

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

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In the Matter of: )

Requests for Waiver of Various Petitioners to )

Allow the Establishment of 700 MHz )

Interoperable Public Safety Wireless )

Broadband Networks )

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PS Docket No. 06-229

**COMMENTS OF MOTOROLA SOLUTIONS, INC.**

Motorola Solutions, Inc. (“MSI”) hereby responds to the comments submitted in response to the Public Notice issued by the Public Safety and Homeland Security Bureau (“Bureau”)<sup>1</sup> seeking comment on a petition for clarification filed by Harris Corporation<sup>2</sup> of the Bureau’s Order addressing a waiver petition filed by the State of Texas (“Texas”).<sup>3</sup>

The *Harris Corporation Petition* asks the Bureau to clarify that nothing in the *Texas Waiver Order* should be interpreted as a requirement or recommendation that the procurement process used by Harris County, Texas, “serve as a model or requirement for any other public safety entity.”<sup>4</sup> In its previously filed comments, MSI argued that there is no need for such clarification as it is already clear that the *Texas Waiver Order* did not provide any

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<sup>1</sup> Public Safety and Homeland Security Bureau Seeks Comment on Petition for Declaratory Ruling Asking to Clarify Language in Order Granting 700 MHz Public Safety Broadband Waiver to the State of Texas, PS Docket No. 06-229, *Public Notice*, DA 11-1059, (rel. June 15, 2011).

<sup>2</sup> Petition for Clarification, PS Docket No. 06-229, submitted by Harris Corporation, (filed May 26, 2011) (*Harris Corporation Petition*).

<sup>3</sup> Requests for Waiver of Various Petitioners to Allow the Establishment of 700 MHz Interoperable Public Safety Wireless Broadband Networks, PS Docket 06-229, *Order*, DA 11-863 (rel. May 12, 2011) (*Texas Waiver Order*).

<sup>4</sup> *Harris Petition* at 5. Harris County, Texas, is a constituent jurisdiction under the scope of the Texas statewide waiver grant and has selected MSI as a vendor for a public safety broadband network.

recommendations as to how state and local governments should select vendors for public safety broadband equipment and services.<sup>5</sup> To be clear, it is appropriate for the Bureau to avoid providing any such guidance or recommendations to local officials. State and local government agencies follow procurement practices and procedures that best meet their specific needs while protecting the interests of their residents and taxpayers. Given the wide variation in the different types of procurements that local governments must pursue, these processes require flexibility so that the public interest can be addressed in the most efficient manner.

By its very nature, a waiver order only affects specific parties and issues and does not set broader policy mandates. This latter task is the role of a rulemaking proceeding. Clearly, there was no intention by the Bureau to dictate any single procurement model for all public safety deployments—nor should there have been. In no way does the *Texas Waiver Order* attempt to intervene or undermine the required flexibility of public safety entities by providing recommendations on how future procurements should be structured. Therefore, clarification on this point is not necessary. That said, MSI perceives no particular harm in the Bureau stating the obvious: that it “does not endorse or require any procurement model in building an interoperable broadband public safety network.”<sup>6</sup>

However, just as the *Texas Waiver Order* should not dictate any specific public safety broadband procurement practices, it would be equally or more inappropriate for a subsequent clarification order to address broader questions of 700 MHz public safety broadband policy. For example, some parties have used the instant proceeding to assert positions as to definitional issues regarding the meaning of “interoperability” or other aspects of public safety broadband

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<sup>5</sup> Comments of Motorola Solutions, Inc., PS Docket No. 06-229, (filed July 5, 2011) (*MSI Comments*) at 2.

<sup>6</sup> *Id.*

network design and development.<sup>7</sup> As these parties are well aware, questions of how best to define and ensure interoperability are central to the Commission's *Fourth Further Notice of Proposed Rulemaking* that is currently pending in this docket.<sup>8</sup> Indeed, Harris Corporation, and every party submitting comments in response to the *Harris Corporation Petition*, also submitted comments in that proceeding.<sup>9</sup> Policy issues related to the overall development of interoperable public safety communications networks should only be addressed in the context of that rulemaking, which has received broad participation from across the public safety and industry communities, and through which the Commission can more appropriately adopt policies that will be binding on all parties.

As MSI explained in its initial comments, the concerns about whether the Harris County system will be fully interoperable are without merit because of MSI's contractual commitment to complying with all of the Commission's interoperability requirements adopted to date as well as

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<sup>7</sup> See, e.g., Letter from Patrick Sullivan, Government Relations, Harris Corporation, to Marlene H. Dortch, Secretary, Federal Communications Commission at 1, PS Docket No. 06-229 (filed June 20, 2011) ("public safety network interoperability must be viewed as interchangeability so that all devices and networks should be used together regardless of brand, network location, or core"); Comments of Sprint Nextel Corp. at 3, PS Docket No. 06-229 (filed July 5, 2011) ("interchangeable network features and devices . . . are the backbone of an interoperable, nationwide network").

<sup>8</sup> See *Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band, et al.*, WT Docket No. 06-150, PS Docket No. 06-229, WP Docket No. 07-100, *Third Report and Order and Fourth Further Notice of Proposed Rulemaking*, 26 FCC Rcd 733 (2011).

<sup>9</sup> See Comments of Harris Corporation, WT Docket No. 06-150, PS Docket No. 06-229, WP Docket No. 07-100 (filed Apr. 11, 2011); Comments of Cassidian Communications, Inc., WT Docket No. 06-150, PS Docket No. 06-229, WP Docket No. 07-100 (filed Apr. 11, 2011); Comments of Motorola Solutions, Inc., WT Docket No. 06-150, PS Docket No. 06-229, WP Docket No. 07-100 (filed Apr. 11, 2011); Comments of Sprint Nextel Corporation, WT Docket No. 06-150, PS Docket No. 06-229, WP Docket No. 07-100 (filed Apr. 11, 2011); Comments of Telecommunications Industry Association, WT Docket No. 06-150, PS Docket No. 06-229, WP Docket No. 07-100 (filed Apr. 11, 2011).

“any and all future FCC rules and orders.”<sup>10</sup> Therefore, there is no cause for the Bureau to address questions of interoperability or any other broader policy matters in any subsequent clarification order. As stated above and in its initial comments, MSI does not oppose the issuance of an order clarifying that the *Texas Waiver Order* does not favor any one procurement model over another. However, proclamations made in a clarification order should be specific to the matter at hand, and broader, unrelated policy issues should be left for a rulemaking proceeding.

Respectfully submitted,

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July 15, 2011

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<sup>10</sup> See *MSI Comments* at 3 (citing Letter from Robert L. Pettit, Counsel to Motorola Solutions, Inc., to Marlene H. Dortch, Secretary, Federal Communications Commission, PS Docket No. 06-229 (filed Apr. 8, 2011)).