

**Before the
Federal Communications Commission
Washington, DC 20554**

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
)	
Service Rules for the 698-746, 747-762 and 777-792 MHz Bands)	WT Docket No. 06-150
)	
Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band)	PS Docket No. 06-229
)	

JOINT REPLY COMMENTS OF THE NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION AND NTCA – THE RURAL BROADBAND ASSOCIATION

I. INTRODUCTION AND SUMMARY

The National Rural Electric Cooperative Association (“NRECA”)¹ and NTCA–The Rural Broadband Association (“NTCA”)² (collectively the “Associations”) hereby submit these reply comments in the above captioned proceeding.³ The Associations represent small critical

¹ NRECA is the national service organization for more than 900 not-for-profit rural electric utilities that provide electric energy to approximately 42 million people in 47 states, comprising 12 percent of U.S. electric customers, covering 75 percent of the U.S. landmass. Kilowatt-hour sales by rural electric cooperatives account for approximately 11 percent of all electric energy sold in the United States. In addition to providing electricity, NRECA members have a strong commitment to social and economic development in the communities they serve.

² NTCA represents nearly 900 rural rate-of-return regulated telecommunications providers. All of NTCA’s members are full service rural local exchange carriers (“RLECs”) and broadband providers, and many of its members provide wireless, cable, satellite, and long distance and other competitive services to their communities. Each member is a “rural telephone company” as defined in the Communications Act of 1934, as amended. America’s independent telephone systems serve less than 5 percent of the nation’s telephone subscribers, but their service areas encompass more than 40 percent of the nation’s land mass. NTCA’s mission is to advance communications services to rural America by ensuring the viability and vitality of its members.

³ In the Matter of Implementing Public Safety Broadband Provisions of the Middle Class Tax Relief and Job Creation Act of 2012, 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, (PS Docket No. 12-94, WT Docket No. 06-150, PS Docket No. 06-229), rel. July 31, 2012.

infrastructure and service providers that use valuable wired and wireless infrastructure, and other technical and operational assets, to serve the most sparsely populated and remotely located areas of our country, areas that remain largely unserved by larger operators.

In these reply comments, the Associations urge the Federal Communications Commission (“the Commission”) to prescribe clear network deployment phases with rural coverage milestones and requirements in order to encourage the First Responder Network Authority (“FirstNet”) to leverage existing commercial rural wireless and wired assets for the efficient construction of the public safety network. First responders located in rural areas must have access to the nationwide, interoperable Public Safety Broadband Network (“PSBN”) comparable to access in urban areas. In addition, based on the comments submitted in this proceeding, the Commission should institute technical service rules for the 700 MHz public safety spectrum that align with existing rules for other Commercial Mobile Radio Services (“CMRS”) bands and with relevant industry standards, thereby establishing the foundation for interoperability between spectrum bands.

II. THE COMMISSION SHOULD PRESCRIBE NETWORK DEPLOYMENT PHASES WITH RURAL COVERAGE MILESTONES TO ENSURE THAT RURAL AREAS GAIN ACCESS TO THE PSBN

In its comments, the Associations made clear that rural consumers have many of the same emergency and public safety needs as their urban counterparts, even as they may face different challenges in the event of emergencies.⁴ To overcome communication challenges, Congress enacted the Middle Class Tax Relief Act of 2012 (“the Act”), which established FirstNet to pave the way for the country’s first interoperable, nationwide PSBN. The Act requires FirstNet to have sufficient representation from rural interests and requires FirstNet to

⁴ Comments of the Associations at 2-3.

devise “deployment phases with substantial rural coverage milestones” that are “consistent with the license granted by the Commission.”⁵ Because rural coverage is contingent upon the spectrum license granted to FirstNet by the Commission, clear and specific network deployment milestones and coverage guidelines must be prescribed by the Commission to ensure that FirstNet complies with the legislative intent to ensure that rural areas of the country gain access to the PSBN. However, as the Associations pointed out in their comments, without such action, there is nothing to ensure that FirstNet will build out the network in high-cost rural areas.⁶

Many commenters similarly believe that the Commission should prescribe network deployment milestones. For example, Motorola argues that the Commission should establish tentative construction and performance benchmarks for FirstNet and establish license renewal standards tied to construction deadlines that would be periodically reevaluated by the Commission given the uncertainty in FirstNet’s funding.⁷ Motorola also recommends that the Commission require FirstNet to submit annual reports to the Commission which would be subject to comments by interested parties.⁸ The Associations agree that requiring an open forum to raise any concerns about FirstNet’s activity is a good idea and would serve to inform the Commission of FirstNet’s performance, particularly in rural areas.

Commenters also ask the Commission to exercise oversight and establish rural construction milestones early in the process to ensure that a nationwide network is created for use by first responders and to incentivize providers to establish partnerships to leverage

⁵ See Section 6204(b)(2)(A)(iii) and Section 6206(b)(3) of the Act.

⁶ Comments of the Associations at 3-5.

⁷ Comments of Motorola Solutions, Inc. at 13-14 (“Motorola”).

⁸ *Id.* at 15.

existing infrastructure instead of starting from square one.⁹ Network coverage milestones can allow for flexibility at this early stage in FirstNet’s development, while also providing guidelines to ensure that the spirit of the legislation is upheld, and the needs of rural public safety providers and consumers are met. Such action by the Commission can also incentivize FirstNet to partner with existing infrastructure providers to expeditiously, economically, and efficiently create the PSBN envisioned by the Act. However, the Associations also wish to point out that initial construction and performance benchmarks may have to be adjusted given that FirstNet is in its early stage and is likely to face unplanned challenges in the development of the PSBN.

APCO also correctly points out that the Act vests FirstNet with extensive powers and responsibilities in order to manage the build-out and construction of the PSBN, provides for broad reporting and consultation requirements, and that FirstNet has an independent, statutory obligation to develop request for proposals to build the network.¹⁰ Accordingly, APCO argues that the Commission should not impose any additional license renewal criteria or reporting requirements upon FirstNet, and agrees with the Commission’s proposal to refrain from setting any specific rural coverage benchmarks or any related license conditions because FCC-specific rural coverage milestones could create potential conflicts and confusion with the Act and frustrate its ability to meet its primary statutory objectives.¹¹

The Associations agree with APCO that the Commission must recognize a certain amount of autonomy that the Act provides to FirstNet. However, the Associations believe

⁹ Comments of the Coalition of WISPs for FirstNet at 5-6 (the “WISP Coalition”).

¹⁰ Comments of the Association of Public-Safety Communications Officials-International, Inc. at 3, 6-7 (“APCO”).

¹¹ Comments of APCO at 5-6.

that rural coverage benchmarks may serve to incentivize FirstNet to meet its primary statutory objectives and may assist in the cultivation of public/private partnerships that will be critical to the successful development of the PSBN. Robust, but reasonable, rural coverage milestones also will encourage FirstNet to leverage existing infrastructure and assets, which is particularly important in rural areas.¹² Use of existing infrastructure avoids unnecessary and costly overbuilding which would quickly deplete the construction budget allocated to FirstNet.¹³ As a result, the Commission should prescribe network deployment phases with rural coverage milestones and requirements to ensure that rural areas gain expeditious access to the PSBN. The Commission can and should play an important oversight role in FirstNet's development of the PSBN.¹⁴

III. THE RECORD OVERWHELMINGLY SUPPORTS HARMONIZING TECHNICAL SERVICE RULES FOR THE 700 MHZ D-BLOCK WITH EXISTING STANDARDS IN ORDER TO PROMOTE INTEROPERABILITY

An overwhelming majority of the comments in this proceeding suggest that the Commission should implement flexible technical rules that encourage the development of solutions that satisfy the broad and diverse requirements of first responders, including those situated in rural areas. Specifically, the Associations emphasized that while certain elements of the Part 90 rules should be maintained, the Commission should implement rules for the D-Block that closely reflect those established for other CMRS bands, for example the 700 MHz band under Part 27, with certain exceptions necessary to provide the added

¹² See also comments of WISP at 6 (“... FirstNet needs sufficient flexibility to do its job but that rural construction milestones are needed to ensure that this is truly a nationwide network.”).

¹³ See comments of the Associations at 5. Rural critical infrastructure and service providers are ideally situated to serve as network partners with FirstNet.

¹⁴ See comments of Alcatel-Lucent at 3 (also noting that the Commission may want to have different proceedings to address the technical rules and another to address the Commission's jurisdiction and licensing issues).

flexibility to meet the needs of PSBN users.¹⁵ Harris Corporation, AT&T, and APCO similarly agree, urging the Commission to implement its proposal to remove the service rules for the D Block from Part 27 and place them in Part 90.¹⁶ Simply put, FirstNet spectrum allocation should be subject to a common set of rules.¹⁷

The comments submitted in this proceeding also demonstrate that the Commission should harmonize the D-Block technical rules for band emissions limits, power limits, receiver performance, and field strength limit with existing rules for other CMRS bands. Indeed, AT&T argues that the term “commercial standards” as defined in the Act requires the use of commercial standards to “maximize interoperability within the nationwide public safety broadband network itself and between the public safety broadband network and commercial broadband networks.”¹⁸ Interoperability is an important driver in reducing handset and technology costs and in ensuring that existing networks can be efficiently utilized¹⁹ and serves to avoid unnecessary and costly overbuilding.

In addition, the Associations support the comments of Harris Corporation that urge the Commission to set base station and mobile station classes in a manner consistent with 3GPP definitions and technical specifications, and that support the Commission’s proposal establishing

¹⁵ Comments of the Associations at 6.

¹⁶ Comments of AT&T Services, Inc. at 4-6 (“AT&T”); Comments of Harris Corporation at 4-6; Comments of APCO at 3-5 (agreeing with the Commission’s proposal to develop a set of unified rules for public safety broadband allocation and remove redundant or parallel provisions from Part 27 and to make certain amendments to Part 90 and sections 1 and 2 of the Commission’s regulations)

¹⁷ Comments of Alcatel-Lucent at 2.

¹⁸ Comments of AT&T at 3. See also, comments of Alcatel-Lucent at 2.

¹⁹ See comments of AT&T at 3 (Interoperability will allow first responders to take advantage of current and future technology and network infrastructure, will lower costs and will facilitate roaming between the public safety broadband network and commercial broadband networks.).

a 3 watt power limit for portable devices.²⁰ The Commission should ensure consistency with the standards and practices of relevant organizations including the International Telecommunications Union and 3GPP Long Term Evolution technical standards and frequency coordination practices. Both industry standards are important to facilitate rapid deployment of new technologies and investment in the band based on global economies of scale.

Harmonization of the technical service rules leads to interoperability, which is necessary to enable FirstNet to leverage common technology and provide public safety users the ability to access handsets and other devices developed for commercial use. Increased device availability and additional roaming partnerships between public and private users will encourage innovation and keep equipment and device prices lower, allowing for ubiquitous deployment of the PSBN.

IV. CONCLUSION

The Commission has a public interest obligation to provide first responders in all areas of the country with access to the PSBN. As demonstrated by the comments in this proceeding, the Commission should prescribe clear network coverage requirements and deployment milestones. In taking such action, the Commission can ensure that rural areas of the country are not left behind and will gain expeditious access to the PSBN. Commenters also overwhelmingly support harmonization of the technical service rules with existing standards. Taking such action will promote interoperability and ensure that the construction of a nationwide PSBN in rural areas is as efficient and effective as possible, leveraging the best possible aspects of a public-private

²⁰ Comments of Harris Corporation at 10-13; 15-16. See also comments of Motorola at 5-7.

partnership between public safety representatives, FirstNet, and those of who have local experience in designing, constructing, and maintaining critical infrastructure.

Respectfully submitted,

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Dated: June 10, 2013