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American Radio Relay League

American Red Cross

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
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National Association of State Foresters

National Association of
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Liaison Organizations

Federal Communications Commission

National Telecommunications and
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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

May 03, 2007

The Honorable Kevin J. Martin
Chairman of the
Federal Communications Commission
Washington, D.C. 20554

Re: In the Matter of Part 90 of the Commission's Rules to Provide for Flexible
Use of the 896-901 MHz and 935-940 MHz Bands Allotted to Business and
Industrial Land Transportation Pool, WT Docket 05-62.
Ex Parte Communication

Dear Chairman Martin:

As the Commission moves to address the 199 channels currently allocated to the Business and Industrial Land Transportation (B/ILT) Pools in the 896-901/935-940 MHz (900 MHz) bands, the National Public Safety Telecommunications Council (NPSTC) urges that its decisions include assigning channels to public safety communications for digital paging.

Assigning paging channels in the 900 MHz band to public safety will implement a core recommendation of the Commission's Independent Panel addressing Hurricane Katrina.¹ The Independent Panel emphasized the importance of paging to public safety operations particularly in a disaster environment. It noted that paging systems, possessing inherent redundancy, can be more reliable than voice/cellular systems. Group pages can transmit critical information to alert thousands of units at the same time. These factors, combined with the service's cost efficiencies, reflect why paging remains a key public safety communications resource.

NPSTC reiterates its recommendation to the Commission that channels in the B/ILT bands at 896-901/935-940 MHz be made available to public safety agencies for paging. The emergence of digital paging provides several

¹ *Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks Report and Recommendations to the Federal Communications Commission*, at paragraph 5, page 10, In the Matter of Recommendations of the Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks, *Notice of Proposed Rulemaking*, FCC 06-83, EB Docket No. 06-119 (June 19, 2006).

advanced capabilities to public safety. Pagers can now receive a text message sent via a computer to the paging controller by way of commercial off the shelf email programs. Similarly, computer aided dispatch systems (CADS) are capable of sending messages to the paging controller and on to all units dispatched to an incident.²

With the ability to transmit messages to a large number of individuals at the same time critical dispatch messages can be sent with minimal delay. An individual unit also can store messages. Digital paging can support many agencies on the same system. As digital paging allows for two-way communications, each pager can respond with a status or short message. Limited mobile data functions, such as driver's license checks or vehicle location, are possible.³

The need for public safety paging capability has been noted in other Commission proceedings examining emergency response. NPSTC advocacy has been joined by the Association of Public Safety Communications Officials, International, (APCO)⁴ and Monroe County, New York, which is deploying a wide area paging system⁵. On December 6, 2006, the Commission granted the City of Richmond, Virginia's request to use several 900 MHz channels for a public safety paging system.⁶

The debate in this proceeding divides between interests, generally commercial mobile radio service (CMRS) carriers, that urge that all 199 channels be auctioned on a geographic basis and licensees afforded flexible use of the spectrum, and interests, including current B/ILT users, advocating that the Commission structure a band plan and service rules comporting with their operations and requirements. Although NPSTC takes no position regarding how commercial licenses should be assigned, it urges that whatever the structure, at least 10 channels throughout the United States, that to conform to existing paging operations would be paired to provide five 25.0 kHz channels, be assigned to public safety communications for paging. We note that many licensees in the B/ILT service, particularly utilities, railways and other transportation entities, frequently have a role in emergency response and assist public safety operations. The vitality of these communications networks should be an element of the Commission's decision.

In this latter regard, NPSTC agrees with those interests advocating that appropriate interference protection measures be adopted by the Commission in this band. The severe challenges faced by the Commission and licensees in the 800 MHz band should not be replicated. There will continue to be incompatible services operating within these band segments and their coexistence will be promoted by such measures, including protecting the proposed public safety paging channels. The resolution reached in 800 MHz should be the model.

The Commission should reject advocacy that public safety agencies be relegated to waiver petitions to obtain 900 MHz paging channels under section 337(c) of the Communications Act.⁷ Section 337(c) and the Commission's implementation is important in providing public safety agencies access to channels that would otherwise not be available. Yet it is an expensive and time consuming process to both the

² *Paging White Paper* by David Buchanan at 1 (January 25, 2005) at <http://www.npstc.org/meetings.jsp>

³ *Paging White Paper* at 2.

⁴ Joint Comments of the Association of Public Safety Communications Officials, International and the National Public Safety Telecommunications Council, *In the Matter of the Spectrum Needs of Emergency Response Providers*, WT Docket 05-157 (April 28, 2005).

⁵ Reply Comments of Monroe County, New York in WT Docket 05-62.

⁶ City of Richmond, Virginia Request to Operate Public Safety Paging System on 900 MHz Narrowband PCS Frequencies, *Order*, DA 06-2495 (December 12, 2006).

⁷ Comments of Blooston, representing the Automobile club of Southern California, the California State Automobile Association and Talecris Biotherapeutics, Inc., in WT Docket 05-22 at 3.

Commission and public safety, generally beyond the resources of most agencies. It is not substitute for access to the 900 MHz band through the Commission's normal application process. NPSTC recommends that there be a specific commitment of channels to public safety and not simply eligibility through the frequency coordination process.

In this proceeding the Commission has an opportunity to enhance public safety response at the ground level. The ability to dispatch resources over a wide area, the portability and resiliency of the paging units and their cost efficiencies is unique and enhanced by the two way services that have emerged in digital paging. These attributes are particularly valued in environments where public safety relies on volunteer forces located across wide geographic areas. The Commission's commitment of channels in the 900 MHz band to public safety paging will enhance emergency response significantly.

Respectfully,

Vincent R. Stile

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