

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

In the Matter of)	
)	
Comments on The National Public Safety)	WP Docket No. 07-100,
Telecommunication’s Council 4.9GHz)	PS Docket No. 06-229,
National Plan Recommendations)	WT Docket No. 06-150
Final Report)	

To: The Commission

COMMENTS ON BEHALF OF REGIONAL PLANNING COMMITTEE 8

INTRODUCTION

Regional Planning Committee Region 8 (RPC8) respectfully submits its comments on the National Public Safety Telecommunications Council’s 4.9 GHz National Plan Recommendations Final Report document under WP Docket 07-100 PS Docket No 06-229, WT Docket No 06-150. The RPC8 700 MHz Regional Planning Committee covers the New York Metropolitan area and consists of the following counties:

Dutchess, , Nassau, , Orange, Putnam, City of New York (inclusive of Counties of Queens, Richmond, New York, Kings and the Bronx,) Rockland, Suffolk, Sullivan, Ulster, and Westchester Counties in New York; and of Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, and Warren Counties in New Jersey.

RPC8 is committed to addressing the needs of both state and local governments by supporting creative use of the spectrum, accommodating new and unanticipated developments in technology equipment and platforms, and creating and managing regional plans and the use of 4.9 GHz in the Region.

The RPC8 700 MHz Committee chartered its 4.9-GHz Work Group to meet the Federal Communications Commission's (FCC) request for a regionally created set of 4.9-GHz Regional Guidelines¹. Likewise RPC8's 4.9-GHz region covers counties noted above. Section §90.523 of the Commission's Rules encourage representation of all public safety providers that have as their sole purpose protecting the safety of life, health, or property.

BACKGROUND

RPC8 founded the 4.9-GHz Work Group on September 10, 2003. The RPC8 4.9 GHz Work Group Committee is comprised of Local, State, Tribal, and Municipal representatives. Private industries were also represented on the Committee at the time the guidelines were developed.

As of November 2013 there were approximately 113 active license holders (call signs) in the RPC8's jurisdiction. Mobile only, temporary, and itinerant users are not included this number. Governmental and public safety entities in the region adopted and are currently adhering to the established and approved RPC8 Guidelines for use of the 4.9 GHz spectrum. Governmental entities in the region have invested millions of dollars in the planning, design, development and deployment of their systems to support data needs and data applications in the 4.9 GHz band.

¹ 2003 Memorandum Opinion and Order (MO&O) of WTB Docket 00-32

Furthermore we note the systems deployed to date support governmental and public safety day-to-day operations in a highly dense population area. Figure 1 is a map depicting the locations of these current licensees in the region as taken from the *publicsafetytools.info* frequency mapping website². The number of transmitters visible in the map show fixed sites only. RPC8 notes that the number and granularly of the locations increase when one enlarges the online map, allowing the identification of all transmitter locations.

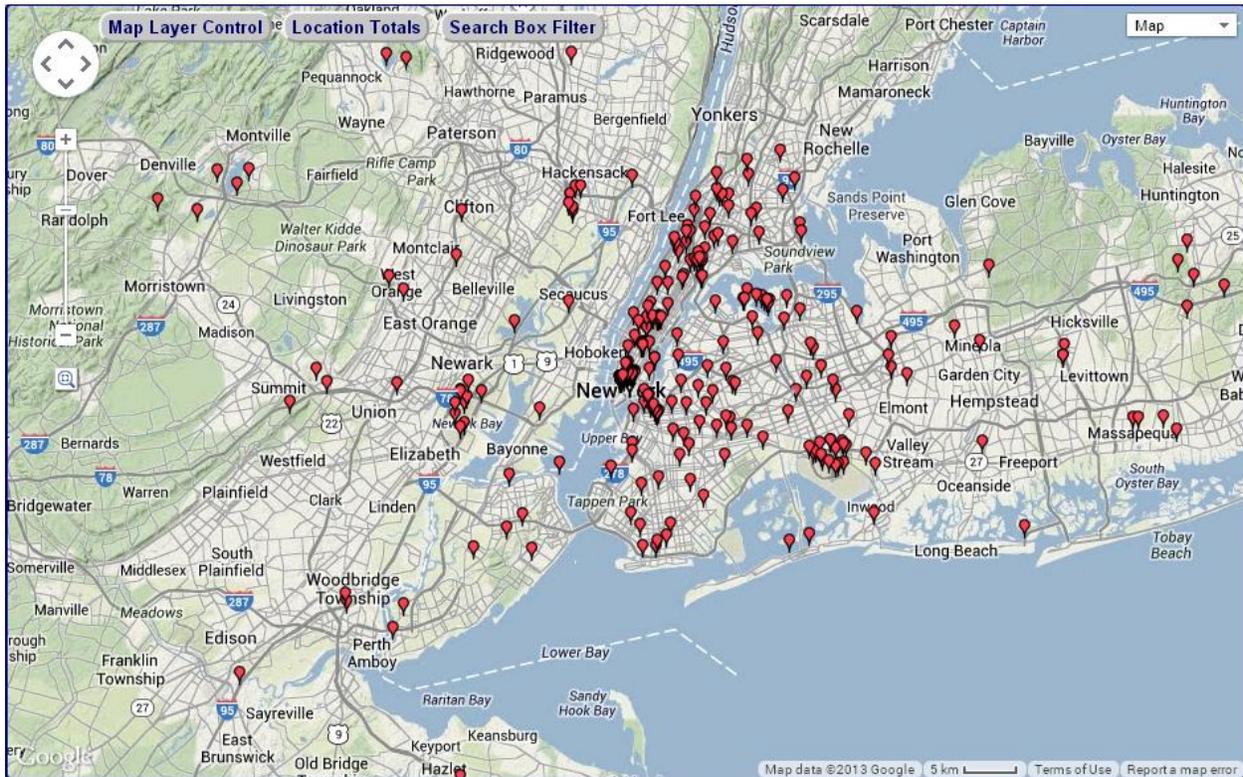


Figure 1 - 4.9 GHz use in RPC8

² The data shown in Figure 1 was obtained from the ICTAP frequency mapping tool. Data shown is valid as of 11/17/13. http://publicsafetytools.info/fmt_v3/ngen_map_index_v1.php using the PA radio service code

EXECUTIVE SUMMARY

The continued use 4.9 GHz as presently adopted in RPC 8 and implemented by its users must remain intact, protected and grandfathered. Entities who have adhered to the plan correctly licensed their systems with specific frequencies; bandwidth and other technical parameters shall remain operational. The Region's experience over past decades, related to 800 MHz and UHF narrowbanding, is that changes to existing FCC rules in any shape or form, whether it is band plan changes or frequency modulation, force an immediate mandate on Regions to comply with. These mandates are unfunded which in turn place a significant financial and technical burden on State and Local governments who must plan capital programs, designs and construction roll-out in multiyear planning processes. Anything that is introduced outside of these programs happens at the expense of impacting other programs. Any changes to the current plan or a redefinition of eligibility to this spectrum will compromise all current 4.9 GHz networks and systems in place throughout the New York City (NYC) Metropolitan Area which today supports the protection of life and property on a day to day basis.

The area which RPC8 serves is among the most densely populated areas of the United States. It consists of rural and urban environments and encompasses the City of New York's five Counties which are bordered by 600 miles of shoreline. The skyscraper canyons of Manhattan, the intensively occupied areas of the suburban Counties, plus the in-building, tunnels, below ground and surrounding waterway environments, present in total an extremely varied and challenging radio frequency environment for effective wireless communications. The massive transportation infrastructure for highway, rail, subways, airports, and harbors and the additional overlay of

special public safety and emergency preparedness demands after the events of September 11, 2001, heighten even further the challenging nature of the City's communications landscape

To this end, governmental entities maintain extensive 4.9 GHz equipment, infrastructure and applications to support emergency service communications both within the City and in neighboring jurisdictions. All 50 MHz of spectrum are in use throughout RPC8. The spectrum has been invaluable, as it provides the most effective throughput and alternative to that of today's unlicensed 2.4 GHz band.

Unless reconsidered, requiring public safety to reband the 4.9 GHz spectrum prematurely will cause immeasurable harm to public safety communications and is not in the public's best interest. The potential costs as well as the issues related to rebanding in the 4.9 GHz spectrum far exceed any benefit perceived. Accepting the NPSTC proposal creates unacceptable risks to emergency response. The fact remains forcing all existing applications into even narrower channels and will create an unusable situation which will immediately impact current network capabilities. Rebanding in any form requires years of planning, industry development and testing both on and off the field before full deployment. The proposal lacks definition related to all of these areas. The proposal introduces significant risks to public safety officers, firefighters and overall emergency response. The proposal does not provide public safety agencies with a reasoned migration and implementation strategy consistent with public safety requirements.

BANDPLAN

NPSTC makes the following band plan changes and /or recommendations

1. Channels 1 through 5 be aggregated as 5 MHz wide channel to be used for air to ground communications and robotic use.

2. Channels 6 and 7 be designated for shared public safety and CII use.
3. Channels 14 through 18 would be available for PTP use as 1 MHz bandwidth channels to support narrowband backhaul on a primary basis.
4. Channels 14 through 18 are also available as 5MHz channel assignment for general broadband use.

Significant amount of planning and design has gone into current network deployments in RPC8 that utilize all 50 MHz of spectrum under the current rules. Any deviation or modification to the current plan that necessitates any changes to frequencies and bandwidths will incur unforecasted technical, operational and financial changes. Decrease throughput, capacity, redundancy and resiliency will all be affected. Coexistence of current governmental systems rebanded into a condensed portion of the band will not be feasible. 4.9 GHz spectrum is allocated to governmental entities. No changes to the current eligibility requirements to access this spectrum should be mandated.

POINT-TO-POINT LINKS

NPSTC's National Plan Recommendations final report recommends incorporating some elements of the Part 101 rules and adding frequency coordination requirements for point-to-point links used for backhaul supporting both broadband and narrowband applications.

RPC8 comments that it should be left to the regions to determine how its plan should be modified. The current flexibility afforded to the Regions allows changes to be made without the financial and time delay burdens frequency coordination will pose. Additional cost of licensing and coordination will result if the recommendation is mandated. Non broadband operations should remain secondary.

AIR TO GROUND, ROBOTIC AND OTHER SPECIALIZED USES

NPSTC recommend that Channels 1 through 5 be aggregated as 5 MHz wide channel to be used for air to ground communications and robotic use. RPC8 opposes this proposal for the following reasons:

1. There are existing operations in the current band plan in the Region
2. Adopting the proposed change will result in governmental entities in the Region to re-configure and re-implement. Relocation costs will be significant. Governmental entities' multiyear capital budget processes take years to plan and implement. Governmental entities in the region cannot assume such costs.
3. Day-to-day operability of governmental entities in the Region will be compromised to allow incident specific use for a very limited application.
4. There are other and more appropriate bands currently available for air-to-ground operations that provide higher throughput capabilities and features. These bands are already in use by governmental entities in RPC8.
5. RPC8 comments that air-to-ground use of the 4.9GHz band should remain under the purview of the RPC. In highly congested areas, free reign use of these channels will increase the interference potential to existing operations in the Region. Pre allocated separate frequencies are not recommended. If an agency chooses to use 4.9GHz band for air-to-ground operations, it should be required to receive RPC approval to file for waiver.

DATABASE

NPSTC recommends that the FCC ULS system be used to capture and store all information required to coordinate 4.9 GHz applications. RPC8 concurs that ULS should be the system that

houses all information on 4.9 GHz systems. This database should continue to be maintained by the FCC.

EXISTING LICENSEES

NPSTC notes that “one of the major problems today is the lack of data for current licensees”.

NPSTC further states that “because licensees get license authority over an entire geographic area to operate fixed or mobile sites and multiple entities can be licensed for operations in the same geographical area, the lack of specific data of how a licensee uses the 4.9 band hinders use by others”. This is not the case in RPC8. There are over 113 licensed call signs operating in the 4.9 GHz band in RPC8 which are licensed with FXB or FX station classes. These call signs are compliant with the rules and their operations would not need to re-license or conform to any proposed band plan. The necessary data for the licensees are available in the ULS. RPC8 will not require these licensees to coordinate and relicense their operations.

CRITICAL INFRASTRUCTURE INDUSTRIES

RPC8’s position on Critical Infrastructure Industries’ (CII) eligibility to access the 4.9 GHz band is consistent with the current rules for this band. The eligibility shall adhere to current criteria established in the FCC Part 90 Rules, specifically 90.1203 and 90.523 for the use of 4.9 GHz.

There shall be no special allocations for CII.

FREQUENCY COORDINATION

RPC8’s current process allows flexible use of the spectrum. The regional process has proven to be adequate, efficient and timely. Mandating coordination will introduce a more rigid and costly process which will result in governmental entities exploring other options in other bands.

NPSTC also states there is little data available. There are over 113 licensed call signs operating in the 4.9 GHz band in RPC8 which are licensed with FXB or FX station classes. These call signs are compliant with the rules and their operations would not need to re-license or conform to any proposed band plan. The necessary data for the licensees are available in the ULS. RPC8 will not require these licensees to coordinate and relicense their operations.

REGIONAL PLANNING COMMITTEES

RPC8 agrees that different areas of the country have different needs and challenges when it comes to providing spectrum to governmental entities. It is RPC8's position that regions should be allowed to file amendments to their regional plans specific to 4.9 GHz that address all aspects of spectrum allocations in the region on 4.9 GHz. Amendments shall not be limited to the four categories areas that NPSTC proposes:

1. Additional channel aggregation
2. An additional channel designated for specialized use such as Air to Ground or for robotic control and communications
3. Place limits on the use of PTP links in urban areas or more stringent antenna or other technical parameters to allow greater reuse of the channels within the region
4. Allow higher ERP for longer path lengths in rural areas or allow use of non-line of sight paths in rural areas

CONCLUSION

The constituency of the Regional Planning Committee in RPC8 has met to discuss the topics in the NPSTC proposal. Collectively, we conclude that each Region shall be afforded the

capability to manage the spectrum resources in accordance with its needs. Changes to the current rules as proposed by NPSTC will result in financial burden, disruption of day-to-day operations and unlikely future use of the spectrum.

Respectfully,



Anthony Melia

Anthony Melia, Chair
Region 8 700 MHz RPC