

**Before the
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554**

In the Matter of)
)
Wireless Telecommunications Bureau) WT Docket No. 12-176
Seeks Comment on Request for Waiver)
Of Part 80 to Allow Certification and Use)
Of Seareka Maritime Survivor Locating)
Device Operating on Frequency 869 MHz)

COMMENTS OF SPRINT NEXTEL CORPORATION

Sprint Nextel Corporation (“Sprint”) hereby respectfully submits its comments in response to the Wireless Telecommunications Bureau’s (“Bureau”) *Public Notice* in the above captioned proceeding.¹ The Bureau requests comment on Seareka Maritime’s (“Seareka”) April 30, 2012, request for multiple waivers of the Federal Communications Commission (“Commission”) Part 80 Rules and its proposed use of 800 MHz band commercial mobile radio service (“CMRS”) exclusive-use spectrum for use in its maritime survivor locating device (“MSLD”). For the reasons below, Sprint opposes the request.

Sprint is the nationwide Commission-authorized licensee for 800 MHz band spectrum immediately adjacent to Seareka’s proposed use of its MSLD device. Sprint is in the process of 800 MHz band reconfiguration, a multi-year, multi-billion initiative to retune and relocate nearly 1000 land mobile radio public safety radio systems which support police, fire and emergency personnel and help protect the life and safety of millions of constituents across the country in the 866-869 MHz portion of the 800 MHz band. This Commission-mandate will virtually eliminate

¹ Wireless Telecommunications Bureau Seeks Comment on Request for Waiver of Part 80 to Allow Certification and Use of Seareka Maritime Survivor Locating Device Operating on Frequency 869 MHz, *Public Notice*, DA 12-1002 (rel. June 27, 2012).

800 MHz CMRS – public safety interference which has been prevalent in the 800 MHz band since 1999.²

Pursuant to a recent Commission *Report and Order*, the Commission’s Rules were modified to permit Sprint and other Enhanced Specialized Mobile Radio (“ESMR”) operators to deploy wider bandwidth technologies in the 800 MHz ESMR band (862-869 MHz).³ Once band reconfiguration is complete, Sprint will have exclusive-use of the 800 MHz spectrum immediately adjacent to Seareka’s proposed use of 800 MHz band (866-869 MHz) and will be deploying wider-bandwidth technologies in the 800 MHz band. In addition, Sprint’s current customers often roam onto the Cellular Band Networks which operate between 869-894 MHz.

Seareka seeks authority to operate their MSLD on 869.40-869.65 MHz for use in man-overboard incidents on spectrum that, as described above, is immediately adjacent to Sprint’s current and future exclusive-use operations in the 800 MHz band. With Sprint’s operations so close to and with its customers usage on the same proposed spectrum proposed by Seareka, Sprint is deeply concerned about the possibility for interference to Sprint’s network or customer devices if Seareka’s devices transmit on its proposed spectrum licensed on an exclusive-basis to the Cellular Radiotelephone Service (“Cellular”).

Sprint is concerned that with the introduction of 3G/4G services in the 800 MHz ESMR and 800 MHz Cellular Bands, the MSLDs sold by Seareka could pose the potential to interfere with Sprint’s and Cellular’s exclusive-use licensed operations. The introduction of these devices

² See Improving Public Safety Communications in the 800 MHz Band, *Report and Order*, 19 FCC Rcd 14969, (2004) (*800 MHz Reconfiguration Report and Order*).

³ See Improving Spectrum Efficiency Through Flexible Channel Spacing and Bandwidth Utilization for Economic Area-based 800 MHz Specialized Mobile Radio Licensees, *Report and Order*, ___ FCC Rcd ___, DA 12-55 (May 24, 2012) (“Broadband Report and Order”).

to Sprint's operating environment increases the possibility of interference, even if the MSLD is not initially intended for use in Sprint's or Cellular's operational footprint.

Currently, there are maritime location devices sold to consumers in the United States that operate in accordance with Subpart V of Part 80 that set out technical and performance requirements for Emergency Position Indicating Radiobeacons ("EPIRBs") consistent with international frequency allocations and standards. EPIRBs avoid potential risks of interference with other radio services in the United States. Although Seareka believes the chance of interference is reduced due to a "polite protocol" and that the devices are most likely to be used in open water, there is nothing that would prevent the device from transmitting in inland waterways or coastal waters. If the Seareka device transmits in these waters, the potential for interference with CMRS operators increases dramatically.

Devices that operate in accordance with the Section 80.1061 of the Commission's rules still manage to be operated outside of their design parameters through mishandling, testing, and other actions. While Seareka argues their system will not cause interference because they will operate in open water, there seems to be nothing that would allow for ESMR or Cellular Radiotelephone Service operators' protection should these devices operate inside the exclusive-use geographic license areas that commercial operators have deployed their Networks.

In addition, the introduction of Seareka's MSLDs to inland waterways on the exclusive-use Cellular band spectrum could impede critical E911 calls from completion. Sprint's Networks and its roaming capability on adjacent Cellular Telephone Networks provide a critical public safety function on inland and coastal waterways for the benefit of subscribers when and where they need it most. The introduction of Seareka's devices could increase interference potential on other devices in proximity to the MSLD that is transmitting. This interference

potential is possible even if the MSLD operated according to Seareka's proposed short 500 milliwatts digital burst.

Seareka's device also has the potential to cause interference in open water areas, which Seareka touts as the very location for which the systems were designed. Many cruise lines currently offer Cellular Radiotelephone Service at sea for their customers. If an MSLD is deployed accidentally on the ship, the device could cause interference to Cellular shipboard operations.

Seareka's proposed use of 800 MHz band spectrum is devoid of any analysis on its potential for interference to exclusive-use operations in the Cellular, public safety and ESMR 800 MHz bands. Without such an analysis, the Commission has no basis to properly evaluate Seareka's request. For these reasons, Sprint requests dismissal of the Seareka waiver request.

Respectfully submitted,

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