

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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| In the Matter of |) | |
| |) | |
| Implementation of Sections 309(j) and 337 of |) | WT Docket No. 99-87 |
| the Communications Act of 1934, as Amended |) | |
| _____ |) | |

**REPLY COMMENTS OF
NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS COUNCIL**

The National Public Safety Telecommunications Council (NPSTC) submits these reply comments concerning its previously filed petition requesting a stay of the interim narrowband implementation deadlines contained in Sections 90.203(j)(4) and (5), 90.203(j)(10), and 90.209(b)(6) of the Commission’s rules.¹ NPSTC urges the Commission to move forward to implement the Stay as requested in its original petition. Doing so will help enable improved public safety interoperability during the final two years of the narrowband transition and will minimize unnecessary costs. In addition, the relief as requested by NPSTC in its petition for stay would maintain the overall VHF/UHF narrowband transition end date at January 1, 2013, reaffirming the goal of spectrum efficiency improvements envisioned in the current Commission rules.

¹ The National Public Safety Telecommunications Council Petition for Stay of Interim Narrowband Implementation Dates of Section 90.209(b)(6), 90.203(j)(4) and (5), and 90.203(j)(10), WT Docket No. 99-87 (filed Sept. 29, 2009) (“NPSTC Petition”).

I. The National Public Safety Telecommunications Council

The National Public Safety Telecommunications Council (NPSTC) is a federation of public safety organizations whose mission is to improve public safety communications and interoperability through collaborative leadership. NPSTC pursues the role of resource and advocate for public safety organizations in the United States on matters relating to public safety telecommunications. NPSTC has promoted implementation of the Public Safety Wireless Advisory Committee (PSWAC) and the 700 MHz Public Safety National Coordination Committee (NCC) recommendations. NPSTC explores technologies and public policy involving public safety telecommunications, analyzes the ramifications of particular issues and submits comments to governmental bodies with the objective of furthering public safety telecommunications worldwide. NPSTC serves as a standing forum for the exchange of ideas and information for effective public safety telecommunications.

The following 15 organizations participate in NPSTC:

- American Association of State Highway and Transportation Officials
- American Radio Relay League
- Association of Fish and Wildlife Agencies
- Association of Public-Safety Communications Officials-International
- Forestry Conservation Communications Association
- International Association of Chiefs of Police
- International Association of Emergency Managers
- International Association of Fire Chiefs
- International Municipal Signal Association
- National Association of State Chief Information Officers
- National Association of State Emergency Medical Services Officials
- National Association of State Foresters
- National Association of State Technology Directors
- National Emergency Number Association
- National Sheriffs' Association

Several federal agencies are liaison members of NPSTC. These include the Department of Homeland Security (the Federal Emergency Management Agency, the Office of Emergency

Communications, the Office of Interoperability and Compatibility, and the SAFECOM Program); Department of Commerce (National Telecommunications and Information Administration); Department of the Interior; and the Department of Justice (National Institute of Justice, CommTech Program). NPSTC has liaison relationships with associate members, the Telecommunications Industry Association and the Canadian Interoperability Technology Interest Group.

II. NPSTC Reaffirms the Validity of its Request

In its request for stay, NPSTC noted that certain interim deadlines effective January 1, 2011 will hamper public safety interoperability during the final two years of the transition and will unnecessarily raise costs for public safety users. Specifically, NPSTC submitted its petition for stay of the implementation of the January 1, 2011 interim deadlines under which:

- (1) Licensees could no longer apply for new or modification license applications that exceed 12.5 kHz or equivalent efficiency.
- (2) Single-mode and multi-mode transmitters that operate at an efficiency or equivalent efficiency mode exceeding 12.5 kHz bandwidth could no longer be manufactured in or imported into the United States;
- (3) Manufacturer applications for Part 90 certifications must include a spectrum efficiency standard of one voice path per 6.25 kHz of channel bandwidth.

NPSTC noted that a stay of the above items (1) and (2) is needed to address user operational requirements during the transition and provided operational examples to support its request. NPSTC also pointed out that a stay of item (3) is needed to minimize unnecessary costs as numerous State, County and City governments are dealing with current economic constraints.

NPSTC also emphasized that the Commission's stay of these dates does not prevent or deter public safety (or any other LMR) licensee from implementing narrowband technology prior to the January 1, 2013 deadline, nor does it prevent manufacturers from voluntarily including 6.25 kHz efficiency in single mode or multi-mode equipment today or in the future.

Most of the comments in this proceeding provide either support or a lack of opposition for the relief sought in the NPSTC Petition for Stay.² For example, the New York City Transit Authority (NYCTA) "concur[s] with NPSTC that a stay allowing an agency the ability to purchase equipment that can operate in a mode which exceeds 12.5 kHz is needed to address user operational requirements during transition."³ At the same time, NYCTA, like NPSTC, is not requesting an extension of the overall transition:

At the present time, NYCTA is poised to issue a comprehensive Request for Proposals to upgrade this subway radio system in order to transition to 12.5 KHz channels in recognition of the Commission's 2013 implementation schedule. NYCTA anticipates receiving proposals in the first quarter of 2010, with an anticipated expenditure of considerably more than \$100 million. The 2013 deadline, while ambitious, has been a factor in planning and developing a framework for the overhaul of the complex VHF radio system utilized throughout the subway system.⁴

Comments that are neutral with respect to the stay request note that if NPSTC's petition for Stay is granted, the relief should be applied to all land mobile licensees in the VHF/UHF band, not just to public safety. NPSTC's focus is primarily public safety, but has no objection to granting the requested relief on interim dates to other land mobile licensees in the band as well.

A few commenters oppose a Stay of the interim deadlines as requested in NPSTC's

² See comments of the New York City Transit Authority (NYCTA); the Joint Council on Transit Wireless Communications; Freeport-McMoRan Copper and Gold Inc.; Motorola, Inc.; Tait North America, Inc.; and Comm Enterprises, LLC.

³ NYCTA Comments at page 5.

⁴ NYCTA Comments at page 3.

petition.⁵ These oppositions appear to be based more on the concern that granting a Stay of the January 1, 2011 interim requirements will somehow automatically obligate the Commission also to extend the overall transition beyond January 1, 2013. For example, in its comments, the Enterprise Wireless Alliance states:

EWA has worked diligently with its members and with others affected by this mandate to educate users about the need to prepare for the migration. Other Frequency Advisory Committees have done the same. Yet the message has not always been received warmly. The Alliance can confirm that there are substantial numbers of users in these bands that remain (willfully or otherwise) misinformed about or are simply unwilling to accept their upcoming narrowbanding obligations. They are convinced that the Commission will retreat from its decisions, or at least from the current deadlines, and, on that basis, these incumbents resist preparing for narrowband implementation. It is in the context of the persistent prevalence of this attitude that EWA considers the NPSTC Petition.⁶

NPSTC and its member associations have also worked hard to ensure licensees in the VHF and UHF bands are aware of the transition requirements and are taking the 2013 deadline seriously. For example, at its annual conference the International Association of Fire Chiefs clearly reiterated that licensees need to be taking steps NOW to meet the January 1, 2013 deadline.⁷ While NPSTC appreciates EWA's concern, we note that the remedy is totally within the Commission's power to reaffirm the 2013 transition end date while at the same time granting NPSTC's petition for stay of the interim 2011 requirements.

Several commenters recommended that the Commission provide any relief through case-by-case waivers rather than by grant of NSTC's petition for stay. NPTC believes that would be impractical for the specific relief requested in the petition. For example, the petition requests a stay

⁵ See Comments of the Enterprise Wireless Alliance (EWA), the National Science and Technology Network, Inc., and the Bergen County, New Jersey Police Department.

⁶ EWA Comments at page 2.

⁷ "Communications Workshop" at the IAFC annual Fire-Rescue International conference in Dallas, Texas, August 27, 2009, led by Douglas Aiken, Chair, IAFC Communications Committee.

of the current rule that would prohibit the manufacture of importation of equipment that includes a 25 kHz efficiency mode. NPSTC believes providing such relief on a licensee-by-licensee waiver basis ignores the realities of how equipment is manufactured and made available to the market and how such an approach would be enforced. Users who need equipment with continued dual mode 12.5/25 kHz efficiency capability to maintain interoperability throughout the final two years of the transition would face a very tenuous situation if equipment manufacturers had to predict which licensees would obtain waivers as part of the process of implementing manufacturing and importation plans. Furthermore, it would appear to be completely impractical for the Commission to enforce a situation in which one jurisdiction could legally purchase dual mode equipment while an adjacent jurisdiction without a waiver could not. For all these reasons, NPSTC urges the Commission to move forward expeditiously and issue a stay of the interim January 1, 2011 narrowbanding requirements as set forth in the NPSTC petition.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ralph A. Haller", with a long horizontal flourish extending to the right.

Ralph A. Haller, Chair
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December 3, 2009