



NPSTC

National Public Safety Telecommunications Council

Regulatory Update

August 2009

Senate Confirms Appointments of Clyburn and Baker As FCC Commissioners

Mignon Clyburn and Meredith Attwell Baker received Senate confirmation on July 24. These confirmations fill the remaining two seats of the five-seat panel of FCC Commissioners bringing the Commission to full strength.



Baker is the former acting head of the National Telecommunications and Information Administration (NTIA) and is filling the unexpired term of former FCC Chairman Kevin Martin. That term runs through June 30, 2011.

Clyburn is a South Carolina utility regulator and daughter of House Majority Whip James Clyburn (D-SC). She fills the seat vacated by Deborah Tate for a full 5-

year term. Clyburn was sworn in at a ceremony in South Carolina on August 3, while Baker was sworn in on July 31.



FCC Chairman Genachowski Announces Top Bureau Appointments

FCC Chairman Julius Genachowski filled the top level positions in the Public Safety & Homeland Security Bureau (PSHSB) in July.

PSHSB Chief Rear Admiral (ret.) Jamie Barnett served in the U.S. Navy and Navy Reserve for 32 years, retiring in 2008. Most recently, Admiral Barnett was a Senior Research Fellow at the Potomac Institute for Policy Studies.

Deputy Chief David Furth has served at the FCC since 1992 and in the PSHSB since its formation in 2006. Mr. Furth has been Acting Chief of the Bureau since January of this year. Prior to that, Mr. Furth had been closely involved with the 800 MHz rebanding proceeding and the 700 MHz rulemaking proceedings. Before joining the PSHSB, Furth held various positions in the Wireless Telecommunications Bureau including Deputy Chief and Chief of the Commercial Wireless Division.

Deputy Chief Jennifer Manner's background includes regulatory policy advisory positions at several telecommunications companies, an Attorney-Advisor at the FCC, and as FCC Commissioner Kathleen Abernathy's Senior Council having responsibility for wireless, technology, and international issues.

FCC Focusing on National Broadband Plan

In adopting legislation to make stimulus funding available, Congress also set a deadline for the FCC to develop a National Broadband Plan to ensure that everyone in the U.S. has access to broadband capability. Broadband access for public safety and homeland security will be one aspect of that national plan. With the February 17, 2010, deadline less than 6 months away, the FCC is focusing on gathering the input needed to develop the National Broadband Plan.

The first information received came from comments filed during June and July in response to a Notice of Inquiry (NOI). The FCC is urging any interested party to continue to file ex parte comments in the NOI, and is particularly interested in comments addressing:

- Analysis of trade-offs among approaches
- Strategies for implementing ideas
- Analysis of current and future spectrum allocations
- Costs of deployment
- What applications are most needed

In addition, the Commission is holding a series of broadband workshops; has launched a broadband website (<http://www.broadband.gov/>) and broadband blog. The first workshop addressing Public Safety and Homeland Security is scheduled for August 25 in Washington, D.C.

The workshop schedule and instructions for registering or joining the webinars is available at: <http://www.broadband.gov/workshops.html> . The broadband blog is available at: <http://blog.broadband.gov/>

NPSTC filed comments to the Broadband NOI in July and Ralph Haller, Chair of NPSTC, will participate in the August 25th workshop.

FCC Seeking Comment on Waivers Seeking Early Deployment of Broadband 700 MHz Public Safety Systems

The FCC has released a Public Notice asking for public comment on the 13 pending waivers which seek permission to deploy broadband systems in the 700 MHz band prior to a decision in the pending docket on the D Block auction and the requirements of a public/private nationwide interoperable broadband public safety network. The FCC is seeking comment on each of the following early deployment waivers:

- City of Boston
- City and County of San Francisco, City of Oakland, and City of San Jose (Bay Area)
- City of New York
- District of Columbia

City of Chesapeake, Virginia
City of San Antonio, Bexar County and Comal County
City of Charlotte, North Carolina
Iowa Coalition (12 Counties and the City of Cedar Rapids)
State of New Jersey
State of New York
State of New Mexico
State of North Dakota

Many public safety agencies have the need and funding to develop a localized broadband network now but cannot because the spectrum is licensed to the PSBL (PSST) which has no funding for a build out. Thirteen of these agencies have filed waivers asking to be allowed to deploy broadband systems in the 700 MHz public safety spectrum now. A key element of any such waiver request is how an early deployed system will fit into a future nationwide network. Appendix A of the Public Notice outlines particular concerns that the Commission would like commenters to address:

Should the FCC act on the early deployment waivers before finalizing the pending docket?

If so, what waiver conditions or other measures would avoid prejudicing issues pending in the docket?

Should the waiver conditions be identical for each applicant?

Some licensees seek "sub-licensing" of the PSST with all the rights of a direct licensee; others suggest long-term leasing arrangements; one seeks direct licensing of the spectrum. Commenters are asked to address the pros and cons and possibilities of these licensing proposals.

Early build-out was addressed in the 2007 Report & Order in Docket 06-229. How can those rules be applied to the pending waivers?

If the waivers were granted, what waiver conditions would be needed to guarantee that each could be integrated into a future nationwide or regional network?

---How should any costs associated with that integration be addressed?

---Should cost relief be tied to ensuring interoperability with a future national or regional network?

Should the waiver petitioners be responsible for paying the relocation costs of any incumbent narrowband 700 MHz licensees?

Is there sufficient detail in the waiver requests for the Commission to act or should additional information (such as funding or technical information) be requested?

Should waiver conditions related to interoperability (such as a common air interface, interoperability standards, common technical or governance structures) be adopted?

Some waivers overlap one another geographically; should the FCC require coordination with adjacent jurisdictions; limit waivers to states? How should the FCC address multiple requests from jurisdictions that cover the same geographic area?

If granted, how can the FCC monitor deployment to ensure that the waiver conditions are met?

Are the waiver Petitioners' proposed users eligible to operate on the network under the 700 MHz Public Safety eligibility rules?

One of the waivers was from a commercial entity (Flow Mobile) seeking to deploy a broadband system in the state of North Dakota using both the broadband and narrowband state allocations. Subsequently North Dakota filed its own waiver proposing the same. The FCC asks for comments on these aspects of those waivers:

Is Flow Mobile eligible to apply for a waiver to use the public safety spectrum?

Are the "commercial and residential services" mentioned in Flow Mobile's waiver eligible to use the spectrum?

How would deploying broadband on the narrowband general use spectrum impact adjacent states/regions deployment of narrowband systems?

Is a proposed "4-G-Like" network consistent with the FCC's interoperability and integration goals?

While all 13 waivers are combined in this public notice, comments can be filed specific to a particular waiver or addressing the waivers in general. Comments are due October 16; Replies are due November 16. The text of the Public Notice is available at:

http://fjallfoss.fcc.gov/edocs_public/attachmatch/DA-09-1819A1.doc



Industry Canada Finalizes New 700 MHz Public Safety Band Plan

Industry Canada has finalized its decision on a new 700 MHz band plan to harmonize with the U.S. 700 MHz band plan. The decision also addressed transition measures. Industry Canada's plan does the following:

Designated the bands 770-776 (TV Channel 64) and 800-806 (TV Channel 69) for public safety, in addition to already designated bands 764-770 (TV Channel 63) and 794-800 (TV Channel 68).

Originally proposed a band plan that would align with the U.S. band plan for narrowband and interoperability operations in 769-775 MHz and 799-805 MHz, and also proposed 775-776 & 805-806 MHz be allocated to public safety. A general band plan was adopted for 768-776/798-806 MHz with the specific channel layout, channel aggregation rules, and technical parameters to be established in consultation with the Radio Advisory Board of Canada. Both wideband and narrowband operations will be permitted in 768-776/798-806 MHz; the primary objective is to satisfy narrowband requirements but wideband operation will also be permitted at the discretion of the Regional Offices. Operations in 764-768/794-798 MHz, which partially aligns with U.S. public safety broadband allocation, will be subject to a future consultation.

Will require Analog TV in Channels 63, 64, 68, and 69 to cease operations on August 31, 2011. Spectrum at 770-776/800-806 MHz (TV Channels 64/69) is available immediately in most of Canada. Annex A of the decision lists full power and low power TV stations currently on the air in Canada and DTV transitional allotments in Channels 64 and 69.

Will allow Low Power TV Stations (LPTV) operating in the public safety spectrum to continue to operate as secondary to public safety operations but require they must either move to another channel or cease operation if they cause interference.

Will allow wireless microphone, wireless cameras, and other low power licensed devices operating in TV Channels 63, 64, 68, and 69 to continue to operate as secondary to public safety. These operations will be addressed separately in the future.

Will implement the following public safety transition plan where spectrum is available under the new band plan: New systems will be authorized under the new band plan. Existing operations can continue to operate under the old band plan but must move to the new band plan no later than 2 years after publication of "this SP." Where spectrum is not available under the new band plan: New systems will be licensed under the old band plan. Existing systems can continue to operate under the old band plan. All licensees will be required to move to the new band plan no later than 1 year after the DTV transition date.

The text of the decision is available at: <http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf09553.html>

FCC Proposes to Amend Part 101 to Accommodate 30 MHz Channels in the "Upper" 6 GHz Band

In response to a Petition for Rulemaking (PFR) filed by the Fixed Wireless Communications Coalition (FWCC), the FCC is seeking comment on a proposal to allow applicants in the Upper 6 GHz band (6525-6875 MHz) to operate on bandwidths up to 30 MHz. Currently, operations in the Upper 6 GHz band are limited to a maximum bandwidth of 10 MHz.

The lower 6 GHz band permits operations with a maximum bandwidth of 30 MHz. Because the lower 6 GHz band has become increasingly congested, several applicants have sought and been granted waivers to operate at 30 MHz in the upper 6 GHz band. The FWCC petition seeks to amend the rules to allow wider band operations in the Upper 6 GHz band without a waiver.

Waivers usually mean a longer processing time and additional licensing costs for the applicant, nor are applicants seeking a waiver able to deploy prior to licensing under the conditional licensing provisions. Conditional licensing is important because fixed microwave facilities often have to be installed on short notice to meet public safety, critical infrastructure, or commercial needs.

FWCC asserts that applicants seeking high-speed links have no alternative other than the 6 GHz band. The petition asks that 30 MHz bandwidth in the Upper 6 GHz band be permitted only if they cannot be accommodated in the lower 6 GHz band. Comments are due August 21; Replies are due September 8, 2009. The text of the NPRM is available at:

http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-09-58A1.doc.

700 MHz Updates

Fifty-three of the 55 Regions have either held or set the date for their first meeting. Two Regions have selected conveners but not yet set a date for the first planning meeting. Twenty-two Regional Plans have been approved; eight Regional Plans are now pending.

One 700 MHz Regional Plan Put on Public Notice and One Approved

The FCC placed one 700 MHz Regional Plan on Public Notice in July and has approved one Plan as of this date in August. On Public Notice: Region 41 (Utah). Comments due August 13, 2009; Replies due August 24, 2009. The text of the Public Notice is available at:

http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-09-1605A1.doc

Approved: Region 30 (Eastern NY). Approved August 6. The text of the Public Notice is available at:

http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-09-1760A1.doc

The following plan amendment was approved in early August: Region 39 (Tennessee). Approved August 6. The text of the PN is available at: http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-09-1761A1.doc

Comment Sought on Region 24 (Missouri) Petition for Rulemaking

Region 24 (Missouri) filed a PFR in May of this year seeking to extend the state license build-out deadlines and the 700 MHz spectrum efficiency deadlines by about 18 months. The original deadlines were based on the original TV clearing date of December 31, 2006. Region 24 argued that the state construction and the spectrum efficiency deadlines should be extended because the DTV transition didn't actually occur until June 12, 2009.

The FCC has placed Region 24's Petition on Public Notice for comment. Comments are due August 28. The text of the PN is available at: http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-292306A1.doc

Region 24's petition is available at: http://fjallfoss.fcc.gov/prod/ecfs/retrieve.cgi?native_or_pdf=pdf&id_document=6520216647

Two Non-Streamlined Plan Amendments Put on Public Notice

If a Region modified its 800 MHz Plan in any way other than shifting the original allotments down 15 MHz, the modifications were ineligible for streamlined review. These non-streamlined amendments were subject to adjacent Region concurrence and formal Public Notice processes.

In August, the FCC put the following NPSPAC plan amendments on Public Notice: On August 10, Region 24 (Missouri). Comments due August 31; Replies due September 10. Text of the PN is available at: http://fjallfoss.fcc.gov/edocs_public/attachmatch/DA-09-1783A1.doc

On August 12, Region 22 (Minnesota). Comments due September 1; Replies due September 11; Text of the PN is available at: http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-09-1798A1.doc

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

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

National Public Safety Telecommunications Council | 8191 Southpark Lane | Unit 205 | Littleton | CO | 80120