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
	)	
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
NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION
ON BEHALF OF THE
FIRST RESPONDER NETWORK AUTHORITY

The National Telecommunications and Information Administration (NTIA) respectfully submits these comments on behalf of the First Responder Network Authority (FirstNet), an independent authority within NTIA.[1] FirstNet holds the single 700 MHz public safety wireless

[1] 47 U.S.C. § 1424. The FirstNet Board authorized NTIA to represent its interests before the Commission. See Resolution 9 – Federal Communications Commission Advocacy (Sept. 25, 2012), *available at* http://www.ntia.doc.gov/files/ntia/publications/firstnet_resolution_no._9_on_fcc_advocacy_adopted_9.25.12.pdf.

license granted by the Commission and is authorized to take all actions necessary to ensure the building, deployment, and operation of the nationwide public safety broadband network.[2]

In this proceeding, the Commission acknowledges FirstNet's need for flexibility in carrying out its statutory duties under the Middle Class Tax Relief and Job Creation Act of 2012 ("Act") to establish a public safety broadband network.[3] As the Commission properly notes, the Act imposes specific legal obligations to consult, report, and meet construction timelines and coverage areas.[4] These legal requirements as well as Congressional oversight will ensure that FirstNet complies with its obligations. In particular, the Act directs FirstNet to include substantial rural milestones in its deployment phases. FirstNet will be consulting extensively with local, State and tribal entities to ensure adequate coverage of rural areas. No additional action on the part of the Commission is necessary. For these same reasons, FirstNet also urges the Commission to refrain at this time from imposing additional reporting requirements or other obligations with respect to license renewal.

Consistent with the Commission's approach, FirstNet's comments emphasize specific actions related to technical service rules that would facilitate the deployment of the nationwide public safety network. First, as the Commission proposes, FirstNet supports consolidating the technical requirements for the former D Block (758-763/788-793 MHz) into Part 90 of the

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[2] Title VI of the Middle Class Tax Relief and Job Creation Act of 2012 (Public Safety Spectrum Act), establishes FirstNet, directs the Commission to issue a single 700 MHz public safety license (758-769/788-799 MHz) to FirstNet, and authorizes FirstNet's actions to building, deploy, and operate the nationwide public safety broadband network. Public Safety Spectrum Act, Pub. L. No. 112-96, 126 Stat. 156, 211 (2012) (codified at 47 U.S.C. § 6206(b)).

[3] Implementing Public Safety Broadband Provisions of the Middle Class Tax Relief and Job Creation Act of 2012, PS Docket No. 12-94, *Notice of Proposed Rulemaking*, FCC 13-31, ¶ 2 (Mar. 8, 2013) (NPRM).

[4] NPRM. at ¶¶ 42-46.

Commission's Rules.[5] At this time, the Commission should retain the current 700 MHz guard band (768–769/798–799 MHz), to enable the guard band to continue serving as a "buffer" between public safety broadband and narrowband spectrum. As FirstNet's develops its plans to offer mission critical voice over LTE, the Commission retains statutory discretion to permit adjacent narrowband spectrum (769-775 MHz and 799-805 MHz) to be used for public safety broadband communications.[6] FirstNet's plans could necessitate a change in the status of the public safety guard bands.

Secondly, FirstNet supports swift Commission action to begin accepting and processing equipment authorizations in the newly combined spectrum (763-769/793-799 MHz and the former D Block).[7] As the record shows, there is an imminent need for authorized equipment to meet the needs of jurisdictions that may deploy early.[8] FirstNet concurs with the many commenters that urge the Commission to expedite a process to certify equipment for the FirstNet spectrum license.[9] Even so, FirstNet notes that the equipment market will need to evolve once the architecture for the nationwide public safety broadband network has been set.

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[5] *Id.* at ¶¶ 40-41.

[6] *See* 47 U.S.C. § 1412; NPRM at ¶ 32.

[7] NPRM at ¶ 35.

[8] Telecommunications Industry Association (TIA) Ex Parte Submission (July 16, 2013); Comments of Association of Public Safety Officials-International (May 24, 2013) at 4; Comments of Ericcson (May 24, 2013) at 6; Comments of Harris Corporation (May 24, 2013) at 7–8; Comments of Motorola Solutions, Inc. (May 24, 2013) at 10–11; Reply Comments of the City of Charlotte, North Carolina (June 10, 2013) at 2–3; Reply Comments of Oceus Networks (June 10, 2013) 4; TIA Comments (May 24, 2013) at 5-6. Comments and Reply Comments in response to the NPRM are viewable via the Commission's ECFS database, *available at* http://apps.fcc.gov/ecfs/comment_search/input?z=sy6x8.

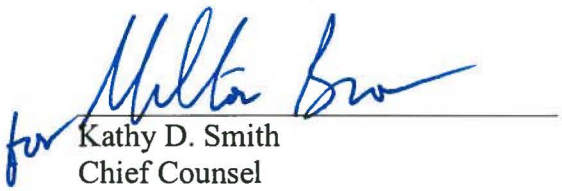
[9] Under the 3rd Generation Partnership Project (3GPP) Long-Term Evolution (LTE) standards, Band class 14 is defined to include the 758-768 MHz and the 788-798 MHz frequencies. Band class 14 does not include the guard band frequencies of 768-769 MHz and 798-799 MHz. The license, however, granted by the Commission to FirstNet by law includes the guard band frequencies.

FirstNet has just begun its state-by-state consultation process.[10] In the absence of this much-needed input, FirstNet will not offer comments on the most appropriate transition for incumbent users of FirstNet's radio frequencies at this time.

Conclusion

For the foregoing reasons, the Commission should act quickly to amend its technical service rules to enable FirstNet to expedite the deployment of the nationwide public safety broadband network to our Nation's first responders.

Respectfully submitted,



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[10] FirstNet, in cooperation with the National Governors Association, has just completed six regional consultation workshops. *See* "FirstNet State Consultation," *available at* http://www.ntia.doc.gov/page/firstnet-state-consultation.