

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

FURTHER REPLY COMMENTS OF MOTOROLA SOLUTIONS, INC.

Motorola Solutions, Inc. (“MSI”) hereby replies to the Public Notice¹ released by the Federal Communications Commission (“Commission”) that solicits comment on a recent pleading filed on behalf of the First Responders Network Authority (“FirstNet”) in the above-captioned proceeding.² MSI strongly supports FirstNet’s recommendation that the Commission end its self-imposed freeze on processing equipment certification applications for devices covering the public safety broadband spectrum and that the Commission should maintain the existing guard band between public safety broadband and narrowband networks. Both of these recommendations will serve the public interest by promoting the deployment of advanced public safety networks.

¹ FCC Provides Opportunity for Comment on First Responder Network Authority Filing in PS Docket 12-94, *Public Notice*, PS Docket No. 12-94, DA-13-1775 (rel. Aug. 19, 2013).

² See Comments of the National Telecommunications and Information Administration on Behalf of the First Responder Network Authority, PS Docket Nos. 12-94, 06-229. WT Docket No. 06-150 (filed Aug. 2, 2013) (“FirstNet Comments”).

This proceeding was initiated to implement provisions of the Middle Class Tax Relief and Job Creation Act of 2012 (“Spectrum Act”) that provide for the creation and deployment of a nationwide public safety wireless broadband network.³ To that end, the Notice seeks to harmonize under Part 90 of its rules the technical and operational standards applicable to the previously allocated public safety broadband spectrum and the 700 MHz D Block, which was previously allocated for commercial use.⁴

On August 2, 2013, the National Telecommunications and Information Administration (“NTIA”) filed comments on behalf of FirstNet addressing the Commission’s Notice.⁵ Of particular interest, FirstNet stated that it supports “swift Commission action” to begin accepting and processing applications for equipment authorizations covering the combined public safety broadband spectrum.⁶ FirstNet based its support on the grounds that there is an “imminent need for authorized equipment to meet the needs of jurisdictions that may deploy early.”⁷ While calling for expedited Commission processes to certify equipment for the public safety broadband spectrum, FirstNet acknowledged that “the equipment market will need to evolve once the architecture for the nationwide public safety broadband network has been set.”⁸

³ Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156 (2012) (“Spectrum Act”).

⁴ See 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 at Section III.A., *Notice of Proposed Rulemaking*, PS Docket Nos. 12-94, 06-229, WT Docket No. 06-150, 28 FCC Rcd 2715 (2013).

⁵ See FirstNet Comments.

⁶ *Id.* at 3.

⁷ *Id.*

⁸ *Id.*

MSI unequivocally supports FirstNet's call to resume Commission processing of equipment authorization applications for the public safety broadband spectrum. In previously filed comments, MSI echoed FirstNet's concerns by stating that the halt in equipment authorizations is impacting product development schedules for devices designed for use with early deployment networks.⁹ Obviously, the limited availability of operational equipment undermines the ability of jurisdictions pursuing early deployment networks to provide FirstNet with key information and to share lessons learned that will aid the construction and utility of the nationwide network.

MSI therefore reiterates its recommendation that the Commission remove its freeze on equipment authorization applications as soon as possible. FirstNet has recently entered into spectrum lease agreements with two jurisdictions and is continuing negotiations with other areas that are committed to early deployment.¹⁰ With Federal grants supporting these networks soon to expire, suitable equipment is needed to preserve these worthwhile efforts. To this end, MSI agrees with the position of the Association of Public-Safety Communications Officers that the Commission should consider adopting an initial order that focuses solely on this matter to avoid further interruptions in the development of equipment necessary for the nationwide public safety broadband network operations.¹¹ MSI notes that any Order allowing for the acceptance of

⁹ See Comments of Motorola Solutions, Inc. at 10–11, PS Docket Nos. 12-94, 06-229. WT Docket No. 06-150 (filed May 24, 2013).

¹⁰ See Press Release, FirstNet Approves Spectrum Lease Agreement with New Mexico; Provides Status Update on Remaining Projects (Aug. 13, 2013) *available at* <http://www.ntia.doc.gov/press-release/2013/firstnet-approves-spectrum-lease-agreement-new-mexico-provides-status-update-rem>.

¹¹ Comments of APCO at 4, PS Docket Nos. 12-94, 06-229. WT Docket No. 06-150 (filed May 24, 2013).

applications would be a procedural action and not subject to the notice and comment or effective date requirements of the Administrative Procedures Act.¹²

FirstNet also commented that the Commission should retain the current 700 MHz guard band as a "buffer" between public safety broadband and narrowband spectrum.¹³ MSI strongly agrees with this FirstNet recommendation and similarly urges the Commission to take no actions with respect to the guard band that would jeopardize the continued interference-free availability of the public safety narrowband spectrum. While the Spectrum Act did permit the Commission to adopt flexible usage requirements for the narrowband spectrum in anticipation of its possible integration into the broadband network, such considerations are premature given the status of performing mission critical voice operations over broadband networks. Because narrowband networks will continue to exist for the foreseeable future, the need for appropriate restrictions on the guard band spectrum will also continue to exist.

¹² See 5 USC §553(b)(A)-(B), (d). See also *Bachow Communications, Inc. v. FCC*, 237 F.3d 683 (D.C. Cir. 2001) (affirming imposition of a freeze and interim procedures without notice and comment for applications in the 39 GHz band during transition of licensing regime); *Neighborhood TV Co., Inc. v. FCC*, 742 F.2d 629, 638 (D.C. Cir. 1984) (deeming interim processing rules, including a freeze on applications, as procedural); *Kessler v. FCC*, 326 F.2d 673 (D.C. Cir. 1963) (same).

¹³ FirstNet Comments at 3.

MSI greatly appreciates the comments of FirstNet and urges the Commission to implement policies and rules consistent with these two recommendations.

Respectfully submitted,

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