

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

In the Matter of

Amendment of Part 90 of the Commission's Rules)	WP Docket No. 07-100
)	
)	
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
)	

To: Chief, Public Safety and Homeland Security Bureau

**Comments in Support of the National Public Safety
Telecommunications Council's 4.9 GHz National Plan
Recommendations Final Report
(Reference DA 13-2096)**

On October 30, 2013, the Public Safety and Homeland Security Bureau issued a public notice (DA 13-2096) requesting comments on a report prepared by the National Public Safety Telecommunications Council (NPSTC) concerning recommendations for rule changes to encourage greater use of the 4940 – 4990 MHz (4.9 GHz) band. The Forestry Conservation Communications Association (FCCA), the International Municipal Signal Association (IMSA), and the International Association of Fire Chiefs (IAFC), collectively referred to as the “Joint Commenters,” take this opportunity to express support for all of the NPSTC recommendations.

The FCCA, the IMSA, and the IAFC are all FCC-certified frequency coordinators for the public safety radio services. As such, the Joint Commenters have a direct interest in the rules and regulations affecting the 4.9 GHz band. Additionally, the Joint Commenters bring years of experience in coordination of the public safety radio spectrum. That expertise gives the Joint Commenters a rather unique perspective in understanding the short falls of the current 4.9 GHz rules and in being able to provide recommendations for rule modifications. The Joint Commenters will address each major recommendation in the NPSTC report in the order presented in the report.

BAND PLAN

NPSTC proposed to retain the current band plan which identifies 18 channel centers with bandwidths of either one MHz or five MHz, which may be aggregated to form wider bandwidth channels. Channels 1 – 5 are one MHz channels. NPSTC recommends that these channels be aggregated to five MHz bandwidth and that the channels be used for air-to-ground communications and for other specialized uses like bomb robots. Channels 6 and 7 are five MHz channels and are to be shared between the Critical Infrastructure Industry (CII) and public safety. Channels 8 – 13 are five MHz channels for general use. Finally channels 14 – 18 are one MHz channels that can be aggregated for general broadband use or used as one MHz channels for narrower bandwidth applications. The Joint Commenters fully support this band plan. The band plan provides flexibility for a variety of communications technologies, many of which may not yet be known.

POINT-TO-POINT

NPSTC proposed to treat point-to-point links as primary and incorporate some of the microwave rules (47 C.F.R. Part 101) into the 4.9 GHz rules, *e.g.* limiting Effective Isotropic Radiated Power (EIRP) based on path length and requiring antennas meeting certain minimum specifications. Each point-to-point path would be individually licensed and temporary paths would not be permitted for more than 30 days in a one year period. Requests for bandwidths greater than 10 MHz or EIRP in excess of the rules would require additional justification. The Joint Commenters believe that this approach will allow for maximum spectrum efficiency while providing flexibility when needed.

AIR TO GROUND AND OTHER SPECIALIZED USES

The Joint Commenters fully support designating channels 1 – 5 for air to ground and other specialized uses, like bomb robots, as recommended by NPSTC. The Joint Commenters also fully support limiting use of the channels to aircraft operating at 400 feet, or less, above ground. The NPSTC proposal also minimizes the chances of aircraft causing interference to radio astronomy, as the two operations are at opposite ends of the 4.9 GHz band, effectively providing a guard band between the services.

DATA BASE

NPSTC is correct that the data base must reside with the FCC and that the ULS already provides a vehicle to capture the necessary technical data through Part 101 licensing. Any data base must be available to both applicants for new systems and the frequency coordinators. Use of one or more private data bases could limit access to the data by some entities or differences between data bases could develop if more than one data base were to be created. There is also the unanswered question of who would pay for creation of private data base(s)? There must be one and only one master data base and that must be maintained by the FCC.

EXISTING LICENSEES

NPSTC accurately concluded that the lack of a reliable data base for current licensees is a major problem. Geographical licensing and the lack of site-specific data makes it almost impossible to know what systems are operating in any given area or if additional compatible systems could be added. NPSTC proposes a one year period for existing licensees to relicense their systems under the new rules. The Joint Commenters endorse this recommendation. It is a fair compromise between the chaos of today's environment and a more structured environment in the future.

CRITICAL INFRASTRUCTURE

CII entities play a major part in any reconstruction after a major disaster or other serious event. Coordination between public safety and CII is essential for orderly operations. The Joint Commenters agree with NPSTC that CII should be eligible for licensing in the 4.9 GHz band and that CII entities be immediately eligible for licensing on channels 6 and 7. The Joint Commenters also support the procedures for CII to be licensed on additional channels, in the short term through a public notice procedure and after three years being eligible for all channels except channels 1 – 5.

FREQUENCY COORDINATION

The Joint Commenters believe that frequency coordination is absolutely necessary to bring order to the 4.9 GHz band. NPSTC recommends that frequency coordination be performed by the existing FCC-certified public safety coordinators. These coordinators have a history of working well together both in developing procedures for coordination and in providing each other with data regarding pending applications. Experience with coordination of Sprint/Nextel vacated spectrum, in which business/industrial coordinators are allowed to participate, suggests that many more problems develop with the addition of coordinators who are not part of the regular public safety coordination process. Even with CII being permitted in the 4.9 GHz band, the Joint Commenters believe that 4.9 GHz is still primarily a band intended for public safety operations and that demands a flawless coordination process. As NPSTC states, “ they [public safety coordinators] have the best understanding of public safety needs and the importance of protecting public safety licensees from harmful interference.”

REGIONAL PLANNING COMMITTEES

The Joint Commenters support involvement of the Regional Planning Committees (RPCs) as recommended by NPSTC. The RPC knowledge of unique requirements in certain areas can greatly assist the frequency coordinators in making decisions compatible with regional plans.

CONCLUSION

The Joint Commenters commend the FCC for considering rule changes for the 4.9 GHz band and NPSTC for developing and presenting a comprehensive set of recommendations for changes in rules and procedures. The current 4.9 GHz environment suffers from lack of a more structured licensing system. Implementation of the NPSTC recommendations will result in a more useful band with added certainty for licensees that proposed systems will function without excessive interference.

Respectfully submitted,

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