

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

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

**COMMENTS OF THE FORESTRY CONSERVATION COMMUNICATIONS
ASSOCIATION, THE INTERNATIONAL ASSOCIATION OF FIRE CHIEFS, AND THE
INTERNATIONAL MUNICIPAL SIGNAL ASSOCIATION**

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SUMMARY

The Forestry Conservation Communications Association (“FCCA”), the International Association of Fire Chiefs (“IAFC”), and the International Municipal Signal Association (“IMSA”) (collectively, the “Commenters”) applaud the Commission for taking steps to promote the more efficient and greater use of the 4.9 GHz band. Public safety entities rely heavily on the 4.9 GHz band to provide critical safety-of-life services to the public. Unfortunately, these services have often been impeded by, among other things, rules that do not fully protect those operations. The Commenters therefore strongly urge the Commission to adopt rules that will promote the more full use of this valuable spectrum.

As a prerequisite to the use of the 4.9 GHz band, the Commission should require frequency coordination performed by the existing public safety frequency coordinators pursuant to a national band plan. The national band plan should be developed by the National Public Safety Telecommunications Council, in cooperation with Regional Planning Committees (“RPCs”) and other interested stakeholders, and approved by the FCC after a notice and comment proceeding. Once a national band plan is adopted, the current public safety frequency coordinators should be responsible for providing coordination for the 4.9 GHz band as they do today for other bands. While RPCs may review applications and offer their comments, frequency coordinators should retain the discretion to recommend the use of particular channels.

The Commenters strongly support the creation and maintenance of a database of 4.9 GHz use to perform frequency coordination, resident in the FCC’s existing Universal Licensing System rather than one or more private databases. The database should include different station class codes for different types of licenses and the Commission should require jurisdictional licensing. In order to continue operating on a primary basis, incumbent licensees should be

required to update the ULS database, seek frequency coordination, and conform their use of the 4.9 GHz band to the national band plan. The Commission should also adopt technical and other criteria governing the use of the 4.9 GHz band, such as specifications for antennas, power limits and wideband backhaul and similar uses.

Given the importance of the 4.9 GHz band to public safety entities, the Commission should not permit the commercial use of the band at this time. The Commission should, however, permit critical infrastructure industry (“CII”) use of the band, but only when CII entities use the band in partnership with public safety entities that have established a need for joint public safety/CII operations and conform their use to the national band plan. The Commission should also permit the use of the 4.9 GHz band to support the 700 MHz public safety network being implemented by FirstNet as well as for aeronautical operations under certain conditions.

The Commenters agree with the Commission that it should not impose equipment standards, aside from emission masks, and should instead let the marketplace develop. Finally, the Commission should not require periodic updates on the use of the 4.9 GHz band or other more stringent reporting requirements for the 4.9 GHz band than already exist.

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The Forestry Conservation Communications Association (“FCCA”), the International Association of Fire Chiefs (“IAFC”), and the International Municipal Signal Association (“IMSA”) (collectively, the “Commenters”), by their counsel and pursuant to the provisions of Section 1.415 of the FCC’s rules,^{1/} hereby submit these comments in response to the Commission’s proposals in the Fifth Further Notice in the above referenced proceeding to make greater use of the 4.9 GHz band.^{2/} The Commenters commend the Commission for initiating this proceeding and promoting the use of the 4.9 GHz band. As the Fifth Further Notice recognizes, the 4.9 GHz band represents an important means by which public safety entities can make use of emerging broadband technologies. The rule changes proposed in the Fifth Further Notice will aid public safety entities and make more complete use of the band.

^{1/} See 47 C.F.R. § 1.415.

^{2/} See *Amendment of Part 90 of the Commission’s Rules; Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band; Service Rules for the 698-746, 747-762 and 777-792 MHz Bands*, Fourth Report and Order and Fifth Notice of Proposed Rulemaking, 27 FCC Rcd 6577 (2012) (“Fifth Further Notice”).

I. BACKGROUND

IMSA is a non-profit organization dedicated to the development and use of electric signaling and communication systems in furtherance of public safety. IMSA's approximately 12,000 members include representatives of Federal, state, county, city, township, and borough governmental bodies, as well as representatives of governmental bodies of foreign nations. IMSA works to improve the efficiency, installation, construction, and maintenance of public safety equipment and systems by increasing the knowledge of its members in several diverse technical fields including public safety communications. IMSA offers educational and certification programs in a variety of public safety disciplines including Public Safety Telecommunications, Municipal and Interior Fire Alarm Systems, Traffic Signals, Signs and Markings, Work Zone Traffic Control, Fiber Optics, and Flagging.

The 13,000 member IAFC is a professional association representing the leaders and managers of America's fire and emergency service. America's fire and emergency service reaches every community across the nation, protecting urban, suburban, and rural neighborhoods. The IAFC represents the leadership of over 1.2 million firefighters and emergency responders. IAFC members are the world's leading experts in firefighting, emergency medical services, terrorism response, hazardous materials spills, natural disasters, search and rescue, and public safety legislation. Since 1873, the IAFC has provided a forum for its members to exchange ideas and uncover the latest products and services available to first responders.

FCCA is a non-profit national trade organization that has, for over six decades, coordinated the use of frequency assignments within the Forestry Conservation spectrum. It makes available a full range of radio communications services for all public safety entities in

addition to forestry conservation agencies, including related police, fire, and emergency medical functions of these agencies, operating in all 50 states.

Each of IMSA, IAFC and FCCA are certified coordinators for frequencies specified in Section 90.20(c) of the FCC's rules, and are among the recognized frequency coordinators for the Public Safety Pool frequency assignments.^{3/} Because the Commenters' members are public safety entities that may make use of the 4.9 GHz band, they are interested in the further development of regulations that would promote the use of the band. Accordingly, the Commenters are pleased to have the opportunity to submit the following comments.

II. COMMENTS

A. Coordination

Today, the rules require applicants to cooperate in the selection and use of channels in the 4.9 GHz band in order to reduce interference.^{4/} While there is already significant use of the 4.9 GHz band by public safety entities, the lack of certainty regarding protection from potentially interfering operations may be impeding the more intense use of the band. Accordingly, in order to promote the more full use of this valuable spectrum, the Commenters strongly support a requirement that applicants demonstrate frequency coordination as a prerequisite to the use of the 4.9 GHz band. Coordination should be performed by the existing public safety frequency coordinators pursuant to a national band plan developed by the National Public Safety Telecommunications Council ("NPSTC") and approved by the FCC, employing a database maintained by the FCC in the Universal Licensing System ("ULS").

National Band Plan. In order to promote the full use of the 4.9 GHz band, the Commission should establish a national band plan that would specify the bandwidth and

^{3/} See 47 C.F.R. § 90.20(c).

^{4/} See *id.* § 90.1209(b).

acceptable use of particular segments of the 4.9 GHz band. For example, certain segments of the band may be designated for point-to-point use, others for point-to-multipoint use, and others for mobile hot-spot operations, each with specified bandwidth limitations and relevant technical parameters.^{5/} The creation of a national band plan would be consistent with the Commission's approach to the use of the public safety 800 MHz^{6/} and 700 MHz bands^{7/}, where it has designated some channels for particular operations on a nationwide basis and otherwise required the development of regional plans. The benefits of centralized planning should similarly be extended to the 4.9 GHz band by establishing a nationwide band plan.

The use of a national band plan will improve the use of the band in at least two important ways. First, by designating particular segments of the band for specific uses, manufacturers will be able to focus equipment development on particular band segments, potentially driving down the cost of that equipment. Second, by establishing nationwide use of particular band segments, the Commission will help eliminate potential interference between inconsistent uses of the band.

^{5/} The national band plan would establish, among other things, the channel aggregation schemes and would, therefore, address the questions in the Fifth Further Notice regarding whether the current rules governing channel aggregation are sufficient. *See* Fifth Further Notice ¶ 53. Similarly, the band plan would, as the Fifth Further Notice suggests, designate channels for particular operations. The Commission asks whether permanent fixed point-to-point and point-to-multipoint links should be licensed on a primary basis. *See id.* ¶ 46. In order to make the band most useful for public safety, many forms of use of the spectrum should be permitted, consistent with the national band plan. Coordination of those operations, as recommended below, by the four current public safety frequency coordinators will ensure the most intense employment of the frequencies for a variety of uses.

^{6/} *See Amendments of Parts 2 and 22 of the Commission's Rules Relative to Cellular Communications Systems, et al.*, Report and Order, 2 FCC Rcd 1825 (1986) (establishing spectrum in the 800 MHz band for public safety use); *Technical Compatibility Protocol Standards for Equipment Operating in the 800 MHz Public Safety Bands*, Memorandum Opinion and Order, 66 Rad. Reg. 2d (P&F), 751 (1989) (designating channels in the 800 MHz band for mutual aid); *Trunking in the Private Land Mobile Radio Services for More Effective and Efficient Use of the Spectrum*, Report and Order, 5 FCC Rcd 4016 (1990) (allocating channels in the 800 MHz band for General Category use).

^{7/} *See* 47 C.F.R. § 531; *Service Rules for the 698-746, 747-762 and 777-792 MHz Bands, et al.*, Second Report and Order, 22 FCC Rcd 15289, ¶ 396 (2007) ("700 MHz Band Plan Order") (establishing, among others, narrowband interoperability channels and state channels in the 700 MHz public safety band).

The Commission should designate NPSTC as the entity responsible for developing the band plan, in cooperation with Regional Planning Committees (“RPCs”) and other interested stakeholders. The FCC should provide NPSTC with a six month period from the adoption of an initial Report and Order in this proceeding to develop and submit a national band plan. Thereafter, and in order to incorporate the NPSTC-proposed band plan in the rules, the Commission should solicit public comment on the proposed band plan with a goal of adopting final rules one year after the release of initial rules in this proceeding.

While the band plan should be national in scope, local public safety entities, acting through RPCs, should be permitted to develop local uses of frequencies that are not inconsistent with the national plan. For example, if frequencies are designated for a particular use at a specified power level, RPCs may wish to further restrict power to limit the potential for interference. Such a further limitation would not affect the potential for interference across regions and would not undermine the national plan. However, RPCs should not be able to develop plans for local use of the 4.9 GHz band that would change the fundamental elements of the band plan, such as bandwidths and permitted uses, on a local basis.

Frequency Coordinators. Once a national band plan is adopted, the current public safety frequency coordinators should be responsible for reviewing and approving applications as they do today for other bands. The FCC has long recognized the important role that frequency coordinators play in taking into consideration the unique needs of the private land mobile user community in general and public safety users in particular.^{8/} Based on that record of success, the

^{8/} See *Frequency Coordination in the Private Land Mobile Radio Services*, Report and Order, 103 FCC 2d 1093, ¶ 2 (1986) (noting that “[frequency] coordinators play a pivotal role in helping the Commission develop and manage private land mobile frequencies . . . [E]nlighened frequency recommendations help to ensure that the Commission optimizes the use of the available spectrum for the benefit of all members of the public”); see also *Industrial Telecommunications Association Informal*

existing public safety frequency coordinators should be responsible for providing coordination for the 4.9 GHz band. Coordinators would recommend the use of frequencies according to the national band plan and would, as they do today, circulate applications for comment to other public safety frequency coordinators, who are provided with five days to offer a response. Circulation of applications prior to submission of applications to the FCC will ensure that there is no duplicate coordination for the same public safety entity and that the proposed use of a frequency does not affect applications that have been coordinated but the submission of which are not yet reflected in ULS.

In addition to other coordinators, the Commenters propose that applications be sent to RPCs for comment for a period of ten days. While RPCs may offer their comments, frequency coordinators should retain the discretion to recommend the use of particular channels. As with other services, applicants may request a waiver of the rules if they disagree with the recommendation of the frequency coordinator or otherwise wish to use a frequency in a manner that is not consistent with the national plan. However, applicants proposing non-conforming uses of frequencies should be required to demonstrate that their non-conforming use will pose no possibility of interference to existing and potential applicants using the channel in a manner consistent with the national plan and that they have no other reasonable alternative than to employ the proposed channel in a non-conforming manner.

Database. The Commission proposes the creation and maintenance of a database of 4.9 GHz use. The Commenters strongly support the creation of that database that would be resident in FCC's existing ULS. Frequency coordinators employ the ULS database today to perform

Request for Certification as a Frequency Coordinator for Part 90 929-930 MHz Paging Frequencies and PLMR Special Emergency Frequencies Below 512 MHz, Order, 19 FCC Rcd 7614, ¶ 2 (2004).

frequency coordination. The database would be populated by information contained in applications for 4.9 GHz systems.

There is no basis for the creation or maintenance of one or more private databases, as the Commission has facilitated for so-called “white space” devices.^{9/} Those private databases are intended to be queried by devices seeking available spectrum on a real-time, or near real-time, basis. However, the creation and maintenance of white space-style databases are not appropriate for the 4.9 GHz band. First, as noted above, coordinators can provide frequency recommendations using data that is already resident in, or may easily be added to, ULS. Second, it is not expected that 4.9 GHz spectrum will be used in the same manner as white space devices – instant evaluation of whether a system may be used in a particular place at a specific time will not be required. Finally, a white space-style database pre-supposes the use of equipment that employs geolocation or similar technologies. It is not contemplated that 4.9 GHz equipment will include that capability and requiring 4.9 GHz devices to incorporate geolocation or similar capabilities will unnecessarily impede the development of equipment for the band.

In order to make the database as useful as possible, there should be, as the Commission suggests, different station class codes for different types of licenses, all consistent with the national plan.^{10/} Similarly, and as it suggests, the Commission should require jurisdictional licensing.^{11/} Doing so will reduce administrative burdens for both licensees and the Commission.

Incumbents. While the 4.9 GHz band will be most effectively used if frequency coordination requirements, in a manner consistent with a national band plan, are imposed, the

^{9/} See *Unlicensed Operation in the TV Broadcast Bands Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band*, Second Report and Order and Memorandum Opinion and Order, 23FCC Rcd 16807 (2008).

^{10/} See Fifth Further Notice ¶ 44.

^{11/} See *id.* ¶ 45.

Commenters recognize that incumbent entities likely already operate in the band today in ways that may be inconsistent with the proposed national band plan and that the FCC's database may contain incomplete information regarding current operations. For example, the band is used today by, among others, public fire and emergency reporting systems that notify fire and other public safety agencies of a variety of emergency situations including building fires, emergency medical requests and several security related conditions. These current users should be protected. In order to address incumbent users, the Commenters propose that within one year of the time the Commission adopts a band plan for the 4.9 GHz band, incumbent licensees be required to update the ULS database to include any additional information, required as a result of this rulemaking proceeding, not otherwise in the database. Failure to update the database would mean that the incumbent licensee would receive no protection from subsequently coordinated and licensed systems and would be required to operate on a secondary basis only.

Second, while incumbent licensees, after updating the database to reflect all of their operating parameters, would be able to continue to operate on a primary basis, they would be required to seek frequency coordination and conform their use of the 4.9 GHz band to the national band plan no later than the time they renew their authorizations. If they seek and obtain frequency coordination when they renew their licenses, they should be permitted to continue to operate on a primary basis. If they do not obtain frequency coordination at or before the time they renew their licenses, the authorization should not be renewed. If incumbents are unable to obtain frequency coordination and conform their operations to the national band plan when they seek to renew their licenses and, therefore, protection from other users, they may request a waiver of the FCC's rules. Such a waiver request would be required to demonstrate that they will not cause harmful interference to existing and potential users in the 4.9 GHz band, and that

they have no reasonable alternative but to continue to use their facilities in a manner that does not conform to the national band plan and that cannot support frequency coordination.

Technical Criteria. While the national band plan, which will be incorporated in the FCC's rules, will dictate much of how the 4.9 GHz band will be employed, the Commission should adopt other criteria governing the use of the band. First, the rules should require, as they do for other microwave systems, licensees to upgrade to so-called "Category A" antennas at their expense if the use of current equipment impedes others' use of the 4.9 GHz band. Similarly, the rules should make clear that frequency coordinators may require larger than minimum antennas in order to facilitate the most intense use of the 4.9 GHz band. In order to further promote the use of the 4.9 GHz band, the rules should: (1) incorporate the formula in Section 101.143 of the regulations to reduce power for short point-to-point paths^{12/}; (2) specify that the maximum equivalent isotropically radiated power is 55 dBw, as it is for the 3.7-4.2 GHz band and as specified in Section 101.113(a) of the rules^{13/}; and (3) specify a minimum antenna gain of 26 dBi.

To the extent not addressed by the NPSTC-proposed band plan, the rules should limit the use of the 4.9 GHz band for wideband backhaul and similar uses. The 4.9 GHz band will likely be used by multiple entities in an area for a variety of uses; as noted above, it is already being used for important public safety applications. However, if the band is used for wideband backhaul or there is otherwise no limit on the amount of spectrum that can be used by one entity, it will quickly become unavailable for use by others. Backhaul is generally available in other forms like fiber and from other entities like local exchange carriers, particularly in urban areas. Therefore, the use of the 4.9 GHz band for wideband backhaul should only be permitted in rural

^{12/} See 47 C.F.R. § 101.143.

^{13/} See *id.*

areas and in urban areas only where the applicant is able to demonstrate that there are no reasonable alternatives – *e.g.* there is no fiber or wireline capacity available. Even when the 4.9 GHz band is used for backhaul, the full 40 megahertz should not be employed for that purpose. Instead, the Commission’s rules should include a limitation on the amount of spectrum per user, per market that may be used for backhaul or similar uses in order to ensure that the band remains available for multiple entities.

B. Expanded Eligibility

Commercial Use. The Commission should not permit the use of the 4.9 GHz band for commercial operations. As the Fifth Further Notice recognizes, the use of the 4.9 GHz band for public safety operations has been impeded by, among other things, rules that do not fully protect those operations from other users. The rules that the FCC adopts in this proceeding should help promote the use of the band by public safety. Moreover, like other forms of broadband communications technology, the Commenters expect that there will be rapid development of the 4.9 GHz band in the near future. Accordingly, it is premature to suggest that the band should be used by other than public safety entities. The Commission has recognized the many needs that broadband spectrum like the 4.9 GHz band can support for public safety entities.^{14/} The Commission should permit public safety entities ample time to use the 4.9 GHz spectrum for

^{14/} See, *e.g.*, *Connecting America: The National Broadband Plan*, at 311 (2010), available at <http://www.broadband.gov/download-plan/> (noting that, among other things, “[a] cutting-edge public safety communications system uses broadband technologies . . . [t]o allow first responders anywhere in the nation to send and receive critical voice, video and data to save lives, reduce injuries and prevent acts of crime and terror”); *Service Rules for the 698-746, 747-762 and 777-792 MHz Bands; Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band; Amendment of Part 90 of the Commission’s Rules*, Third Report and Order and Fourth Further Notice of Proposed Rulemaking, 26 FCC Rcd 733, ¶ 113 (2011) (“As the broadband public safety network is developed, it expands the potential means for first responders not only to communicate with one another, but also to communicate with and receive data from 911 centers. . . . This potential will increase even further to the extent that jurisdictions develop Next Generation 911 (NG911) networks that enable the public to transmit broadband data, such as text, photos, and video, to 911 centers.”).

those uses before it expands the eligibility in the band. As the Commission is aware, public safety entities generally require more time than commercial entities to secure funding to construct and operate systems.^{15/} Allowing commercial entities immediate access to the band will potentially foreclose its use by public safety entities that require lead time to employ it.

Critical Infrastructure Industry Use. The Commission should permit critical infrastructure industry (“CII”) use of the 4.9 GHz band on a limited basis only. The 4.9 GHz band must remain available to public safety entities to meet the various needs that the FCC has recognized. Allowing CII entities to make independent use of the band will, like commercial use of the band, potentially foreclose its availability for public safety users.

However, CII entities should be permitted to use the 4.9 GHz band if they do so in partnership with public safety entities that have established a need for joint public safety/CII operations. Under this scenario, the public safety entity would remain the 4.9 GHz licensee and the CII entity would be permitted to use the spectrum pursuant to an individual sharing arrangement with the public safety entity. Use of the 4.9 GHz band by CII entities through public safety users will ensure that the operation of the band by CII users will be carefully structured in advance, so as not to preclude the use of the band by public safety entities when needed for public safety operations.

In any case, CII use of the 4.9 GHz band should conform to the national band plan and all applicable rules for the use of the 4.9 GHz band governing public safety operations. Even using

^{15/} See, e.g., *County of Beaver; Request for Extension of Time to Construct 800 MHz Public Safety/Special Emergency Trunked Station WPKM927, Beaver, Pennsylvania; Application for Renewal of Station WPKM927*, Memorandum Opinion and Order, 18 FCC Rcd 18754, ¶¶ 7-10 (2003) (granting the licensee an extension to construct and implement its public safety communications system because “local governmental entities often must satisfy administrative requirements for funding that are more cumbersome than those faced by other Part 90 private land mobile radio eligibles” and because granting the extension would serve the public interest); see also 700 MHz Band Plan Order ¶ 396 (stating that “the most significant obstacle to constructing a public safety network [is] the limited availability of public funding”).

spectrum licensed to public safety entities, CII users should not be permitted to use more than 10 megahertz in an area in aggregate (whether a single CII user or multiple CII users), so that the use of the 4.9 GHz band is not foreclosed to public safety entities.

C. Complement to 700 MHz Operations

The Commission asks about the type of rule changes necessary to allow the 4.9 GHz band to complement the 700 MHz public safety network being implemented by FirstNet.^{16/} The Commenters support the use of the 4.9 GHz band to support FirstNet and urge the Commission to modify its rules, to the extent required, to ensure that FirstNet is eligible to use the 4.9 GHz band. FirstNet should be treated no differently than any other applicant for 4.9 GHz use. It should be permitted to use the 4.9 GHz band for all of the purposes otherwise permitted for other applicants and licensees. However, its use should conform to the national band plan, limitations on backhaul and technical criteria contained in the FCC's rules.

D. Aeronautical Mobile Use

The Commission asks whether it should lift the prohibition on aeronautical use of the 4.9 GHz band.^{17/} The Commenters support lifting that prohibition, in a manner that is consistent with a national band plan. The 4.9 GHz band can be valuably used for aeronautical operations. However, the Commenters recommend several limitations on the use of the band for aeronautical purposes. First, aeronautical use should be limited to a maximum of 500 feet above ground for direct, non-directional air-to-ground video feeds. Second, the maximum bandwidth for a video feed should be limited to 5 megahertz. Finally, aircraft providing video feeds to fixed remote receive sites must use steerable antennas and be limited to 1500 feet above ground level. Finally,

^{16/} See Fifth Further Notice ¶ 47.

^{17/} See *id.* ¶¶ 60-63.

aeronautical use should be permitted on any type of aircraft, including unmanned aerial vehicles (“UAVs”).

E. Standards

The Commission asks whether it should adhere to its original decision for this band and decline to require standardized equipment.^{18/} The Commenters agree that no equipment standards should be imposed. As Congress has noted by, among other things, creating FirstNet, interoperability is important to public safety operations.^{19/} However, the Commission generally disfavors the imposition of equipment standards, preferring to let the marketplace develop.^{20/} The Commission should take the same approach here. As noted above, the use of the 4.9 GHz band is expected to grow quickly as broadband applications for public safety are developed and new rules foster the use of the band. It would be premature for the Commission to establish equipment standards before those market forces have an opportunity to operate. Moreover, the national plan for the 4.9 GHz band will naturally promote consistent use of different parts of the band and that consistent use will prompt manufacturers to create compatible equipment. The Commenters, however, support the adoption of emission masks similar to those in Part 90 of the FCC’s rules. This would promote a technology-neutral approach that would allow coordination based on occupied bandwidth.

^{18/} See *id.* ¶¶ 64-66.

^{19/} See 47 U.S.C. §§ 1421-1423.

^{20/} See, e.g., *The 4.9 GHz Band Transferred from Federal Government Use*, Second Report and Order and Further Notice of Proposed Rule Making, 17 FCC Rcd 3955, ¶ 63 (2002) (“As a general rule, the Commission has traditionally disfavored the specification of performance or quality standards for equipment, leaving the selection of technology entirely within the realm of the licensees.”) (*internal citation omitted*); *The Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Communication Requirements Through the Year 2010; Establishment of Rules and Requirements for Priority Access Service*, Fourth Notice of Proposed Rulemaking, 15 FCC Rcd 16899, ¶ 57 (2000) (“[W]hile receiver standards may be appropriate in certain public safety circumstances, the balance between the quality and the cost of receivers is one best left to the market.”).

F. Deployment Reports

The Commission asks whether it should require periodic updates on the use of the 4.9 GHz band.^{21/} There is no reason to impose more stringent reporting requirements for the 4.9 GHz band than already exists. The Commission should impose its usual reporting requirements on licensees; those reporting requirements will ensure that facilities that are never placed in operation do not remain in the FCC's database. Adding other reporting requirements will be unnecessarily burdensome for both licensees and the Commission without any demonstrated benefits.

^{21/} See Fifth Further Notice ¶ 68.

III. CONCLUSION

The Commenters agree that the full and complete use of the 4.9 GHz band is important for public safety entities. In order to achieve this result, the Commission should establish a national band plan for the 4.9 GHz band, utilize the existing public safety frequency coordinators to coordinate the use of the band, and create a database resident in the FCC's existing ULS system to assist with coordination. The Commission should not permit the use of the 4.9 GHz band for commercial operations and should allow CII entities to use the band on only a limited basis, while partnering with public safety entities. By taking these actions and adopting the proposals set forth above, the Commission will be able to facilitate and promote the full use of the 4.9 GHz band.

Respectfully submitted,

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