



National Public Safety Telecommunications Council

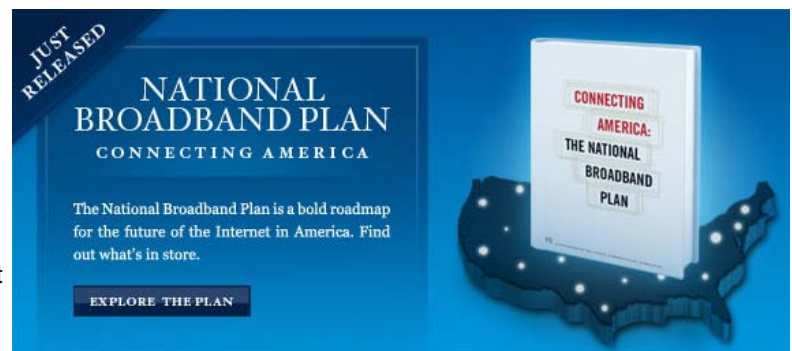
Regulatory Update

February/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.

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

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

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

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 to determine whether the device is currently operating in 700

MHz and whether or not it can be returned 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

The text of the Order is available at: 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

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 are due March 8. The text of the Public Notice is available at: 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, IAC, 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> is seeking comment on the Petition for Rulemaking filed by the State of Louisiana asking that the 6.25 kHz efficiency deadlines in the 700 MHz band be deferred until January 1, 2025.

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:

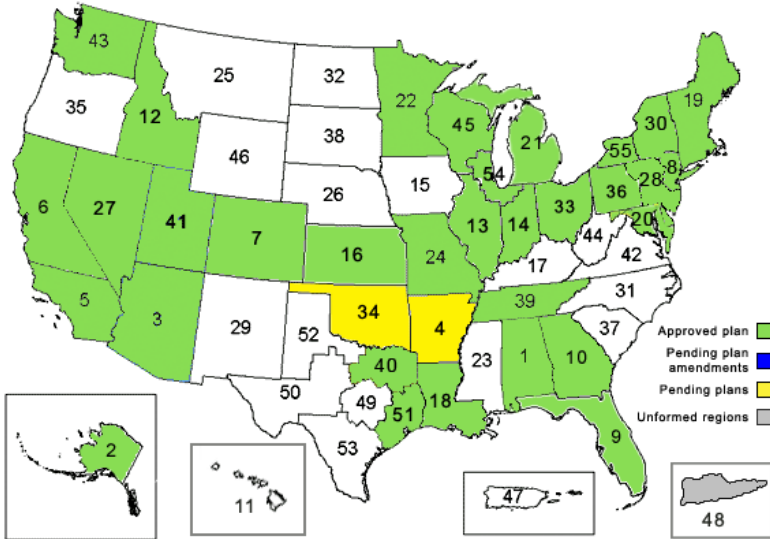
http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-10-285A1.doc

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

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



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