

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)
)
NSTAR Electric Company)
Request for Rule Waiver) **WT Docket No. 12-295**
)

To: The Federal Communications Commission

**REPLY COMMENTS OF NSTAR ELECTRIC COMPANY
IN SUPPORT OF
REQUEST FOR RULE WAIVER**

NSTAR Electric Company (“NSTAR”) submits these reply comments in response to the Commission’s October 5, 2012, Public Notice (“NSTAR Public Notice”)¹ seeking comment on NSTAR’s request that the Commission waive its suspension of acceptance and processing of certain applications for 470-512 MHz (T-Band) spectrum (“T-Band Freeze”).²

NSTAR respectfully submits that grant of the company’s waiver request and processing of the Modification Application is in the public interest.

Only two comments have been filed in this proceeding, both of which support NSTAR’s waiver request. Specifically, on October 22, 2012, the Utilities Telecom Council (“UTC”) and Enterprise Wireless Alliance (“EWA”) filed comments urging the Commission to grant NSTAR’s waiver request.

In its comments, UTC submitted that “the Commission should waive the T-Band freeze because NSTAR is only seeking a minimal expansion of its coverage area, which is necessary to complete its transition to a UHF system it will use to improve the safe, reliable and efficient delivery of essential electric, gas and water service to the public at large.”³ UTC also noted that

¹ *Wireless Telecommunications Bureau Seeks Comment on NSTAR Electric Company’s Request for Waiver of the Suspension of Acceptance and Filing of Certain Applications for 470-512 MHz (T-Band) Spectrum*, Public Notice, DA 12-1598 (Oct. 5, 2012).

² *See, Public Notice Wireless Telecommunications Bureau and Public Safety and Homeland Security Bureau Suspend the Acceptance and Processing of Certain Part 22 and 90 Applications for 470-512 MHz (T-Band) Spectrum*, DA 12-643 (April 26, 2012)(“T-Band Public Notice”)

³ UTC Comments p. 2.

waiving the freeze would not create instability in the T-Band because NSTAR only seeks a waiver for a single call sign in a remote area.⁴

Similarly, EWA's comments urged the Commission to grant NSTAR's waiver request because "denial of [NSTAR's] waiver request would disserve the public interest."⁵ EWA also noted that NSTAR is in the "untenable position of having migrated much of its work force from VHF to UHF, while the remainder is stranded in a state of regulatory limbo of unknown duration."⁶ EWA also argued that grant of NSTAR's waiver request is appropriate because "the more advanced features of [NSTAR's] replacement system also provided capabilities such as enhanced emergency alert and GPS tracking that speak directly to safety concerns."⁷

No comments were filed in opposition to NSTAR's waiver request.

As NSTAR demonstrated in its waiver request, and UTC and EWA reiterated in their respective comments, grant of the instant waiver request is in the public interest. NSTAR has been planning its UHF communications network since 2010. Equipment has been purchased and a considerable amount of time and money has been spent implementing the system. The Commission has already granted NSTAR authority to operate in two of three service territories. In addition, the company currently is operating the UHF System pursuant to Special Temporary Authority granted by the Commission earlier this month.⁸

The Commission imposed its T-Band freeze mere days after NSTAR's final modification application was filed. The result is that NSTAR is in limbo and its ability to complete migration to a system that will be used immediately to protect safety of life and property has been seriously jeopardized in order to reserve spectrum for an auction that will not occur for perhaps a decade. NSTAR truly has had its tail caught going through the door and believes that waiver is appropriate to allow it to complete its migration to its next generation communications system.

Based on the foregoing, NSTAR respectfully submits the waiver request is in the public interest and should be promptly granted by the Commission.

Should the Commission require additional information, it is requested to contact NSTAR's telecommunications counsel Gregory E. Kunkle, Keller and Heckman LLP, 1001 G Street NW, Ste. 500 W, Washington, DC 20001; 202.434.4178; kunkle@khlaw.com, or Wesley K. Wright, 202.434.4296; wright@khlaw.com.

⁴ *Id.*

⁵ EWA Comments p. 1.

⁶ *Id.* at p. 2.

⁷ *Id.*

⁸ WQPZ 865.