

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

In the Matter of)	
)	
Transition Process for 700 MHz Public Safety)	PS Docket No. 12-94
Broadband Waiver Recipients)	
)	

**COMMENTS OF THE
NATIONAL ASSOCIATION OF TELECOMMUNICATIONS
OFFICERS AND ADVISORS, THE NATIONAL ASSOCIATION OF COUNTIES, THE
NATIONAL LEAGUE OF CITIES, AND THE UNITED STATES
CONFERENCE OF MAYORS**

The National Association of Telecommunications Officers and Advisors (“NATOA”),¹ the National Association of Counties (“NACo”),² the National League of Cities (“NLC”),³ and The United States Conference of Mayors (“USCM”)⁴ (collectively, “Commenters”) submit these

¹ NATOA is a national trade association that promotes local government interests in communications, and serves as a resource for local officials as they seek to promote communications infrastructure development.

² NACo represents county governments, and provides essential services to the nation’s 3,068 counties.

³ The NLC serves as a resource to and an advocate for the more than 19,000 cities, villages, and towns it represents.

⁴ The USCM is the official nonpartisan organization of cities with populations of 30,000 or more. There are 1,192 such cities in the country today. Each city is represented in the Conference by its chief elected official, the mayor.

comments in response to the above-captioned Public Notice (“PN”), released April 6, 2012.⁵

Commenters supported the enactment of the Middle Class Tax Relief and Job Creation Act of 2012 (the “Act”),⁶ which created the framework and funding mechanism to build a nationwide, interoperable, public safety wireless broadband network. As such, we have a vested interest in ensuring that the Commission, and the yet-to-be appointed governing board – FirstNet, work cooperatively to ensure the successful building, deployment, and operation of the network. As such, we strongly support the comments filed in this proceeding by the Operators Advisory Committee (“OAC”) to the Public Safety Spectrum Trust (“PSST”). However, we file these comments separately to underscore our position that the Commission not take any action that may, in any way, imperil the efforts made to date by the 21 waiver recipients that have received Commission waivers for early network deployments using the 10MHz of public safety broadband spectrum allocated in the 700 MHz band.

Extension of Existing Spectrum Leases Will Prevent Waste, Improve Public Safety, and Provide Valuable Data for the Construction of the National Network

Waiver recipient spectrum leases are scheduled to expire on September 2, 2012. Commenters believe that these leases should be extended for an additional two years, as suggested by the OAC. Doing so will permit these jurisdictions, which have invested time and financial resources, to continue their efforts to deploy these vital systems that will be fully interoperable with the national system. Further, an extension will protect the BTOP grants seven

⁵ Public Notice, “Public Safety and Homeland Security Bureau Seeks Comment on transition Process for 700 MHz Public Safety Broadband Waiver Recipients,” DA 12-555 (rel. April 6, 2012).

⁶ See Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156 §6101 (2012) (“Spectrum Act”).

of these jurisdiction have received, along with providing the FirstNet board with “real life” best practices on how to best deploy the nationwide network.

To permit the leases to expire and, thus, leave these projects in limbo, would result in a waste of public resources - \$380 million in BTOP grants alone. The better course of action would be to extend the leases for the waiver recipients that would permit continued deployment. These networks are already subject to the Commission’s requirement that they be deployed under a common interoperability framework. This will ensure that the networks being deployed by the waiver recipients will be technically compatible and fully interoperable. Since the Commission is tasked with approving – with any necessary revisions – the minimum technical requirements of the national network by June 21, 2012, the Commission would be able to advise the waiver recipients of any potential technical interoperable problems in a timely manner.

Furthermore, the continued deployment of these systems will significantly increase public safety and security for many of our first responders and residents by allowing the jurisdictions to leverage new and emerging wireless technologies that will improve communications coordination among various public safety agencies.

Finally, the extension of existing leases and the continued deployment of these projects will provide the FirstNet board with invaluable information as to what works – and what doesn’t – when it begins developing planning grants and developing RFPs. The projects will also assist states when they begin evaluating the pros and cons of opting in or out of the national network. As the OAC states: “Curtailing the work at this juncture will prematurely and unnecessarily end the ability to learn from these efforts, and will potentially frustrate, at least for a period of time, the progress that these early deployments represent towards achieving a successful nation public safety broadband network.”

Conclusion

Commenters strongly urge that the Commission extend the spectrum leases of the waiver recipients. The public safety projects being built by these jurisdictions are already subject to FCC-imposed interoperability requirements. Therefore, there is little reason to suppose that these projects cannot be successfully integrated into the national network. Extending the leases will remove a cloud of uncertainty hanging over the projects, prevent the waste of public resources that have been expended to date, and provide the FirstNet board with the information it needs to achieve its goal of constructing a nationwide, interoperable public safety wireless broadband network. By working cooperatively, we are confident that all stakeholders can reach a consensus solution that will protect and maintain the public financial investments that have made in these projects during this difficult economy.

Respectfully submitted,



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