

September 9, 2011

Via Electronic Filing

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, D.C. 20554

Re: Ex Parte Notice, Docket No. PS 06-229

Dear Ms. Dortch:

As leading providers and manufacturers of the narrowband and broadband devices, technologies, networks, and critical applications that enable first responders to communicate to save lives – and those aspiring to enter this market – we urge that full rules regarding the interoperable public safety wireless broadband network (PSWBN) be immediately adopted. As you know, we have led the call for interoperability among public safety communications technologies. This effort is based upon our strong conviction that open standards are the technological means that will put public safety communications networks on an interoperable, multi-sourced footing. At this critical pivot point in public safety communications, however, we remind the Commission that interoperability testing alone will not yield these beneficial results.

We have seen the success of these principles in the commercial market. Today, smart phones, supported by a vast ecosystem of application providers, have unleashed the capabilities of 4G wireless broadband networks. These capabilities are revolutionizing the socio-economic structure of the world. However, our nation's first responders, charged with protecting lives and property, cannot utilize the capabilities we enjoy on our smartphones. If competition and interoperability are necessary elements of the PSWBN, public safety will realize the same dividends: remarkable functionality, much greater competitive pricing and accelerated, robust innovation.

Simply put, public safety must embrace a culture of competitive sourcing of its networking technology. Without a competitive, multi-sourced vendor marketplace, public safety will enter the broadband era with a single dominant vendor, and competitive vendors will dwindle in number.¹ Concurrently, the benefits of competition in technology supply will be lost.

¹ The undersigned laud the Public Safety and Homeland Security's recent support of this principle: "...one of the most basic tenets of interoperability is the ability of an entity to construct a network using equipment from a variety of vendors that works together seamlessly. In this respect, a network operator should be able to procure cores, radio access network

We are concerned that some public safety jurisdictions that have received waivers from the Commission to deploy LTE networks in the 700 MHz band prior to the issuance of full interoperability rules (and even some jurisdictions not yet having received waivers) are pursuing procurement strategies that risk the benefits of a multi-sourced, open standards-based products. In more than one waiver jurisdiction, a single vendor has been given contracts for public safety LTE products absent competitive Requests for Proposal (RFP) and as part of existing Land Mobile Radio contracts. RFP and other bidding protocols promote a competitive equipment marketplace. Moreover, the RFP process itself ensures that waiver jurisdictions appreciate and understand the potential for cost effective deployment, the technical requirements associated with open standards-based infrastructure deployment, and the requirement for exclusive use of interoperable equipment in networks.

We therefore urge the Commission, in consideration of these recent activities that threaten the ability to deploy a truly interoperable, multi-sourced nationwide public safety wireless broadband network (PSWBN), to, in advance of comprehensive rule adoption:

- 1) Assure that multi-vendor network solutions can be deployed within designated regions and that no single network operator (e.g. regional HSS) can constrain such solutions.
- 2) Issue interim rules requiring proof of successful interoperability testing at qualified laboratories (or the Public Safety Communications Research (PSCR) in advance of formal testing plans) prior to operation of a PSWBN;
- 3) Issue a policy statement for jurisdictions that have been granted waivers to early deploy in the 700 MHz band making clear the benefits of competition among communications vendors and the federal government's strong preference for creating a public safety vendor environment in which communications technologies are multi-sourced;
- 4) Reiterate the responsibilities of PSWBN early adopters/operators to upgrade their networks and user devices within 6 months of final rules once published;
- 5) Request that the Public Safety Communications Research Program (PSCR) provide the Commission bimonthly reports on products selected by waiver grantees and progress toward interoperability; and
- 6) Develop competitive sourcing best practices for jurisdictions planning to develop a PSWBN. Assure that interoperability showings demonstrate all roaming interfaces, as applied to different types of products used in a PSWBN, currently identified by the FCC comply with

equipment, and devices, all from multiple vendors, without sacrificing functionality.” Order, Harris Petition for Clarification, WT Docket No. 06-150, PS Docket No. 06-229, WP Docket No. 07-100, 1-2 (Rel. Aug, 22, 2011). Moreover, the undersigned laud the Department of Justice, Department of Homeland Security, the National Institute of Standards and Technology, the National Telecommunications and Information Administration, the Office of Management and Budget, and the Office of the Vice President in supporting adopting rules regarding the interoperable PSWBN be soon and that the network be built to open, non-proprietary standards: “Participants discussed their shared interest in the availability of a nationwide, interoperable, wireless broadband network for public safety and their desire to see that network built to open, non-proprietary standards. Participants also considered potential timing for action on the FCC' s Fourth Further Notice of Proposed Rulemaking in the above-captioned proceeding, taking into account the possibility that Congress will enact legislation addressing construction, funding, and governance of the network and the concern that delay in establishing baseline interoperability requirements for the network could compromise open standards.” Letter from Amy Levine to Marlene H. Dortch (Sept. 2, 2011).

National Institute of Standards and Technology/Public Safety Communications Research
current and future requirements and processes.

The developments in the early deployment market merit immediate action to protect consumers, first responders, and the public. We believe that the requirements above will effectively ensure that public safety entities have sufficient evidence of product interoperability, marketplace competition, and the creation of a seamless interoperable PSWBN.

We thank the Commission for its consideration, and look forward to its swift action on this matter.

Sincerely,

