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Anna M. Gomez
Deputy Assistant Secretary for Communications and Information
Deputy Administrator, National Telecommunications and Information Administration
U.S. Department of Commerce
1401 Constitution Avenue, NW
Washington, DC 20230

SUBJECT: Early Deployment of Non-Interoperable LTE Public Safety Products.

Dear Ms. Gomez:

I draw your attention to recent communications (attached) that indicate non-interoperable and proprietary technologies are being deployed in early build outs of public safety LTE networks in the State of Texas. I urge you to ensure that, as the as the Department of Commerce takes actions to support the standup of the First Responder Network Authority (FirstNet), execution of pending grant programs, and the deployment of a nationwide public safety broadband network (NPSBN), steps are taken to drive an interoperable environment where build out is supported by multiple vendors and without constraints created by a manufacturer to preclude multi-vendor interoperability.

As the attached email shows, there is a situation in Texas where parties have selectively allowed deployment of one vendor's technology in multiple regions while systematically requiring all other jurisdictions to also use that vendor's technology. Moreover, it appears that the State and the preferred vendor itself have concluded that its technology is proprietary and non-interoperable and that jurisdictions not using the preferred vendor will be precluded from interoperating with the preferred-vendor LTE network.

This threatens the core goal of FirstNet and H.R. 3630: to build an interoperable network, leveraging the economies of scale resulting from use of technologies of multiple vendors, and avoiding the infusion of products that prevent seamless integration of interoperable technologies regardless of brand.

Moreover, the communication attached contradicts claims made by the State of Texas in its ninth "Texas Interoperability Showing," filed at the Federal Communications Commission (FCC) in attempting to gain authorization for operating its public safety broadband system in advance of FirstNet's nationwide public safety broadband network (NPSBN) build out. In this document, the State frequently claims to commit to fostering an interoperable, multi-vendor environment:

The State of Texas will continue to promote a competitive multi-vendor environment for future phases of network implementation.”¹

The State of Texas recently released a clear set of high-level objectives associated with the early deployment of public safety LTE. Those objectives have been refined further to read:

- ...To enable early deployments of interoperable 700 MHz PS LTE network layers in Texas.
- To facilitate an open, standards-based 3rd Generation Partnership Project (3GPP) LTE environment which supports a healthy, competitive multi-vendor procurement environment for network infrastructure and terminal devices, while enabling LTE suppliers to innovate and produce sustainable products and services.²

Multi-source designs will be pursued at the Evolved Packet Core (EPC) core layer, and examined with respect to the Home Subscriber Server (HSS) and the eNodeB layers.³

Simply put, it is impossible to justify sanctioning continued build out and operation of a broadband public safety network in Texas in the face of practical examples and evidence that refute any assertions that the State of Texas is taking seriously its duty to create an interoperable broadband network built upon a multi-vendor platform. Rather, this appears to validate a model employed by the state; recall that the State of Texas’ initial interest in seeking approval for early build out of its own public safety broadband network was predicated upon use of federal funds for a sole-sourced broadband network build out contract.⁴

The serious concern revealed in this specific case goes far beyond the State of Texas: Texas’ preferred vendor could seek to seed the same proprietary and non-interoperable technology in other areas of the country – at taxpayer expense through direct NTIA Broadband Opportunities Technology funds. Based upon the communication, it appears that this technology is not interoperable and will not allow other vendor products to connect with it. Thus, this letter shows evidence that taxpayer funds are going to create a proprietary NPSBN that will not meet the goals of H.R. 3630 or the needs of first responders.

Multi-vendor deployment is a key tenet for a successful, interoperable FirstNet. It is now clear that the only way to guarantee interoperable, multi-vendor, competitive deployment is, in fact, to require proof that a deployment is multi-vendor or, at least, multi-vendor capable. I urge you to assess the allegations in this communication and take action to ensure that no broadband public safety network technology is deployed in advance of the FirstNet deployment that poses any threat to the deployment of a truly interoperable, multi-vendor NPSBN.

I look forward to your swift action, which must include an assessment of whether BTOP funds have been directed to purchase non-interoperable products for public safety LTE networks.

¹ See State of Texas Ex Parte, PS Docket No. 06-229 (filed Jan. 19, 2012) (Texas 9th Interoperability Showing), 4.

² *Id.* at 5.

³ *Id.* at 5-6.

⁴ See Harris Corporation Petition for Clarification, PS Docket No. 06-229 (filed may 26, 2011), 3.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Marschilok". The signature is written in a cursive style with a prominent "S" and "M".

Steve Marschilok
President
Public Safety and Professional Communications

Attachment

CC:

David Turetsky
Jennifer Manner
Angela Simpson
Dan Phythyon