

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20054**

In the Matter of)	
)	
Implementing Public Safety Broadband Provisions of the Middle Class Tax Relief and Job Creation Act of 2012)	PS Docket No. 12-94
)	
)	
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
)	

**REPLY COMMENTS
OF
THE CITY OF CHARLOTTE, NORTH CAROLINA**

The City of Charlotte, North Carolina (“City” or “Charlotte”), by its attorneys and in accordance with Section 1.415 of the Federal Communications Commission (“FCC” or “Commission”) rules and regulations, respectfully submits its Reply Comments in the above-entitled matter.¹ In this proceeding, the FCC is addressing technical and other rules relating to the Public Safety broadband spectrum allocation established pursuant to the Middle Class Tax Relief and Job Creation Act of 2012.² This spectrum will be used by the First Responder Network Authority (“FirstNet”) to establish a nationwide public safety broadband network (“PSBN”).

¹ Implementing Public Safety Broadband Provisions of the Middle Class Tax Relief and Job Creation Act of 2012, 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, *Notice of Proposed Rulemaking*, PS Docket Nos. 12-94, 06-229, WT Docket No. 06-150, 28 FCC Rcd 2715 (2013) (“Notice”).

² See Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96 Stat 156 (2012).

The City has been an active participant in matters related to 700 MHz public safety broadband operations since it received funding through an NTIA Broadband Technology Opportunities Program (“BTOP”) grant to deploy a broadband network throughout Mecklenburg County, North Carolina. It currently is working with FirstNet on a spectrum lease that, in conjunction with a decision by NTIA to lift the partial suspension of BTOP funds,³ will enable Charlotte to resume implementation of its early deployment system and provide FirstNet with real world experience on key aspects of public safety broadband usage.

The City agrees with the many commenting parties that endorsed the technical proposals in the Notice as sound. In fact, the record confirms that the Part 27 rules that had applied to the 700 MHz D Block before its reallocation for public safety use under Part 90 generally provide the solid foundation for FirstNet’s operations intended by the FCC. Charlotte urges the FCC to adopt its technical proposals promptly. Doing so will enable FirstNet, prospective equipment vendors, and the public safety community to move forward with assurance that appropriate technical rules are in place, rules that will leverage commercial broadband standards for the economic benefit of FirstNet and its PSBN users.

While the City is confident that the record will permit the Commission to act promptly in adopting rules, one aspect of the Notice presents an immediate issue for Charlotte – and presumably for FirstNet and other jurisdictions as they proceed toward system deployment. The FCC has suspended the acceptance and processing of new equipment authorizations in the Public Safety broadband spectrum pending adoption of final rules pursuant to this proceeding.⁴ In light of the unanimity among commenters in this proceeding regarding the technical standards

³ See Letter dated May 11, 2012, from Arlene Simpson-Porter, Director, Grants Management Division, NOAA, to Charles Robinson, City of Charlotte.

⁴ Notice at ¶ 33.

proposed and the detrimental impact of suspending equipment certifications,⁵ the City urges the Commission to act immediately to lift that suspension, at least for subscriber devices.⁶ Doing so will enable jurisdictions such as Charlotte to continue implementing the early deployments that will provide valuable input for FirstNet. In the words of FirstNet’s General Manager, “We will learn from their experiences...as they become part of the FirstNet family.”⁷

The City has already activated its evolved packet core and received the radio access network (“RAN”) equipment necessary to complete Phase I of its infrastructure buildout and is prepared to proceed immediately with Phase II once the BTOP fund suspension is lifted. However, from FirstNet’s perspective, a particular value of Charlotte’s project is early data on the public safety user experience on a broadband LTE network, including their adoption of public safety LTE devices. The City plans to solicit bids from subscriber device vendors this summer and to accept delivery in volume before the end of 2013. The devices are expected to include vehicular routers, radio technology LTE-to-802.11 bridges, and USB Band 14 plug-in modems. Systems and acceptance testing is scheduled to begin in mid-2014 with full system acceptance during 2Q2015. However, absent immediate relief from the suspension, it will not be possible for Charlotte to meet these objectives since the FCC rules prohibit the sale of and utilization of equipment that has not been certified in accordance with FCC requirements.

As described in the Comments, while there understandably is a need to finalize the Part 90 technical rules governing this spectrum, the certification suspension is already impacting product development schedules for Band 14 devices, including dual-band devices with

⁵ See Comments of Telecommunications Industry Association at 5-6; Association of Public-Safety Communications Officials-International, Inc. at 4; Motorola Solutions, Inc. at 5-6, 10-12; Harris Corporation at 7-8, 15-16; Ericsson at 3-4, 6-7; AT&T Services, Inc. at 4-5.

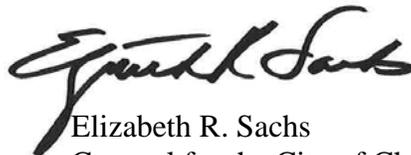
⁶ All parties that commented agree the FCC should maintain a 30 ERP limit for mobile stations and 3 ERP for portable stations.

⁷ “Work of Committee Looking at FirstNet Problems Just Getting Under Way.” Communications Daily, 6 June 2013: 2.

commercial Band 13 capability. A number of vendors were in the process of developing and certifying devices for use on the expanded 10 X 10 public safety allocation, consistent with the technical requirements established in the 2010 Waiver Order.⁸ They now are on hold, and jurisdictions like Charlotte find themselves in a state of limbo vis-à-vis device availability.

The City urges the FCC to resolve this problem as quickly as possible. The record in this proceeding confirms that all parties support the technical rules under which vendors and early deployers have been proceeding. In particular, there is unanimous agreement regarding the power levels for subscriber devices, the single issue about these devices that was raised in the Notice. Thus, it would be a technically responsible decision for the FCC immediately to allow equipment certified under the technical provisions of the Waiver Order to be certified for use on the expanded public safety broadband allocation as suggested by Harris,⁹ including using the safety valve of the permissive change process to make any needed modifications to those certifications as recommended by Motorola. Absent that type of timely, broad relief, the City will need to explore what regulatory relief might be available to enable it to continue its early deployment activities on an individual basis.

Respectfully submitted,



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⁸ See Requests for Waiver of Various Petitioners to Allow the Establishment of 700 MHz Interoperable Public Safety Wireless Broadband networks, PS Docket 06-229, 25 FCC Rcd 5145 at n. 88 (2010) (“Waiver Order”).

⁹ Harris Comments at 8; Motorola Solutions, Inc. Comments at 11.