



# NPSTC

## National Public Safety Telecommunications Council 700 MHz Position Summary

July 6, 2007



### Member Organizations

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

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 Directors

National Association of State Foresters

National Association of State Telecommunications Directors

### Liaison Organizations

Federal Communications Commission

National Telecommunications and Information Administration

Telecommunications Industry Association

US Department of Agriculture

US Department of Justice

NIJ CommTech Program

US Department of Homeland Security

FEMA

Office of Emergency Communications

Office of Interoperability and Compatibility

SAFECOM Program

US Department of Interior

Recognizing that the Federal Communications Commission soon will complete its deliberations in the 700 MHz proceedings, decisions that will shape critical wireless telecommunications capabilities for decades to come, the National Public Safety Telecommunications Council (NPSTC), a federation of national organizations representing the communications leadership of the public safety community, wishes to clarify for members of Congress and the FCC certain matters relating to issues affecting public safety.

The current discussion centers primarily on a proposal developed by Frontline Wireless. That proposal recommends that the FCC designate 10 MHz of spectrum to be auctioned, to be called the E Block, which would contain certain restrictions to the auction winner to enter into a private/public partnership with public safety to build a nationwide public safety/commercial broadband network. NPSTC and its representatives have spent considerable time discussing the issues with Frontline Wireless and others concerning the policies and principles we believe should guide the FCC in its deliberations:

- The 700 MHz rules should facilitate deployment of a nationwide, broadband, interoperable, open standard 4G network built to public safety specifications.
- The FCC should designate 10 MHz of the 700 MHz public safety spectrum allocation for broadband use and should assign that spectrum to a national public safety licensee (NPSL), an entity broadly representative of public safety interests, in a single nationwide authorization.
- The NPSL broadband spectrum should be combined with 10 MHz of auctioned spectrum (referred to as the "E Block") to form a single, shared, nationwide, broadband, interoperable network that provides public safety with priority access through the NPSL.
- Because public safety does not have access to funds even to build, much less to operate, maintain or refresh such a network, network deployment must be funded pursuant to a public safety-commercial partnership between the NPSL and the E Block auction winner as codified in the FCC rules and in the Network Sharing Agreement (NSA) to be negotiated between the NPSL and the E Block auction winner.
- The goal of nationwide public safety interoperability, as well as public safety access to a public safety grade network, would be greatly complicated and likely placed at serious risk if the E Block is auctioned in geographic sub-units rather than as a single nationwide license.



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- The FCC rules should define in reasonable specificity certain aspects of the shared network requirements, including, but not limited to, the E Block licensee's coverage build obligations, both in terms of geographic scope and service levels consistent with public safety on street and in-building needs, to ensure responsible bidding in that auction and the NPSL's reasonable right to select network technology at initial deployment and throughout the life of the network. The FCC should also mandate protections against potential business failure of the E Block licensee
- NPSTC is advocating the following coverage and benchmarks for the combined network:
  - 4 years.....75.0% population/13% CONUS landmass
  - 7 years.....95.0% population/45% CONUS landmass
  - 10 years.....99.3% population/75% CONUS landmassNPSTC would also support additional requirements to ensure coverage for isolated population centers, and anticipates the use of satellite technologies to provide coverage to remote areas.
- The FCC rules also should identify required elements of the NSA and should provide for FCC oversight of the NSA negotiation process.
- The FCC should encourage the NPSL to develop a Statement of Requirements well in advance of the commencement of the auction to further clarify for potential participants the totality of public safety requirements and should host a bidders conference to better disseminate this information to those bidders.
- The FCC rules should provide for issuance of the E Block license after the successful negotiation of the NSA. If no NSA has been agreed to between the NPSL and the E Block auction winner within a specified time established by the FCC, the FCC would resolve any differences between the parties. If the NPSL accepts the FCC's resolution, the E Block licensee would be bound by it as well, and an NSA reflecting the parties' agreement (and, to the extent relevant, the FCC's decision) would be entered into by the NPSL and the E Block licensee. If the NPSL rejects the FCC's decision, the E Block would be re-auctioned.
- NPSTC does not believe that "open access" should be a requirement for the E Block, partly due to the absence of a commonly agreed upon definition of what open access means. NPSTC would like the NPSL to be able to negotiate with the E Block auction winner regarding issues related to open access, some of which we may agree to and some of which we may not.

Although the public safety community recognizes that the type of public/private partnership contemplated herein presents certain novel regulatory issues, encumbering a portion of the commercial 700 MHz spectrum with obligations to provide public safety with needed critical broadband communications capabilities, and permitting public safety and a commercial network operator to combine certain portions of their licensed spectrum holdings in a shared network, represents the only currently realistic potential alternative to deliver a viable, affordable, self-sustaining route to meet the 21st century communications of public safety.

**NPSTC is a federation of organizations whose mission is to improve public safety communications and interoperability through collaborative leadership.**