

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

In the Matter of:

City of Richmond, Virginia Request)	
For Waiver to Operate a Public Safety Paging)	DA 06-1511
System on 900 MHz Narrowband PCS Frequencies)	File No. 0002660203

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

The National Public Safety Telecommunications Council (NPSTC) submits these reply comments in response to the Commission's Public Notice addressing the Application and Waiver Request of the City of Richmond, Virginia to operate a public safety paging system on 900 MHz narrowband PCS frequencies.¹ NPSTC supports Richmond's request and urges the Commission to approve its application expeditiously. NPSTC urges the Commission to reject the conditions proposed by USA Mobility, Inc.

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 Committee (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

¹ *Public Notice*, Wireless Telecommunications Bureau Seeks Comment on City of Richmond, Virginia Request to Operate Public Safety Paging System on 900 MHz Narrowband PCS Frequencies, DA 06-1511 (July 27, 2006)

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 (SAFECOM Program and the Federal Emergency Management Agency), Department of Commerce (National Telecommunications and Information Administration), and Department of the Interior and the Department of Justice (National Institute of Justice, Office of Science and Technology – CommTech Program).

Background

Richmond seeks to operate a regional public safety two-way paging system on 900 MHz band Narrowband PCS (NPCS) Channel 16 (frequencies 930.65–930.70 MHz and 901.8125–901.8250 MHz).² Richmond proposes to use NPCS Channel 16 on an exclusive basis. It proposes an initial deployment of twenty-three base station sites to cover the City of Richmond and Henrico, Chesterfield, and Hanover Counties. It requests authorization for the entire Richmond-Petersburg, Virginia Economic Area (EA 015),

² See FCC File No. 0002660203 (filed June 22, 2006, amended July 12, 2006).

which covers thirty-eight counties, in order to provide for growth of the regional system to incorporate adjacent jurisdictions.

In its Waiver request, Richmond relates that channel 16, while once awarded to a licensee through the auction process, subsequently had its authorization revoked. Attempts to reaucton the channel attracted no bids. The spectrum is not being used.

Richmond details the significant benefits to emergency management and first responder communications channel 16 will fulfill. Notably, on this date Richmond emergency management and other public safety services are engaged in recovery efforts emanating from Tropical Storm Ernesto.³

USA Mobility, Inc. (USA Mobility), filed comments in response to Richmond's Application and Waiver request. USA Mobility does not oppose Richmond's petition but asks the Commission to impose two conditions. USA Mobility states that Richmond should certify that it has exhausted commercial alternatives and that Richmond's system be connected to the public switch network. USA Mobility also relates the capabilities of commercial service providers.

The Commission Should Approve Richmond's Waiver Request Without Conditions

Richmond's Application and Waiver Request details how a comprehensive examination of agency requirements was performed, that a range of alternatives, including commercial services were examined and that a careful balance of what best serves local public safety communications needs was made. As evidence of its thorough examination, Richmond reviewed the Part 24 PCS narrowband channels and prepared an analysis of how these channels could serve the area's public safety communications requirements.

Richmond has demonstrated with clarity that its request falls within the parameters of section 337(c) of the Communications Act of 1934, as amended and the Commission's Orders implementing this section. No other spectrum is immediately available, the use of the channels is technically feasible and will not cause

³ Governor Kaine Declares Emergency Due to Tropical Storm Ernesto (August 31, 2006), <http://www.governor.virginia.gov/MediaRelations/NewsReleases/viewRelease.cfm?id=228>

harmful interference to other users, use is consistent with other services in the band segment, the channels were allocated more than two years ago and the public interest will be served by Richmond's use of the channels.

Richmond capably relates how paging presents an extremely cost efficient means to communicate with a number of individuals and reflects why the service remains a key public safety communications resource. USA Mobility advocates the benefits of its own paging services. It urges the Commission to require Richmond to certify that it has exhausted commercial paging alternatives and commit to interconnecting its system to the public switch network. Both recommendations should be rejected.

Neither section 337(c) nor the Commission's orders implementing the section impose any such requirements. To do so would place the Commission in the position of determining the needs of public safety agencies and how to meet those requirements. The Commission's general reluctance to dictate what and how particular services are acquired is well established, particularly in the public safety sector where it is the responsibility of local and state governments to manage and provide resources.⁴ The Commission's historic commitment allowing licensees to choose equipment and services should be adhered to. Moreover, Richmond has demonstrated that it undertook an analysis of alternatives; this decision should not be second guessed.

The Commission should similarly reject USA Mobility position that Richmond's paging system connect to the public switch network. The requirements of a public safety communications system should be left to those who manage and pay for it. There is no requirement in the Commission's Part 90 Rules addressing public safety communications of any interconnection requirement. There is no mandate that a

⁴ 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, *Fifth Memorandum Opinion and Order, Sixth Report and Order, and Seventh Notice of Proposed Rulemaking*, 20 FCC Rcd 831, FCC 05-9, WT Docket 96-86 (January 7, 2005).

licensee under Part 24 of the Commission's rules, where these channels are currently authorized, for interconnection. It should be left to Richmond's discretion to determine.

More broadly, the Commission's dockets establish clearly the unique demands and standards associated with public safety communications. NPSTC reiterates its position cautioning against efforts to quantify and compare public safety communications and commercial services. The standards of redundancy and diversity of networks in the public safety service are not met by commercial services, including paging. Promoting an interference free environment and the ability to recover expeditiously is critical to public safety as compared to commercial operations, whose ultimate accountability evolves around the revenue generated by its operations. The risks of default in the public safety service are devastating and translate to loss of life and property. Communications demanded in an emergency are unique and continue to reflect standards distinct from those pervading commercial operations.

Conclusion

NPSTC urges the Commission's prompt action in approving Richmond's application and that it reject the conditions sought by USA Mobility.

Respectfully submitted,

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September 12, 2006

On September 12, 2006, the Original and four copies of the foregoing Reply Comments of the National Public Safety Telecommunications Council were filed with the Commission's Secretary at its offsite facility. A copy of the Reply Comments were also sent First Class Mail to:

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