

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

**REPLY COMMENTS OF THE CITY OF SAN DIEGO TO THE
THIRD REPORT AND ORDER AND FOURTH FURTHER NOTICE OF
PROPOSED RULEMAKING**

I. INTRODUCTION

The City San Diego respectfully submits these Reply Comments in response to the *Third Report and Order and Fourth Further Notice of Proposed Rulemaking* in the above-captioned proceeding, released on January 26, 2011 (“Fourth FNPRM”).

The City of San Diego supports the dozens of Comments filed in the above-captioned proceeding that urge the Federal Communications Commission (the “Commission”) to strike a balance between local flexibility and nationwide interoperability. In addition, the City of San Diego agrees with many commenters who urge the Commission to exercise regulatory restraint at this time.

II. DISCUSSION

A. The Commission Should Exercise Regulatory Restraint in Imposing Technical Standards.

Several commenters note that the technical standards proposed in the Commission's Fourth FNPRM are either unnecessary or premature at this time, particularly given the need to establish an effective national governance structure.¹ For example, the National Public Safety Telecommunications Council ("NPSTC"), states:

[I]t is too early in the process for the FCC to regulate all the technical details of the architecture. There is too great a risk of establishing regulations that inadvertently force the operational characteristics of the network down a path that will not meet Public Safety needs and adds unnecessary duplication and costs to public safety users. Furthermore, restrictions incorporated into the rules now would likely take several years to remove or modify should they prove to be unnecessary or counterproductive to the deployment of public safety broadband systems designed to meet both operability and interoperability requirements. Locking down every technical detail in the rules could actually hamper rather than help deployment of nationwide broadband network capabilities needed by public safety. . . . At this stage, rules should be limited to those essential to providing nationwide interoperability, without preventing current or future innovation that best serve the needs of local, state, regional or tribal public safety entities in the variety of environments different areas face.²

In addition, several commenters ask the Commission to allow regional operators to establish most, if not all, technical standards. The City of San Diego, for example, agrees with the Los Angeles Regional Interoperable Communications System Authority ("LA-RICS") that, "there should be flexibility in the architectural framework of the public safety network that takes into account the local needs of public safety and various

¹ Commenters taking this position include, *inter alia*, the Public Safety Spectrum Trust ("PSST"), Association of Public-Safety Communications Officials-International, Inc. ("APCO"), Los Angeles Regional Interoperable Communications System Authority (LA-RICS), State of New Mexico, City of Baton Rouge, Louisiana, and the City of Chesapeake, Virginia.

² Comments of National Public Safety Telecommunications Council ("NPSTC"), pp. 8-9, filed on April 11, 2011.

business models while enabling technology to evolve and keep pace with the competitive commercial marketplace. The Commission should maintain its traditional role as a regulatory body and not take the lead on the technical and operational aspects of interoperability. Public safety entities and network operators are better suited to address the network architectural and engineering requirements.”³

The City of San Diego agrees with commenters who maintain that regional network operators should be granted the maximum flexibility to determine who uses the network, so long as core public safety needs are not impaired. The City of San Diego believes that the Commission may grant regional discretion to many rules and technical standards with no adverse effect on interoperability.⁴

At the same time, the City of San Diego recognizes the significance of adopting certain basic requirements and, like other commenters,⁵ supports the Commission's proposal to adopt the requirement that all networks on the public safety broadband spectrum support an all-IP LTE technology platform, particularly 3GPP standard, Universal Terrestrial Radio Access ("E-UTRA"), Release 8 ("LTE"), and associated Evolved Packet Core ("EPC"), as well as, certain LTE interfaces to ensure interoperability. In addition, the Commission should ensure that all networks are hardened for mission-critical use.

Furthermore, the City of San Diego agrees with the Bay Area, which recommended in its Comments that the Commission encourage public safety broadband network operators to adopt technologies that employ open standards.⁶ LTE architecture requires certain open standards to ensure interoperability, including roaming, coverage

³ Comments of Los Angeles Regional Interoperable Communications System Authority (“LA-RICS”), pp. 3-4, filed on April 11, 2011.

⁴ See, e.g., Comments of APCO, p. 9; Comments of LA-RICS, pp. 5-6.

⁵ Comments of Los Angeles Regional Interoperable Communications System Authority, p. 4, filed on April 11, 2011.

⁶ Bay Area Comments, pp. 3-4.

reliability and quality of service. Open standards will not only improve interoperability, but they will reduce costs among regional systems.

B. Public Safety Agencies Should Be Able to Enter Roaming Agreements and Choose their Roaming Partners.

The City of San Diego agrees with the LA-RICS in its support of Commission efforts to better enable public safety agencies to enter into agreements with commercial operators.⁷ The City of San Diego also supports LA-RICS' view that local public safety representatives should be able to choose their roaming partners after addressing operability, interoperability and cost implications.⁸ Similarly, the Minnesota Department of Public Safety notes that roaming should be handled through MOUs that clearly identify, in writing, the terms and limitations of roaming agreements as well as the agreements' sponsors and parties responsible.⁹ The City of San Diego agrees with the Minnesota Department of Public Safety that third party clearing houses may be useful for handling billing for roaming between operators domestically as well as abroad, and as a result, roaming is more or less transparent to the consumer.¹⁰ The same transparency would be beneficial to responders who may roam between coverage areas within and through the borders of the public safety broadband network.¹¹

C. The Commission Should Ensure Interference Coordination and Protection for Network Services, Particularly for Areas Along the U.S.-Mexican Border.

As the Minnesota Department of Public Safety rightly notes, "frequency coordination between jurisdictions will be essential for the orderly implementation" of the public safety broadband network.¹² Although several commenters address the need

⁷ Comments of LA-RICS at p. 5.

⁸ *Id.*

⁹ Comments of Minnesota Department of Public Safety, p. 5, filed on April 11, 2011.

¹⁰ *Id.* at p. 4.

¹¹ *Id.*

¹² *Id.* at p. 2.

for interference protection and coordination, this is an acute concern of the City of San Diego because of border treaties between the United States and Mexico that require frequency sharing and coordination in the San Diego region. Also, due to its proximity to Mexico, the San Diego region is allocated less than half the radio frequency spectrum of other public safety non-border regions. The City of San Diego urges the Commission to take into account the unique frequency sharing and coordination requirements of this region that are governed by U.S.-Mexican treaties.

D. The Commission Should Address Performance and Coverage Reliability Requirements.

With respect to coverage and reliability requirements, the City of San Diego disagrees with some commenters who do not believe that such nationwide requirements belong in the Commission's rules.¹³ Rather, the City of San Diego believes that metro in-building radio coverage and radio coverage in rural areas must be addressed. Additionally, while the City of San Diego recognizes that there are variations among regions and systems in terms of size and population, the City believes that local, state and federal fire code requirements for in-building radio coverage should be strengthened and enforced and that the Commission is the appropriate entity to do so.

III. CONCLUSION

The City of San Diego commends the Commission's efforts to further nationwide public safety broadband interoperability and respectfully requests that the Commission adopt the recommendations set forth herein. The City of San Diego is committed to the deployment of a nationwide interoperable broadband public safety network that will provide first responders with the critical tools they need in times of emergency.

¹³ See, for example, Comments of APCO, p. 8.

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Respectfully submitted,

/s/

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