

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

In the Matter of

Request of the National Capital Region	)	
For a Waiver of	)	
Part 90 Rules to Allow Establishment	)	DA 06-1973
Of a 700 MHz Interoperable Broadband	)	
Data Network	)	

**COMMENTS OF THE NATIONAL PUBLIC SAFETY TELCOMMUNICATIONS
COUNCIL**

The National Public Safety Telecommunications Council (NPSTC) submits these Comments in response to the Commission's *Public Notice*¹ requesting Comment on the waiver request of the National Capital Region (NCR) to implement a 700 MHz broadband data network in the Washington, D.C. metropolitan area. NPSTC supports NCR's request. Its proposal will enhance public safety communications and reflects coordination and cooperation with the region's public safety agencies through the regional planning committee process. NPSTC takes no position regarding any issue involving the technical/operational parameters of the waiver and application.

The National Public Safety Telecommunications Council

NPSTC serves as a resource and advocate for public safety organizations in the United States on matters relating to public safety communications. NPSTC is a federation of public safety organizations dedicated to encourage and facilitate through a collective voice the implementation of the Public Safety Wireless Advisory Committee

¹ *Public Notice*, Public Safety and Homeland Security Bureau seeks Comment on Request by the National Capital Region for a Waiver of Part 90 Rules to Allow Establishment of a 700 MHz Interoperable Broadband Data Network, DA 06-1973 (September 29, 2006).

(PSWAC) and the 700 MHz Public Safety National Coordination Committee (NCC) recommendations. NPSTC explores technologies and public policy involving public safety agencies, analyzes the ramifications of particular issues, and submits comments to governmental bodies with the objective of furthering public safety communications worldwide. NPSTC serves as a standing forum for the exchange of ideas and information for effective public safety telecommunications. The following thirteen organizations participate in NPSTC:

American Association of State Highway and Transportation Officials

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 Emergency Medical Services Officials

National Association of State Telecommunications Directors

National Association of State Foresters

Several federal agencies are liaison members of NPSTC. These include the Department of Agriculture, Department of Homeland Security (SAFECON Program and the Federal Emergency Management Agency), Department of Commerce (National

Telecommunications and Information Administration), Department of the Interior, and the Department of Justice (National Institute of Justice, Office of Science and Technology – CommTech Program).

Background

The waiver request is submitted on behalf of the National Capital Region, which includes the jurisdictions of the District of Columbia and 18 counties and cities in the State of Maryland, and the Commonwealth of Virginia. NCR seeks to deploy a Regional Wireless Broadband Network that will be used by the public safety agencies of these jurisdictions. It asks the Commission to waive its current rules addressing the 700 MHz band to allow channels presently designated for other wideband data purposes to be used for a region-wide broadband network.

NCR representatives have advised NPSTC that its proposal has been considered and embraced by the 700 MHz Region 20 Planning Committee. Region 20 encompasses the geographic area that includes NCR member jurisdictions and other surrounding communities. The Region 20 plan specifically references the NCR proposal as detailed in its waiver request. The plan is now being reviewed by adjacent regional planning committees, Regions [28](#), [36](#), [42](#) and [44](#).

The channels NCR seeks to use in the 700 MHz public safety band are currently designated for wideband operations, wideband interoperability and wideband reserve. The channels would be aggregated to operate a pair of 1.25 MHz broadband channels, with guard bands surrounding these operations.² The network will promote interoperability among NCR member agencies. It is aggregating these channels and using them for broadband that is the premise of the waiver request. The Commission's

² NCR's *Request for Waiver of the Commission's Rule(s)* at pages 4-7 (July 3, 2006).

current rules establishing the 700 MHz band structure did not envision broadband use and the need to provide wider channels for such operations. NCR also seeks a waiver of the Commission's equipment certification rules as no broadband equipment is currently operating at 700 MHz. It seeks to commit resources by the end of calendar year 2006, when funding availability is due to expire.

Pending before the Commission is its Eighth Notice of Proposed Rulemaking (NPRM) examining the structure of the 700 MHz public safety band.³ The NPRM seeks to determine whether the Commission should modify the public safety portion of the 700 MHz band to accommodate broadband communications. NCR's waiver request should be examined in the context of this consideration.

NCR's Request Will Provide Significant Benefits to its Member Public Safety Agencies

NCR's proposal falls within a model presented by NPSTC in response to the Commission's NPRM addressing the wideband and broadband structure.⁴ NPSTC proposed that the current reserve, general use, and interoperability wideband channels be combined to provide wideband and/or broadband applications, the parameters of which will be determined by local agencies in coordination with the regional planning committees. An underlying premise of the NPSTC model is that local and state agencies, in conjunction with the Regional Planning Committee, are in the best position to structure the 700 MHz band to meet the requirements of local public safety operations, whether it

³ In the Matter of the Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Communications Requirements Through the Year 2010, *Eighth Notice of Proposed Rulemaking*, WT Docket 96-86, FCC 06-34 (March 21, 2006).

⁴ NPSTC Comments, dated June 5, 2006 are set forth in WT Docket 96-86 and respond to the Commission's *Eighth Notice of Proposed Rulemaking*.

be broadband or wideband. This discretion is critical if agencies are to be able to structure communications networks that respond to local needs and available resources.

Effective exercise of this discretion requires the participation and cooperation of the region's public safety agencies. The 700 MHz regional planning committees are well suited to pursue and implement this objective. NCR states that it has presented and obtained approval of the Region 20 Planning Committee. NPSTC has not reviewed and takes no position on the Region 20 plan yet notes that the process comports with what we believe is vital to effective public safety communications, a coordinated and consensus driven region-wide plan. The NCR proposed broadband network is integrated into the overall Region 700 MHz plan. In NPSTC's view the concurrence of adjacent regional committees is also important to coordinate broadband deployment in the public safety service. NCR appropriately commits to obtaining this concurrence.⁵

NCR's effort to deploy a broadband network among member agencies is an important contribution to improving emergency response in the National Capital Region. It promotes the national priority of enhancing domestic security and preparedness. The Commission's positive and expeditious action with regard to NCR's request will promote these important objectives.

Respectfully submitted,
Vincent R. Stile (Signed)

Vincent R. Stile, Chair
NATIONAL PUBLIC SAFETY
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October 30, 2006

⁵ NCR Request for Waiver of the Commission's Rule(s) at page 8 (July 3, 2006).

Certification

In addition to filing the necessary copies with the Commission's Secretary at the offsite facility, a copy of the attached Comments of the National Public Safety Telecommunications Council was to sent first class mail to:

Ms. Jeannie Benfaida
Public Safety and Homeland Security Bureau
Federal Communications Commission
Washington, D.C. 20554

Mr. Robert LeGrande II
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Signed

John E. Logan, October 30, 2006