

**Before the
Federal Communications Commission
Washington, DC**

In the Matter of)	
)	
Petition for Rulemaking to Amend)	RM-11527
The Land Mobile-TV Sharing Rules)	
In the 470 – 512 MHz Band)	

**Reply Comments
of the
National Public Safety Telecommunications Council**

The National Public Safety Telecommunications Council (“NPSTC”) hereby submits reply comments in the above-captioned matter. NPSTC was the original petitioner in this matter.

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 organization in the United States on matters relating to public safety telecommunications. NPSTC explores technologies and public policy involving public safety telecommunications, analyzes the ramification of particular issues and submits comments to governmental bodies with the object of furthering public safety telecommunications worldwide. NPSTC serves as a standing forum for the exchange of ideas and information for effective public safety communications.

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

In addition, several federal agencies are liaison members of NPSTC as well as two associate members (Telecommunications Industry Association and the Canadian Interoperability Technology Interest Group). NPSTC also relies heavily on the knowledge base of its private industry participants.

The 470 – 512 MHz Proposal

NPSTC is pleased that the proposal received universal support from the commenters. NPSTC particularly appreciates the willingness of the Association of Maximum Service Television, Inc. (“MSTV”) and the National Association of Broadcasters (“NAB”) for supporting rules changes in the 470 – 512 MHz band. With such unanimous support, NPSTC urges the Commission to move forward with a formal rule making proceeding. NPSTC wishes to address just a few of the points made by the commenters.

The Land Mobile Communications Council (“LMCC”) suggested that the proposed rules apply equally to the Business/Industrial/Land Transportation (“B/ILT”)

community. NPSTC's primary concern is that the proposed rules, particularly regarding expansion of the 50 mile radius around the designated cities and the inclusion of the common carrier portion of each channel, apply to entities eligible in the public safety radio service. However, NPSTC does not object to including B/ILT applicants and licensees. In fact, in many instances, critical infrastructure and other enterprise licensees, all of whom qualify under the B/ILT rules, work directly with public safety entities to restore power and other essential services during a time of emergency. Their communications needs parallel those of the public safety community.

MSTV and NAB both express the concern that land mobile operations 1) protect the coverage areas of all incumbent full power, Class A, low power, and translator stations; 2) preserve broadcaster's ability to make adjustments to their facilities to ensure the public's access to digital television service, including by protecting the ability to maximize facilities and to add new "fill in" translator service; and, 3) allow incumbent translator, LPTV and Class A stations to change channels.

NPSTC fully concurs with protection of all stations licensed at the time the rule making is adopted. But, protection of future changes that may be desired by the broadcasters presents an obstacle to deployment of land mobile infrastructure. If a public safety licensee expends millions of dollars on a critical communications system, there must be some assurance that the system can remain in operation. First responders cannot suddenly be deprived of their wireless lifeline in favor of a new or modified television translator station. Television stations, of all types, that are entitled to protection must be frozen at the time of adoption of the new rules.

The fact is that such a freeze on protection of incumbent television stations should have almost no impact on the broadcast community. In most cities, only two channels are authorized for land mobile use. New York and Los Angeles have three channels. It should not be difficult for broadcasters to avoid the trivial number of land mobile channels in a particular city. NPSTC has no desire for the proposals to be burdensome for broadcasters. But, unlimited freedom to modify or add new broadcast facilities near the land mobile markets degrades many of the benefits that the petition seeks to establish.

RadioSoft suggested that Hartford, Connecticut, be added to the list of cities in which land mobile use of the 470 – 512 MHz band is permitted, that mobile operations should not extend beyond 80 miles from the designated cities, and that Section 74.709 of the rules provides insufficient interference protection to land mobile system from low power DTV stations.

NPSTC takes no position with regard to Hartford. The RadioSoft comments appear to support the proposition that the addition of Hartford would not have an overly preclusive impact on broadcasters. NPSTC is not, however, actively seeking the inclusion of Hartford.

NPSTC disagrees with RadioSoft on limiting mobile areas of operation to only 80 miles from each designated city. NPSTC believes that the 30 mile radius around a base station currently in the rules should continue to apply, even when the base station is more than 50 miles from a designated city. It makes little sense to allow a base station to be 80 miles from a designated city and yet not allow that station to serve half, or more, of its potential coverage area (the area beyond the 80 mile radius).

Although the RadioSoft comments state that the requirements of Section 74.709 are insufficient to protect land mobile operations from interference from DTV stations, the comments do not propose alternative language for the rule section. RadioSoft presents some highly technical arguments to support its basic belief that rules in Part 74 should be modified. NPSTC can neither support nor object to the RadioSoft comments. DTV stations are new and there has been little practical experience gained with regard to their potential to interfere with land mobile operations. NPSTC would support the question being raised in the Notice of Proposed Rulemaking. The issue may also be ripe for laboratory testing. The NPRM would be an appropriate vehicle to enrich the record and make appropriate rule changes based on that record.

RadioSoft additionally makes the point that there is often confusion on application of the 9 dB derating factor when used with the R-6602 curves for land mobile operations. NPSTC concurs that the derating factor should not apply when considering a land mobile base station's interference potential to a television facility, i.e. the curves would be used exactly as published in Part 73 for both the land mobile and television facilities. The 9 dB factor should be applied only when considering land mobile to land mobile interference or coverage. This could be clarified in the new rules, as proposed by RadioSoft.

Finally, the LMCC correctly points out that the field strength units specified in proposed rule Section 90.307(a) should be "dB μ V/m" and not "dBmV/m."

Conclusion

The transition to DTV on June 12 provides the opportune time to review the land mobile/TV sharing rules. In fact, this should have been completed months or years ago.

Now that the DTV transition is here, the rules must be updated as quickly as possible.

The comments to the Petition for Rulemaking unanimously support moving forward with a formal rule making proceeding. NPSTC urges the Commission to issue a NPRM as quickly as possible.

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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