



Brett Kilbourne
Deputy General Counsel
Direct Line: 202.833.6807
E-mail: brett.kilbourne@utc.org

May 4, 2011

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 - 12th Street, S.W.
Washington, D.C. 20554

Ex Parte

Re: Notice of Ex Parte Presentation -- Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band , WT Docket No. 06-150, PS Docket No. 06-229, WP Docket No. 07-100.

Dear Ms. Dortch:

On May 3, 2011, Mike Oldak and the undersigned of the Utilities Telecom Council (UTC) met with Jennifer Manner, Erika Olsen and David Furth of the Public Safety and Homeland Security Bureau regarding matters in the above-referenced proceeding.

The discussions were consistent with UTC's comments on the record in this proceeding. During the meeting, UTC explained that utilities and other critical infrastructure industries (CII) use communications to provide public safety services and are eligible to use 700 MHz public safety spectrum, consistent with Section 337(f) of the Communications Act of 1934. The sole or principal purpose of their communications is to protect the safety of life, health or property, because their communications are used for both day-to-day and emergency response operations which ensure the safe, reliable and efficient delivery of essential services to the public at large. Utilities and CII are either government entities or non-government organizations that are authorized by government entities whose primary mission is public safety services. Finally, their communications are not made commercially available to the public. Thus, utilities and CII meet the three-part test under Section 337(f) for public safety services.

If you have any questions, please do not hesitate to contact the undersigned.

Respectfully,

Brett Kilbourne

cc: Jennifer Manner
Erika Olsen
David Furth