

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
)	
Amendment of Part 90 of the Commission’s Rules)	WP Docket No. 07-100

To: The Commission

**REPLY COMMENTS OF
LOCKHEED MARTIN CORPORATION**

Lockheed Martin Corporation (“Lockheed Martin”)¹ submits the following reply comments in response to a single issue raised in the *Fourth Further Notice*: whether to modify existing policies that enable Federal access to the 700 MHz public safety broadband spectrum under certain circumstances.² Lockheed Martin generally supports the current rule, Section 2.103, which allows for Federal access, including direct leasing, of the 700 MHz public safety broadband spectrum.³ This policy of flexibility helps ensure that the spectrum can be used efficiently and for its highest and best use, including in some circumstances by Federal users, without undermining regional, local, or tribal public safety broadband network deployments.

¹ Lockheed Martin researches, designs, develops, manufactures, and integrates advanced technology systems, products, and services. Lockheed Martin systems, solutions, and platforms use wireless spectrum in innovative ways, for both Federal and non-Federal users.

² See *Service Rules for the 698-746, 747-762 and 777-792 MHz Bands*, Third Report and Order and Fourth Further Notice of Proposed Rulemaking, 26 FCC Rcd 733, 761-762 ¶¶ 100-103 (2011) (“*Fourth Further Notice*”).

³ See 47 C.F.R. § 2.103(c)(2).

The Commission has long recognized that Federal entities are eligible users of the 700 MHz public safety spectrum,⁴ and pursuant to Section 2.103(c), the Public Safety Broadband Licensee (“PSBL”) has the discretion to allow Federal use of the 700 MHz public safety broadband spectrum subject to certain requirements.⁵ As the Commission acknowledged in the *Fourth Further Notice*, Section 2.103 could allow direct leasing of 700 MHz public safety broadband spectrum for Federal use.⁶ The record in this proceeding contains support for maintaining the current policy to accommodate the specific needs and circumstances of a given area including Federal installations.⁷

The Commission should continue this policy of flexibility and allow both Federal access to the public safety broadband network and direct Federal leasing in certain areas, such as controlled or restricted-access Federal sites. As an initial matter, in some circumstances access to this spectrum at such sites could significantly facilitate the Federal Government’s mission. In addition, any concern that Federal access at such sites could impact nationwide interoperability is

⁴ See, e.g., *The Development of Operational, Technical and Spectrum Requirements For Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010*, First Report and Order and Third Notice of Proposed Rulemaking, 14 FCC Rcd 152, 185-186 ¶¶ 66 (1998) (“[T]he statutory definition [of “public safety service”] is necessarily framed around the Commission’s licensing powers and, as such, the omission of Federal entities is only relevant for licensing purposes; it does not mean that Congress determined that Federal agencies do not provide services the sole or principal purpose of which, is to protect the safety of life, health or property. This conclusion is also supported by the fact that the statute defines services, not entities.”).

⁵ See 47 C.F.R. § 2.103(c); *Service Rules for the 698-746, 747-762 and 777-792 MHz Bands*, Second Report and Order, 22 FCC Rcd 15289, 15427 ¶ 383 (2007) (The PSBL’s responsibilities include: “Exercise of sole discretion, pursuant to Section 2.103 of the Commission’s rules, whether to permit Federal public safety agency use of the public safety broadband spectrum . . .”).

⁶ See *Fourth Further Notice*, 26 FCC Rcd at 761 ¶ 101.

⁷ See, e.g., Harris Corporation Comments at 31-32.

unfounded. The public safety broadband network would not be operated in these areas as local first responders typically are not provided access to such installations without prior coordination with the managing Federal entity. In many cases, such as large military installations, the first responders are in fact on-site Federal entities. Therefore, at these controlled or restricted-access Federal sites, the public safety broadband spectrum would otherwise lay fallow without Federal use of the spectrum.

Lockheed Martin also supports providing authority to regional, local or tribal jurisdictions to grant Federal access to the 700 MHz public safety broadband spectrum in a particular area.⁸ The local jurisdictions will have the first-hand knowledge of the specific needs and circumstances involved to make the best possible decision regarding flexible use of the public safety spectrum and conditions governing access to and use of the spectrum by Federal users.

Finally, the Commission should clarify that the obligation in Section 2.103(c)(2) for Federal systems in the band to operate “in accordance with the Commission’s rules governing operation of this band”⁹ relates to technical requirements that will prevent harmful interference to the public safety broadband network, rather than any service or other technical-related requirements. The Commission should make clear that Federal use at controlled or restricted-access sites should not cause harmful interference to a nearby public safety network; the use to which the spectrum is put, and the nature of the service provided, should not be pre-determined by Commission rule.

⁸ See *Fourth Further Notice*, 26 FCC Rcd at 761 ¶ 102.

⁹ 47 C.F.R. § 2.103(c)(2).

In conclusion, Lockheed Martin supports a flexible policy on Federal use of the 700 MHz public safety broadband spectrum, as set forth above, with the decision to permit such use and to determine the conditions for such use at the regional, local or tribal level.

Respectfully submitted,

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