

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

In the Matter of:)	
)	
Revisions to Rules Authorizing the Operation of Low Power Auxiliary Stations in the 698- 806 MHz Band)	WT Docket No. 08-166
)	
Public Interest Spectrum Coalition, Petition for Rulemaking Regarding Low Power Auxiliary Stations, Including Wireless Microphones, and the Digital Television Transition)	WT Docket No. 08-167
)	
Amendment of Parts 15, 74 and 90 of the Commission’s Rules Regarding Low Power Auxiliary Stations, Including Wireless Microphones)	ET Docket No. 10-24
)	

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

The National Public Safety Telecommunications Council (NPSTC) submits these Comments in response to the Commission’s Further Notice of Proposed Rulemaking proposing to permit the use of wireless microphones and other low power audio devices in the core TV bands on an unlicensed basis under Part 15 of the rules. Under the proposal, operation of these unlicensed devices would be available to entities that are not currently eligible for licensing under Part 74, Subpart H of the rules applicable to auxiliary broadcast use. NPSTC opposes allowing unlicensed wireless microphones and other low power audio devices in the 470-512 MHz portion of the core TV band. While public safety operation in this band is confined to eleven major urban areas, there would be no practical way to control the location of these unlicensed audio devices. Interference could occur regardless of geographic rule restrictions.

The National Public Safety Telecommunications Council

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 organizations in the United States on matters relating to public safety telecommunications. NPSTC has promoted implementation of the Public Safety Wireless Advisory Committee (PSWAC) and the 700 MHz Public Safety National Coordination Committee (NCC) recommendations. NPSTC explores technologies and public policy involving public safety telecommunications, analyzes the ramifications of particular issues and submits comments to governmental bodies with the objective of furthering public safety telecommunications worldwide. NPSTC serves as a standing forum for the exchange of ideas and information for effective public safety telecommunications.

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

Several federal agencies are liaison members of NPSTC. These include the Department of Homeland Security (the Federal Emergency Management Agency, the Office of Emergency Communications, the Office of Interoperability and Compatibility, and the SAFECOM Program); Department of Commerce (National Telecommunications and Information Administration); Department of the Interior; and the Department of Justice (National Institute of Justice, CommTech Program). NPSTC has liaison relationships with associate members, the Telecommunications Industry Association and the Canadian Interoperability Technology Interest Group.

NPSTC Opposes Unlicensed Wireless Audio Devices in the 470-512 MHz Band.

NPSTC applauds the Commission for the decisions made in the Report and Order portion of this proceeding. There, the Commission decided to prohibit all wireless microphone use in the 700 MHz band because of the real potential for interference to public safety and commercial operations. NPSTC believes similar interference concerns are valid at 470-512 MHz as well.

Currently, wireless microphones licensed under Part 74 of the rules for auxiliary broadcast use legally operate in the 470-512 MHz bands, as well as in other parts of the TV spectrum. Such use is normally under the management of professional audio engineers associated with broadcast facilities. Some wireless microphone companies also highlight the need to protect land mobile operations, along with information about the TV channels and areas where such use is allowed under the Commission's rules.

In its Further Notice of Proposed Rulemaking, the Commission proposes to expand the legal use of wireless microphones and other low power wireless audio devices in the core TV bands below 700 MHz by adding unlicensed operation under Part 15 of the rules for those

entities that are not eligible for licensing under Part 74. Under the proposed rules in Appendix E of the Commission's combined Report and Order and Further Notice, unlicensed wireless microphones and wireless low power audio devices would be allowed to operate in the 470-512 MHz spectrum. While these proposed rules note the need to protect co-channel TV stations and propose exclusion zones for doing so, no mention is even made about co-channel protection of licensed land mobile operations, including major public safety facilities, at 470-512 MHz.¹

In any case, NPSTC does not believe exclusion zones would provide adequate protection to public safety against interference from the proposed unlicensed devices. Under the rules, the only realistic control of these unlicensed wireless microphones and low power wireless audio devices would be at the equipment certification stage. Once in the market, there would be no practical way to enforce any restrictions that on paper prohibit the proposed devices from operating in an area where public safety and other critical land mobile operations are deployed within the 470-512 MHz band.

Unlike the devices authorized in the Commission's TV whitespace proceeding, these unlicensed wireless microphones and low power wireless audio devices would have no intelligence to use geolocation techniques or query a database to avoid licensed operations.² Further, in that proceeding, the Commission did not even allow personal/portable TV whitespace devices with geolocation interference protection capabilities to operate in the bands below TV channel 21, i.e., below 512 MHz. Therefore, it is not apparent why any unlicensed wireless microphones and other low power wireless audio devices would be allowed at 470-512 MHz.

¹ See proposed § 15.238 Operation in the bands 54-72 MHz, 76-88 MHz, 174-216 MHz, 470-608 MHz and 614-698 MHz.

² See Second Report and Order and Memorandum Opinion and Order, ET Docket Nos. 04-186 and 02-380, released November 14, 2008.

Accordingly, NPSTC recommends that the Commission modify its proposed rules to prohibit unlicensed wireless microphones and low power wireless audio devices from operating in the 470-512 MHz band anywhere in the U.S.

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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