OFFICE OF EMERGENCY MANAGEMENT AND COMMUNICATIONS
CITY OF CHICAGO

October 31, 2012

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

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| In the Matter of | ) | |
| | ) | WP Docket No. 07-100 |
| Amendment of Part 90 of the Commission's Rules | ) | |
| | ) | PS Docket No. 06-229 |
| Implementing a Nationwide, Broadband Interoperable Public Safety Network in the 700 MHz Band | ) | WT Docket No. 06-150 |
| Service Rules for the 698-746, 747-762 and 777-792 MHz Bands | ) | |

**COMMENTS OF THE CITY OF CHICAGO, CHICAGO, IL**
**RESPONSE TO FIFTH NOTICE OF PROPOSED RULEMAKING**

The City of Chicago hereby submits comments to the *Fourth Report and Order and Fifth Further Notice of Proposed Rulemaking* in the above captioned matter released June 13, 2012 and hereinafter referred to as the "NPRM".

As an initial matter, the City commends the Commission for those clarifications included within the NPRM as the Fourth Report and Order. Those clarifications, modifications and corrections are very helpful to the City, other licensees and future applicants, by providing a better regulatory framework for the utilization of the 4.9 GHz band. Regarding that portion of

the document that is the *Fifth Further Notice of Proposed Rulemaking*, the following comments apply:

Frequency Coordination

The Federal Communication Commission (FCC) has requested comments on whether the 4.9 GHz band for public safety broadband communications should be coordinated and, if so, what method of coordination would be most effective.

The 4.9 GHz band supports a wide variety of broadband applications related to public safety including but not limited to Wireless LANs for incident scene management (ad hoc mobile networks) and permanent fixed point-to-point video surveillance.

Use of the 4.9 GHz band is currently not governed as to whether existing licenses would employ channels for the operation of hot spots, mobile, point-to-point, point-to multipoint, etc. Accordingly, public safety entities have enjoyed substantial flexibility in system design and use, as was originally intended by the Commission when it adopted the original regulations.

Taking advantage of that flexibility, the City of Chicago has developed a very large and complex 4.9 GHz system. To that end, the City's and soon to be Cook County's Homeland Security Strategy combined efforts are based on maximizing the use of the 4.9GHz spectrum.

The City has deployed over 2,000 4.9 GHz links for video and data backhaul throughout the City that support the City of Chicago's camera network, which enables public safety personnel access to thousands of cameras throughout Chicago for the sole purpose of maintaining safety and property security. The 4.9 GHz system for the City of Chicago remains a vital system in homeland security operations and is paramount toward ensuring the safety and security for over 2.8 million residents of Chicago.

The Commission's goal to impose coordination on 4.9GHz licenses and create and implement a reliable database capable of allowing entities to coordinate future deployment would cost the City an extraordinary amount of unplanned and unbudgeted dollars.

## National and Regional Plans

The City of Chicago and other users have invested a large amount of local and federal dollars and imposing the requirements to reapply for the existing utilization for this spectrum will cause undue hardship and an extreme amount of man hours and excessive financial expenditures the City has not budgeted for in these dire financial times.

The City opposes efforts to involve local Regional Planning Committees (RPC's) in this initiative as the RPC process is slow or unresponsive and may not result in greater use or deployment of 4.9 GHz systems. A new perspective may be necessary as their original charter is 30 years old and technology has changed dramatically since RPCs were formed.

## Expanded Eligibility

Chicago opposes expanded eligibility to either Critical Infrastructure Industry (CII) or commercial operators. Public safety entities have a long tradition of cooperation and over the past ten years that level of cooperation has steadily increased as various entities have had to work together to improve Interoperability. Disaster preparedness and critical incident response plans are carefully crafted among public safety agencies at the same time that spectrum use and interference avoidance issues are considered. The fact is that public safety entities work well together on a local level. On the other hand, there is no similar cooperation between public safety entities and CII operators or commercial systems. Although often some CII operations are taken into consideration in disaster preparedness, spectrum cooperation at the operator level rarely exists. Therefore, to assure safety and protection against interference, the licensing of 4.9 GHz systems must remain a singularly public safety zone.

## Conclusion

The City of Chicago has been one of the leading entities within the region in the use of 4.9 GHz band for video and data backhaul.

The City of Chicago respectfully disagrees with imposing greater governance and regulation with the necessity to reapply for licenses. Should the Commission rule to require coordination; the FCC should at least provide limited relief by grandfathering existing use within the 4.9 GHz band for public safety licensees due to the workload and cost involved.

Respectfully submitted,

Office of Emergency Management and Communications
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