextel and rejects the assertion that the Bureau “comprehensively addressed public safety interoperability” in the Commission’s 2008 800 MHz Second R&O for the CBR’s.

R55 also discounts the claim that only now has public safety spectrum administrators and policy developers asked for reinstatement of the former NPSPAC Mutual Aid Channels. R55 has held several meetings involving the Transition Administrator (“TA”), FCC, and Sprint Nextel where the subject has come up. Each party has attended meetings in both Rochester, New York, and Cleveland, Ohio where this subject was discussed. It has been mentioned to the TA, FCC, and Sprint Nextel that Rebanding has disrupted the international common channel plan and no clear direction was proposed by any party, only a promise to look into the matter, and be sure to include discussions in your individual negotiations, which brings us to date. To quote the International treaty- **“Both countries agree that the following paired channels are to be available as public safety mutual aid channels:”**

Quite clearly the International Agreement between the US and Canada warrants maintaining public safety operations between the two countries on both sides of the border and as such recognizes the need for maintaining a common form of communications services for public safety first responders.

Sprint contends that maintaining current operations between US and Canadian counterparts would re-create the conditions that the 800 MHz Reconfiguration was intended to eliminate. R55 feels that the reconfiguration process never intended to eliminate such a functional capability for Public Safety as the common cross-border mutual aid channels provide for.

Clearly Sprint Nextel is requesting that The Public Safety and Homeland Security Bureau prohibit the public safety first responder community from using one of the most valuable of tools that allows the first responder community to efficiently and effectively communicate while providing essential life saving services and property protection.

R55, as Regional spectrum administrators, realizes that this spectrum is a finite resource available throughout the International Border Area and recognizes the International Agreement that both US and Canada have agreed upon for use during Mutual Aid operations.

Sprint Nextel also argues, "No Public Safety use of the former NPSPAC Mutual Aid Channels should be permitted anywhere in the Border Areas." Sprint Nextel is seeking all discontinuance of Public Safety related 800 MHz operations on this spectrum allocated to provide for mutual assistance by cross border public safety entities in time of need.

Protection for public safety services in the 800 MHz band throughout the CBR's is essential and must not be cast aside due to an oversight and lack of historical demand; public safety must be prepared for any future events that may occur. Sprint Nextel also recognizes that recreating an interference prone environment will be detrimental to public safety needs.

Sprint Nextel also states that they cannot anticipate public safety use. R55 agrees that it is impossible to anticipate such need, and that lack of demand **not** be considered by the Commission as the basis for eliminating the intent and or need of the former NPSPAC Mutual Aid Channels and International sharing arrangements across the entire border area. R55 feels that protecting this capability will greatly benefit the public's interest in time of crisis and need.

R55 recognizes the unique challenges faced throughout the CBR's and the many complications that arise. The Mutual consent and the coordination set forth by the International Treaty that is currently in place between the US and Canada provides for no other common form of communication services between Public Safety Agencies in the 800 MHz public Safety Spectrum. The Commission has asked for any alternatives that may or have been considered. R55 offered a concession on the number of channels and ultimately a substantial reduction in spectrum need even though R55 is in the most restricted spectrum sharing border area, yet has a significant and populous border with Canada.

R55 would like to note that they are open to alternatives that would sustain future common public safety requirements for mutual aid on both sides of the border. R55 recommends that the Commission convene a meeting between the TA, FCC, Sprint Nextel and Public Safety spectrum administrators from all the Canadian Border RPC's to develop a Plan that is consistent with International agreements and will benefit the public's best interests while serving the needs of first responders.

R55 asks that the Commission recognize the need for the spectrum that provides for the common international communications channels, and support development of an infrastructure that could be beneficial to both Public Safety needs and Sprint Nextel's Commercial interests along the U.S. Canadian Border. This spectrum could be used for a variety of purposes with the primary being cross border public safety communications.

Canadian Mutual aid operations also need to be protected. If a US agency requires mutual assistance from a Canadian Public Safety agency how is this being protected on the US side of the border? Although the Bureau's band plan separates public safety from cellular commercial operations, to great extents it does not allow for common channel interoperability within the CBR's on the US side of the border between US and Canadian public safety agencies.

Sprint Nextel states that The Bureau permits U.S. Public Safety users to continue coming to the aid of Canadian Public Safety operators using the "Former NPSPAC Mutual Aid Channels". R55 asks for clarification from the Bureau as how to effectively monitor the "Calling Channel- 821.0125 / 866.0125" on the U.S. side of the border, and how to efficiently respond to such a hail, noting Sprint Nextel's claim that a high probability interference environment created from Cellular operations on the US side of the border will exist.

R55 feels Sprint has incorrectly interpreted, and implicitly indicated that the Bureau's intent of providing the public's best interest is being served by a "value-for-value" spectrum exchange. What "Value" is Sprint placing on the first responder's efforts?

- A. Type of Use of Former NPSPAC Mutual Aid Channels**
- B. Area of Likely Interference to Sprint Nextel's Operations**
- C. Area of Possible Interference From Sprint Nextel Under Today's Rules**

Sprint Nextel objects to all Public Safety transmissions in the US on the Former NPSPAC channels due to the "High probability of interference". R55 is also concerned over the interference issues that Sprint Nextel's operations impose on these channels, and how they would impact Public Safety responses and operations during mutual aid requests.

Sprint contends that a "Typical Public Safety unit from as far away as 30-40 miles could impact Sprints operations at a particular cell site". R55 questions whether preventative measures are being taken by Sprint Nextel to prevent interference from Canadian operations within 35-40 miles of a cellular transmitter site by (Base station infrastructure, Mobiles, and Portables) with the same high likelihood to interfere or be interfered with. If Sprint Nextel has preventative measures they deem adequate for protection from Canadian primary operations that would limit impact on U.S. commercial services, including E911, within Sprints specified distances, why then can't the same preventative measures not be implemented in limited fashion on the U.S. side of the border to protect their commercial interest during a mutual aid public safety response?

Although Sprint Nextel claims it will carefully plan its network so as not to disrupt Canadian operations, as Sprint Nextel claims in its opposition, there is still a great potential for Canadian primary operations to detrimentally impact Sprints commercial and E911 operations on the US side of the border. R55 suggested a 100 km from land mass protection zone with an allowance for objectionable interference to occur beyond 10 km from an international border land mass.

R55 believes that this 10 km area will fall well within the limits of potential interference from Canadian primary operations, and that Sprint Nextel will be required to protect their customers and current network operations from this potential harmful interference to their iDEN or CDMA anticipated network. Sprint Nextel has acknowledged in their opposition statement that they would anticipate significant harm and interference upwards of 30 miles depending on the output of the public safety unit.

D. Economic Impact on Sprint Nextel if it Were Required to Protect Former NPSPAC Mutual Aid Channel Use

R55 understands that the Commission is requiring Sprint Nextel to protect these channels to the extent of limiting their PFD from U.S. side operations at the border. Sprint Nextel offers no impact statement as to what extent limiting the operations to meet the required PFD at the Border will impose on its customers. R55 seeks clarification from Sprint Nextel as to actual direct impact to its customers of conforming to the PFD requirements.

F. Use of All five or Some Lesser number of the Former NPSPAC Mutual Aid Channels

Arguably Sprint contends that public safety usage on any of the five former NPSPAC channels would eliminate the potential for a future 1.25 MHz wide commercial CDMA operations in the border areas. R55 feels that the stated technology Spread Spectrum "CDMA" was developed for use in High Noise environments and as a result for the need of anti-jamming capabilities for military applications. R55 feels that the CDMA technology Sprint Nextel intendss to deploy should inherently prevent interference from strong undesired signals, and is a good choice for the CBR environment to protect against the potential for harmful interference caused by Public Safety devices. Public Safety is fundamentally different in nature and that the same type of protection provided by the CDMA technology to Commercial carriers is not available to Public Safety end users.

H. Circumstances Warranting Use of Former NPSPAC Mutual Aid Channels

Sprint Nextel also states that they cannot anticipate public safety use. R55 agrees that it is impossible to anticipate such need, but that lack of demand **not** be considered by the Commission as the basis for eliminating the intent and or need of the former NPSPAC Mutual Aid Channels and International sharing arrangements across the entire border area. R55 feels that protecting this capability will greatly benefit the public's interest in time of crisis and need. Canadian Mutual aid operations still need to be protected. If a US agency requires mutual assistance from a Canadian Public Safety agency how are these operations being protected on the US side of the border? Although the Commissions band plan separates Public safety from Cellular commercial operations, to great extents it does not allow for common channel interoperability within the CBR's on the US side of the border between US and Canadian public safety agencies. Protection of Life and property by public safety services in the 800 MHz band throughout the CBR's is essential and must not be cast aside due to oversight or lack of demand.

I. Possible Alternatives to Use of the Former NPSPAC Mutual Aid Channels

Sprint Nextel claims that the five new NPSPAC mutual aid channels will provide the same capabilities as they have today. R55 asserts that the capabilities along the CBR's will be greatly diminished, as Canada will remain on the old channels. Sprint Nextel references a few alternatives but provides no means as to how or when they could come to fruition. Instead Sprint Nextel's offering of alternatives is based on a notion that a one size fits all approach is not necessary and places all the responsibility for independent solutions on the end users with no common grounds or support from any agency such as the Former NPSPAC Mutual Aid Channels provided. There are many fallacies in the scenarios that have been provided by Sprint. R55 agrees it is unpredictable to know the number of Public Safety units (power and type of operations-mobile, portable, base), however Sprint Nextel does know the density of Sprint Nextel's cellular infrastructure. R55 feels that technical measures i.e. directional antennas, power control, and software can

be used to limit the impact to commercial operations, much the same as Sprint would employ restrictions to limit the PFD at the border. Furthermore Sprint Nextel has not provided any evidence that continued, or new CDMA operations within this spectrum would not adversely affect Canadian Public Safety Operations near the border.

R55 requests that any alternative solutions be funded through targeted grants from the Sprint Nextel bond held by the U.S. treasury department.

J. Demonstrable Canadian interest in Using former NPSPAC Mutual aid Channels on US soil.

Absent of a formal amendment to the International Agreement by Both Canadian and U.S. representatives for using other paired channels for mutual aid purposes, R55 maintains that the Treaty itself is sufficient as demonstrable Canadian interest. The International Agreement between the US and Canada warrants maintaining the old channels for public safety operations between the two countries on both sides of the border,

“Both countries agree that the following paired channels are to be available as public safety mutual aid channels”....

and as such R55 recognizes the need between the parties for maintaining the existing common channels to provide communications services for public safety first responders.

Conclusion

There exists a critical need to maintain operational capabilities for the Public Safety First Responder community along the entire Canadian Border Region by means of common channel communication for interoperability. R55 requests that the Commission support the public's best interest by allowing continued primary operations by Public Safety First responders on the Former NPSPAC Mutual Aid Channels until a mutually agreeable alternative solution is identified between all stakeholders on both sides of the U.S. Canadian border.

Respectfully submitted,

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