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State Emergency Medical Services
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State Telecommunications Directors

Liaison Organizations

Federal Communications Commission
National Telecommunications and
Information Administration
Telecommunications Industry Association
US Department of Agriculture
US Department of Justice
NIJ CommTech Program
US Department of Homeland Security
FEMA
SAFECOM Program
US Department of Interior

April 17, 2007

Ms. Marlene H. Dortch
Secretary to the Federal Communications Commission
Washington, D. C. 20554

Re: *Ex Parte* Presentation
WT Docket No. 06-169, WT Docket No. 96-86
WT Docket 06-150, PS Docket 06-229

Dear Ms. Dortch:

Pending before the Commission are issues relating to the 700 MHz band and the opportunity to make tangible improvements to public safety communications. On behalf of the National Public Safety Communications Telecommunications Council (NPSTC), attached to this letter are the *Principles Surrounding the 700 MHz Band* that we believe should guide the Commission in its deliberations. NPSTC urges the Commission to integrate these principles into its decisions addressing the structure and rules of the 700 MHz band.

Respectfully,

Vincent R. Stile

Vincent R. Stile, Chair
NATIONAL PUBLIC SAFETY
TELECOMMUNICATIONS COUNCIL

National Public Safety Telecommunications Council

Principles Surrounding the 700 MHz Band

The Federal Communications Commission is now deciding how the remaining 60 MHz of the 700 MHz band to be released by television broadcasters in 2009 will be used. There is opportunity to implement a primary recommendation of the 9/11 Commission and provide the Nation's public safety agencies a nationwide interoperable broadband network. The National Public Safety Telecommunications Council recommends that the Commission's consideration encompass the following principles:

- *Recognize the Need-* Current public safety communications operations are: local or regional in nature, complex and difficult, perennially under funded and have dangerous delays and disruptions lurking. Congested public safety channels pervade every urban and suburban area. The 9/11 Commission recommendation is grounded on this reality and the enormous enlargement of state and local government responsibilities.
- *Ensure Meaningful Public Safety Participation-* Spectrum from the remaining 60 MHz can be committed to promote public/private use across the 700 MHz band by establishing a trust or like structure to build a nationwide broadband network for all agencies and provide commercial access to finance the network. The current 12 MHz in the 700 MHz public safety segment is not adequate to support a shared network nor could it do so without compromising local agencies. Any proposal should embrace a governing structure where public safety representatives have standing to participate meaningfully in administering the network to ensure that it responds to public safety's requirements, upholds standards and promotes local participation. Public safety must maintain unfettered control over the 24 MHz previously allocated for public safety by direction of Congress. To the extent private enterprise provides some of the network infrastructure for public safety use of that spectrum, the network must be built to public safety specified requirements, and remain subject to public safety oversight and control.
- *Adopt the Broadband Optimization Plan-* The Broadband Optimization Plan (BOP) provides significant and innovative relief to public safety and reflects public safety's extensive work and commitment to pursue coexistence across services. The Commission should comprehend the

value in providing public safety additional channels, the flexibility wideband affords local agencies and how technologies across all services can be promoted in the 700 MHz band. Any action must resolve positively the complexity in relocating 700 MHz channels, the investment already committed to voice and data and the intricacies of border regions.

- *Require a Serious Commitment to Building a Public Safety Network-* Any proposal making a serious and not casual commitment to public safety should be given careful consideration. A serious proposal encompasses defined deployment mileposts and addresses public safety's under funding and not simply offer public safety ability to purchase commercial spectrum. Award must be based on elements in addition to that of highest bidder. There must be fidelity to improve public safety communications. An auction winner's license should be contingent on satisfying public safety requirements and standards through a mechanism providing public safety participation. The extent of public safety access must entail daily operational use by a range of agencies.
- *Assure an Adequate Funding Base for a Nationwide Network-* Any nationwide broadband network must be uniform in design and deployment. It must be available to all agencies; otherwise it will divide and not unite. Financing cannot be based on false visions of commercial participation, federal monies or hope. Relying on public safety agencies paying for the network will fall short. It will leave out agencies that cannot afford to participate. Wideband data systems will be a necessary option, especially in the absence of a fully funded national broadband network.
- *Accommodate Incumbent 700 MHz Systems and Border Operations-* Restructuring the 700 MHz band must accommodate and not strand the financial commitments to deploy infrastructure and equipment on the voice and data channels in reliance on the Commission's rules. It must also provide border agencies adequate protection.
- *Recognize the Critical Value of the 700 MHz Voice Channels-* Public safety's 700 MHz narrowband voice channels, particularly when used in conjunction with the 800 MHz channels, are crucial to interoperability, which is overwhelmingly voice driven.

- *Resolve the Legal Questions Relating to Commercial Access to the Public Safety Segment-* Any proposal allowing commercial services to use the 24 MHz committed by law to public safety must resolve the legality of such access and address the technical challenges to ensure that broadband operations do not interfere with public safety operations. Public safety entities must have unconditional access to public safety allocated spectrum and any non-public safety use of that spectrum must be subject to “ruthless preemption” at any time for any reason as determined at the sole discretion of public safety.

The National Public Safety Telecommunications Council believes that the Commission’s decisions addressing the 700 MHz band provide an opportunity to make real improvements in public safety communications. A nationwide public safety interoperable network is possible. With meaningful public safety participation addressing how the spectrum is to be used, realistic financing and economic underpinnings and adequate spectrum, resources will be comparable to responsibilities and promote coexistence across all services.

Copy Provided to:

Mr. Campbell

Mr. Poarch

Ms. Shaffer

Mr. Cohen

Ms. Olsen

Mr. Gottlieb

Mr. Ohlson

Ms. Giancarlo

Mr. Goldberger