



# NPSTC

*National Public Safety Telecommunications Council*

## UPDATED Regulatory Update

March 2010

### FCC Delivers National Broadband Plan to Congress

On March 16, 2010, the Federal Communications Commission (FCC) delivered a National Broadband Plan to Congress which detailed actions to harness a broadband network in order to create jobs, educate children, spur economic investment and growth, and protect and engage citizens.



About half of the recommendations were directed to the FCC; the other

half were directed to Congress, the Executive Branch, and state and local governments working with the private and non-profit sector. In the Plan, the FCC notes that while broadband access has increased in the 21st century, 14 million Americans have no access and the nation has failed to utilize broadband as a means to improve education, healthcare, energy conservation, and to deliver government services.

The Plan pinpointed the following goals and recommendations to be accomplished over the next decade:

- Making 500 MHz of additional spectrum available for licensed and unlicensed broadband
- Making sure that every child is digitally literate when he or she leaves high school
- Building the world's largest market of high-speed broadband users
  - Connecting 100 million households to affordable 100 mbps service
  - Providing ultra-high-speed broadband (at least 1 gigabit per second) in every community by installing in anchor institutions such as hospitals, schools, and military installations
  - Bringing affordable broadband to rural communities, libraries, schools, and vulnerable populations by transitioning Universal Service Fund support
- Enhancing public safety by providing first responders with access to a nationwide, wireless interoperable public safety network.

The Plan, entitled "Connecting America: The National Broadband Plan" is available for download at: <http://download.broadband.gov/plan/national-broadband-plan.pdf>. Additional information about the National Broadband Plan can be found at [www.broadband.gov](http://www.broadband.gov).

### FCC Removes Frequency Coordination Requirement for Modifications To Reduce Occupied Bandwidth

*Seeks Further Comment on Trunking Below 800 MHz, Base Station ID*

On March 11, the FCC released a Second Report & Order and Second Further Notice of Proposed Rulemaking in Docket 07-100. This Rulemaking was initiated in 2007 as part of the FCC's biannual review of Part 90 regulations and covered several disparate topics. In this most recent decision the FCC:

- Removed the frequency coordination requirement for license modifications to: Narrow the occupied bandwidth while remaining on the currently licensed center frequency - e.g. changing from wideband (25 kHz) to narrowband (12.5 kHz) emissions - with no other technical changes to the license; lower antenna height; reduce power; and convert from CMRS to PMRS.
- Retained the frequency coordination requirement for license modifications to: Convert from PMRS to CMRS and increase the number of mobile units
- Modified the rules related to vehicular repeaters: a) Removed 90.247(b) which requires that frequencies assigned in the Industrial/Business pool for vehicular repeaters be restricted to the low power pool (2 watts). b) Modified 90.247(f) to require vehicular repeaters to be controlled with "continuous access signal" which accommodates both digital and analog operations, c) Removed the 2.5 watt output power restriction on portables used with vehicular repeaters. If these rule modifications result in increased interference caused by vehicular repeaters, the FCC will revisit the decision.
- Retained multiple licensing of the same facility (community repeaters)
- Clarified 90.35 to add language: a) Indicating that state and local government entities who engage in commercial activities (for example a municipal golf course) are eligible to hold licenses for Industrial Business pool frequencies. Such authorizations may not be used for mission-critical public safety operation. b) Government surveying operations are eligible to be licensed to use the itinerant Industrial Business pool frequencies.
- Clarified that registration of Wireless Medical Telemetry Service (WMTS) operations on frequencies where WMTS does not have primary status is prohibited. Equipment already registered to operate on secondary frequencies will be grandfathered for the time being.

The FCC is seeking comment on whether secondary WMTS operations should be permitted.

- Are certain medical telemetry functions so critical that they can only be transmitted on primary frequencies?
- Do technical rules need to be created to prevent interference?
- Should operations on secondary frequencies be permitted only if there are no primary frequencies available?
- Is there enough primary spectrum available to meet users needs without having to resort to secondary frequencies?
- Should secondary WMTS operations be required to monitor and use only clear frequencies?
- Should some form of redundancy be required to ensure that the data is received properly?
- Should WMTS equipment manufacturers be required to inform secondary users of their status

The Land Mobile Communications Council (LMCC) proposed amendments to the rules on trunking below 800 MHz - 90.187:

- FCC notes that rule section 90.187 has been modified and clarified several times since it was initially adopted in 1997 and proposed to clarify that it does not apply to decentralized trunked systems and that decentralized trunked systems must monitor before transmitting
- Comment is sought on LMCC's proposals to: a) Eliminate the distance analysis option; contour analysis would be the only option; b) Current contour analysis rules require a demonstration that the proposed system's interference contour does not overlap the incumbent system's service contour.

The FCC asks should the contour analysis for proposed 6.25 kHz systems also demonstrate that the proposed system's service contour will not be overlapped by the interference contour of an adjacent existing system?

- Should this requirement be imposed under other scenarios? If the adjacent interference contour overlaps the proposed system, should the proposed system be granted on a secondary basis? Re-define "affected licensees" (those against whom engineering contours must be run) which is dependent upon spectral separation, based upon the bandwidth of the incumbent licensee

The FCC seeks comment on coordination of 470-512 MHz offset channels and on LMCC's request to codify the LMCC Consensus on coordination of 12.5 kHz offset TV band frequencies.

- LMCC consensus, based on TSB-88, says that an application cannot be certified if either an incumbent or the applicant has unacceptable interference of more than five percent reduction of the calculated service area reliability. Should the consensus be part of Part 90 or should it remain outside of the Code of Federal Regulations so that LMCC can modify the procedures without a rule amendment?

#### Station Identification

- Comment is sought on Motorola's request to amend 90.425 to allow VHF and UHF systems to use digital signals to transmit station identification rather than Morse code and to allow PMRS licensees to use a single call sign to identify commonly owned facilities

Comments are due 30 days after publication in the Federal Register; Reply Comments are due 45 days after Federal Register publication. The text of the Order and Further Notice is available at:

[http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/FCC-10-36A1.doc](http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-10-36A1.doc)

### **FCC Seeks Comment on NPSTC Broadband Task Force Recommendations on the Early Deployment Waivers**

The FCC is seeking comment on a set of recommendations related to the pending state and local government broadband early deployment waivers filed in December of last year by the Public Safety Spectrum Trust (PSST). The recommendations included a report developed by the NPSTC Broadband Task Force (BBTF). The FCC wants comments on the PSST recommendations as well as the BBTF Report, particularly the technical aspects of the operations and interoperation of the regional networks. The Commission particularly would like comments from the agencies who have pending early deployment waiver requests.

Among the questions asked in the Public Notice are:

- Should the waivers be conditioned upon adherence to the standards recommended by the PSST and BBTF?
- Does the BBTF Report provide enough details, precision, consistency and specificity to serve as a basis for waiver conditions?
- Are the recommendations sufficient to ensure compatibility with a future nationwide broadband network?
- Could they serve as a foundation for the work of the proposed Emergency Response Interoperability Center (ERIC)?

Comments are due April 6; Replies are due April 16. The text of the Public Notice is available at:

[http://fjallfoss.fcc.gov/edocs\\_public/attachmatch/DA-10-458A1.doc](http://fjallfoss.fcc.gov/edocs_public/attachmatch/DA-10-458A1.doc) The full text of the PSST filing is available at: <http://fjallfoss.fcc.gov/ecfs/document/view?id=7020353058>

### **Earlier Recommendations for Public Safety Portion of the National Broadband Plan**

In late February, FCC Chairman Genachowski and Public Safety and Homeland Security Bureau (PSHSB) Chief, Admiral (Ret.) James R. Barnett Jr., announced some of the working recommendations and potential solutions contained in the Public Safety portion of the National Broadband Plan at a press conference.

The major goal of the Public Safety portion of the National Broadband Plan is to ensure that public safety has access to a nationwide interoperable broadband wireless network. The PSHSB staff worked with other FCC bureaus, reviewed the data supplied by industry, and developed a set of recommendations to achieve that goal as quickly as possible. The public safety portion of the National

Broadband Plan includes only the 10 (5+5) MHz of broadband spectrum already allocated to public safety and licensed to the Public Safety Spectrum Trust (PSST).

It does not include the D Block spectrum. According to the briefing, the National Broadband Plan will:

- Provide funding strategies for construction, operation and evolution of the network
  - Relying on commercial investment alone will not be enough to ensure a network that meets public safety standards in terms of resiliency, coverage and reliability.
  - State and local public safety agencies can contribute monies towards sustaining a network but public money will be needed for initial construction
  - \$12-16 Billion in funding over 10 years is recommended to create a federal grant program-- \$6B to support build-out over a 10-year period; and \$6-10B for operational costs and upgrades over a 10-year period
  - D Block auction should move forward
- Ensure nationwide coverage
  - Public safety community can partner with a systems integrator or any commercial partner it chooses
- Ensure interoperability across all geographies and jurisdictions
  - Accomplished through the creation of an Emergency Response Interoperability Center (ERIC) to establish a technical framework to guarantee nationwide interoperability
  - ERIC's primary goal is to expand public safety's access and use of broadband nationwide while ensuring interoperability and operability
  - ERIC will drive the interoperability standards, priority access, encryption, roaming, authentication, and more for the public safety broadband network
- Provide reserve capacity, redundancy and reliability
  - Public safety will have access to the entire 700 MHz band (up to 80 MHz of spectrum) through roaming and priority access arrangements.

While allocation of the D Block spectrum is not included in the National Broadband Plan, the Commission does anticipate the long-term need to allocate additional broadband spectrum to public safety and is committed to identifying that spectrum.

The public safety community expressed disappointment with the revelation that the FCC proposed to re-auction the D Block spectrum noting that while commercial carriers needed the spectrum to provide consumers with access to Facebook and Twitter, public safety needed the spectrum to save lives. Public safety industry organizations continue to work with Congress to get the D Block reallocated from commercial to public safety.

### Status of Early Deployment Waivers

The FCC has said that action on the pending early deployment waivers to operate on the 5+5 MHz Public Safety broadband allocation would move forward as quickly as possible but would not occur until after March 17 most likely late spring or early summer

The complete text of Genachowski's statement is available at:

[http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DOC-296504A1.doc](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-296504A1.doc)

The complete text of Chairman Barnett's speech is available at:

[http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DOC-296532A1.doc](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-296532A1.doc)

The text of the APCO news release is available at:

[http://www.apco911.org/new/news/congress\\_allocate\\_spectrum.php](http://www.apco911.org/new/news/congress_allocate_spectrum.php)

## FCC Adopts Order Prohibiting Sale of Wireless Microphones and Other Devices Operating in the 700 MHz Band

To finalize the clearing of the 700 MHz band for use by public safety and 4G wireless consumer devices, the FCC has adopted an Order that prohibits the sale and distribution of devices that operate



in the 700 MHz band. The Order will primarily impact wireless microphone systems which might cause interference to public safety and consumer devices. Already deployed wireless microphones have until June 12, 2010, to transition off 700 MHz frequencies.

Consumers who own wireless microphone systems and other devices can check the FCC's website [www.fcc.gov/cgb/wirelessmicrophones](http://www.fcc.gov/cgb/wirelessmicrophones) to determine whether the device is currently operating in 700 MHz and whether or not it can be retuned to operate in another band. Consumers can also seek guidance by calling 1-888-CALL-FCC.

The text of the Report & Order and Further Notice of Proposed Rulemaking is available at: [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/FCC-10-16A1.doc](http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-10-16A1.doc)

The text of the Order is available at: [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DA-10-92A1.doc](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-10-92A1.doc)

The text of the News Release is available at: [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DOC-295737A1.doc](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-295737A1.doc)

## FCC Seeks Comment on Petitions Regarding Use of Signal Boosters

The FCC has sought comment on five separate Petitions filed since 2005 that seek clarification or modification to the FCC's rules in Parts 22, 24, 27, and 90 related to the use of signal boosters. Signal boosters are used to amplify radio signals in areas where there is weak reception. When used or installed improperly, signal boosters can cause interference.

- Bird Technologies Inc. filed a Petition for Rulemaking (PFR) seeking to change 90.219 to outline specific operational and technical requirements for the use of signal boosters by Part 90 licensees. Bird Technology's Petition is available at: <http://fjallfoss.fcc.gov/ecfs/document/view?id=7020355519>
- CTIA filed a Petition for Declaratory Ruling in 2007 asking the FCC to clarify that the use or sale of signal boosters without CMRS licensee consent is unlawful. In its Petition CTIA stated that CMRS networks are receiving harmful interference from unauthorized and improperly installed signal boosters. CTIA's Petition is available at: <http://fjallfoss.fcc.gov/ecfs/document/view?id=7020355532>
- In 2008, Jack Daniel dba Jack Daniel Company filed a Petition for Declaratory Ruling on the technical and operational limits that apply to Part 90 wideband signal boosters. Daniel stated that the rules are being misinterpreted. Jack Daniel's Petition is available at: <http://fjallfoss.fcc.gov/ecfs/document/view?id=7020355316>
- In 2009 Wilson Electronics filed a PFR asking the FCC to amend Part 20 to set equipment authorization standards for subscriber-used signal boosters. The FCC, rather than wireless providers, should establish equipment certification requirements that would prevent interference to the wireless carrier from the use of signal boosters. Wilson's PDR is available at the following links: <http://fjallfoss.fcc.gov/ecfs/document/view?id=7020355583>, <http://fjallfoss.fcc.gov/ecfs/document/view?id=7020355584>, <http://fjallfoss.fcc.gov/ecfs/document/view?id=7020355585>

Also in 2009 in response to CTIA's Petition, the DAS Forum (a section of PCIA-The Wireless Infrastructure Association) filed a PFR arguing that the operation, marketing, and installation of signal boosters needed to be addressed by a rulemaking proceeding in the Cellular and Personal Communications Services. DAS proposes a Code of Conduct that could be incorporated into or referenced in the Commission's rules and suggests that such an industry-adopted code would be preferable to rules that might unnecessarily hinder installation and sales of signal boosters.

The DAS Petition is available at: <http://fjallfoss.fcc.gov/ecfs/document/view?id=7020355551> Comments were due February 5; Replies were due March 8. The text of the Public Notice is available at: [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DA-10-14A1.doc](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-10-14A1.doc)

## **Sprint Seeks Waiver to Remain on Interleaved Frequencies After March 31, 2010, in 21 NPSPAC Regions**

Sprint has filed a waiver asking that it be permitted to remain on the "interleaved" (854-860 MHz), Expansion Band (860 MHz) and Guard Band (861-862 MHz) frequencies after March 31, 2010 in 21 NPSPAC Regions. As part of the 800 MHz rebanding Order, Sprint must vacate all its spectrum holdings below 862 MHz.

The original deadline was June 26, 2008, but, since rebanding had not been completed, the FCC granted Sprint's request to do a staged release of spectrum based upon a NPSPAC Region's rebanding status with the caveat that Sprint must move off all frequencies below 862 MHz by March 31, 2010. The first 20 frequencies of "Nextel-Vacated-Spectrum" were made available in all non-border NPSPAC Regions in January 2009.

Additional Nextel-Vacated-Spectrum was made available in certain other non-border NPSPAC Regions in December 2009. Although progress has been made, rebanding is still not complete in all NPSPAC Regions. Therefore, Sprint asks that it be permitted to continue to operate on its spectrum holdings below 862 MHz after March 31 in certain Regions. In its waiver, Sprint indicates that it has no viable spectrum alternative, and that a grant of the waiver would be in the public interest because it would ensure continued progress in the rebanding effort.

Sprint's waiver request seeks continued operation on frequencies below 862 MHz in the following NPSPAC Regions:

- Region 1 - Alabama
- Region 6 - Northern California
- Region 8 - New York City/Northern NJ
- Region 9 - Florida
- Region 14 - Indiana
- Region 16 - Kansas
- Region 18 - Louisiana
- Region 19 - New England
- Region 20 - Maryland/Washington, DC/N. VA
- Region 27 - Nevada
- Region 28 - Eastern PA/Southern NJ/Delaware
- Region 31 - North Carolina
- Region 34 - Oklahoma
- Region 36 - Western PA
- Region 37 - South Carolina
- Region 39 - Tennessee
- Region 40 - Texas - Dallas
- Region 42 - Virginia
- Region 49 - Texas - Austin
- Region 51 - Texas - Houston
- Region 54 - Chicago

The text of the Petition is available at: <http://fjallfoss.fcc.gov/ecfs/document/view?id=7020383778>

## **APCO, IACP, and IAFC Oppose Sprint's Request to Remain on Interleaved Frequencies After March 31**

The Association of Public-Safety Communications Officials (APCO) International, the International

Association of Chiefs of Police (IACP), and the International Association of Fire Chiefs (IAFC) filed a joint response to Sprint's request to remain on the "interleaved" 800 MHz frequencies after March 31, 2010 in 21 NPSPAC Regions.

The Joint Opposition notes that there is a tremendous pent-up demand for 800 MHz frequencies particularly in the major metropolitan areas. Few if any "Nextel-vacated" frequencies have been made available in those areas and those that were made available were quickly licensed by public safety agencies. In establishing the March 31, 2010, deadline on which Sprint would have to vacate all its spectrum holdings below 862 MHz nationwide, the FCC stated that doing so gave public safety "certainty regarding when the spectrum would be available."

Sprint's request removes that certainty and lengthens the amount of time that public safety is susceptible to the source of radio interference rebanding was intended to prevent.

A copy of the opposition is available at: <http://fjallfoss.fcc.gov/ecfs/document/view?id=7020385346>.

## FCC Approves One NPSPAC Streamlined Plan Amendment

The FCC approved Region 4's (Arkansas) streamlined NPSPAC Plan amendment on February 19. The text of the Public Notice is available at:

[http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DA-10-285A1.doc](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-10-285A1.doc)

## 700 MHz Updates

Fifty-four of the 55 Regions have either held or set the date for their first meeting. One Region has selected a convener but not yet set a date for the first planning meeting. Thirty-two Regional Plans have been approved; two Regional Plans are now pending.

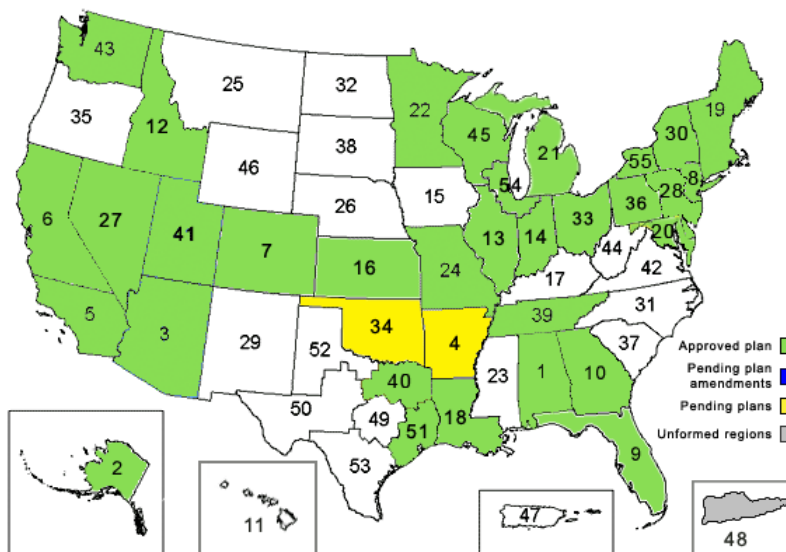
In January, the FCC approved the following 700 MHz Regional Plan: Region 36 (Western Pennsylvania) approved on January 5, 2010.

[http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DA-10-4A1.doc](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-10-4A1.doc)

The FCC placed the following 700 MHz Regional Plan on Public Notice in February:

Region 34 (Oklahoma) placed on Public Notice on 2/25/10; Comments due March 17; Replies due March 29. Text of the Public Notice is available at:

[http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DA-10-317A1.doc](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-10-317A1.doc)



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

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American Association of State Highway and Transportation Officials | American Radio Relay League | Association of Fish and Wildlife Agencies | Association of Public Safety Communications Officials | Forestry Conservation Communications Association | International Association of Chiefs of Police | International Associate 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 Sheriffs' Association | National Emergency Number Association

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