

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	WP Docket No. 07-100
National Public Safety Telecommunications Council's 4.9 GHz National Plan Recommendations Final Report.)	PS Docket No. 06-229
)	WT Docket No. 06-150
)	

REPLY COMMENTS OF THE UTILITIES TELECOM COUNCIL

Pursuant to Section 1.405 of the Commission's Rules, the Utilities Telecom Council ("UTC") hereby files its reply comments in response to the Commission's Public Notice inviting comment on the National Public Safety Telecommunications Council's 4.9 GHz National Plan Recommendations Final Report ("NPSTC Final Report") in the above referenced proceeding.¹ UTC echoes the comments on the record in support of the NPSTC Final Report's recommendations for access to the 4.9 GHz band by critical infrastructure industry ("CII") entities.

These comments demonstrate that there is significant support from both public safety and other parties. As the joint comments of the Forestry Conservation Communications Association (FCCA), the International Municipal Signal Association (IMSA), and the International Association of Fire Chiefs (IAFC) stated, "CII entities play a major part in any reconstruction after a major disaster or other serious event [and] [c]oordination between public safety and CII is

¹ *Public Safety and Homeland Security Bureau Seeks Comment on National Public Safety Telecommunications Council's 4.9 GHz National Plan Recommendations Final Report*, Public Notice, DA 13-2096, 2013 WL 5832893 (Oct. 30, 2013).

essential for orderly operations.”² They agree with UTC that utilities and other CII should be eligible on a co-primary basis with public safety agencies to license spectrum in the band. UTC joins with these comments to urge the Commission to expeditiously provide for access to the band by CII.

UTC also reiterates its comments that fixed point to point and point-to-multipoint operations should be permitted on a primary basis in the 4.9 GHz band, consistent with the recommendations in the NPSTC Final Report. This will promote greater use of the band by CII for smart grid and other mission critical applications, many of which are fixed operations,³ and which need primary status to ensure reliability.

I. The Commission Should Adopt NPSTC’s Recommendations for CII Use of the Band.

Numerous comments support the recommendations in NPSTC Final Report to make eligible CII as defined at Section 90.7 of the Commission’s Rules,⁴ and to allow for CII access on a co-primary basis with public safety.⁵ These parties worked with NPSTC to develop the recommendations, which reflect a reasonable compromise between the interests of CII and public safety. To recap, CII would be able to directly apply for a license in two 5X5 channels

² Joint Comments of the Forestry Conservation Communications Association (FCCA), the International Municipal Signal Association (IMSA), and the International Association of Fire Chiefs (IAFC) in WP Docket No. 07-100 at 3 (filed Nov. 25, 2013).

³ See e.g. Comments of API, ENTELEC and NRECA in WP Docket No. 07-100 at 7 (filed Nov. 1, 2012)(emphasizing that “[t]he 4.9 GHz Band Should Be Transitioned To Fixed Use Only And Made Available In Conjunction With Mobile Applications In The 700 MHz Band.”).

⁴ NPSTC Final Report in WP Docket No. 07-100 at 10-11, citing 47 CFR §90.7.

⁵ *Id.* at 11. See Reply Comments of Visilink in WP Docket No. 07-100 et al at 1 (filed Dec. 12, 2013). See also Comments of the American Petroleum Institute at 3 (filed Nov. 22, 2013)(stating that “API believes that it represents a generally acceptable compromise.”); Comments of the Enterprise Wireless Association at 3 (filed Nov. 22, 2013)(stating that “The Alliance supports most of the Report’s recommendations with regard to [CII]).

(channels 6 and 7)⁶ and they would be able to apply for channels in the remaining spectrum, pending a 30-day waiting period which would enable public safety entities with a near term need for the band to indicate their intent to apply for the same license as the one sought by the CII applicants. This 30-day waiting period would be subject to a transition period for it to sunset after 3 years. After that, both public safety and CII will have equal access to the entire band.⁷ As such, UTC supports this compromise as a reasonable balance of the interests that appears workable in practice.⁸

II. The Commission Should Promote the Use of the Band for Fixed Operations.

UTC reiterates its support for the NPSTC Final Report recommendations regarding fixed use of the 4.9 GHz band. Specifically, UTC reiterates its support for the recommendation to allow the aggregation of channels wider than 10 MHz, particularly in rural areas.⁹ In addition, UTC supports the band plan, which recommends making Channels 14 through 18 available for point to point use as 1 MHz bandwidth channels to support narrowband backhaul on a primary basis.¹⁰ UTC believes that the Commission should promote the use of this band for fixed as well as mobile applications, and that wider channels and higher power for fixed operations --

⁶ *NPSTC Final Report*. See also *Id.*, n. 15. (stating that “The NPSTC planning group determined those channels should be 6 and 7.)

⁷ *Id.* at 11.

⁸ The Commission should revisit this process, if it later determines that the process is subject to abuse that is unnecessarily preventing CII access to the band.

⁹ NPSTC Final Report at 7-8 (stating that “We also recognize the need for greater than 10 MHz bandwidth aggregation and longer path links in rural areas using higher EIRP levels. We recommend those applications to only be granted under waiver and the application should go through the coordination process so both the coordinators and RPC can comment on the impact to current and future users of the band plus recommend mitigation measures.”)

¹⁰ *Id.* at 6 (explaining that “[w]e recommend primary status for two reasons. First, these backhaul links typically support mission critical voice traffic that normally operates with primary status on public safety land mobile radio spectrum. A typical use for the links would be to link voice traffic from a radio site to a dispatch center. Second, with the recommendation to implement frequency coordination with the recommendation to use the above specific channels, there is no need for secondary status for this use.”)

particularly in rural areas -- will be important for CII use of the band.

CONCLUSION

WHEREFORE, the premises considered, UTC reiterates its support for the recommendations in the NPSTC Final Report with regard to CII use and fixed operations. Specifically, UTC agrees with NPSTC that CII should be eligible on a co-primary basis and should be able to access 10 MHz of the spectrum immediately upon adoption of the rules by the Commission, while being able to access the remainder of the band, subject to a 30 day notice process that would encourage sharing opportunities and coordination between CII and public safety. This 30 day notice process would be an interim measure and would sunset after three years. UTC also agrees with NPSTC that fixed operations should be allowed to use wider channels and higher power, particularly in rural areas, and that fixed operations should be licensed on a primary basis, including fixed narrowband operations on channels 14 through 18. Expanding eligibility to include CII and authorizing fixed operations on a primary basis would promote the use of the 4.9 GHz band as a complement to the 700 MHz PSBN by allowing utilities and CII entities to backhaul traffic from the 700 MHz PSBN over 4.9 GHz networks.

Respectfully submitted,

Utilities Telecom Council

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Brett Kilbourne, VP and Deputy General Counsel
Utilities Telecom Council
1129 20th Street, NW, Suite 350
Washington, DC 20036
202-872-0030

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