



# NPSTC

*National Public Safety Telecommunications Council*

## Regulatory Update

May/June 2010

### House Introduces Bill To Allocate 700 MHz D Block to Public Safety



A bi-partisan bill to allocate the 700 MHz D Block to public safety was introduced into the House of Representatives in late April. The spectrum would be used for the development of a nationwide interoperable public safety broadband network. The bill "Broadband for First Responders Act of 2010 (H.R. 5081)" has been referred to the House Committee on Energy and Commerce. A companion bill has not yet been introduced in the Senate.

Many public safety organizations including Association of Public Safety Communications Officials - International (APCO), the International Association of Fire Chiefs (IAFC), the International Association of Chiefs of Police (IACP), the Major City Chiefs, (MCC), the National Governor's Association (NGA), National League of Cities (NLC), and the Metropolitan Fire Chiefs Association have come out in support of the House bill and are urging their memberships to contact their Congressional representatives to both support the House bill and urge introduction of a companion bill in the Senate.

APCO's website [http://www.apco911.org/new/government/dblock\\_calltoaction.php](http://www.apco911.org/new/government/dblock_calltoaction.php) includes links to a sample letter and talking points to be used when contacting Congressional representatives.

### FCC Announces Broadband Agenda

The FCC has announced an agenda for more than 60 rulemaking and other proceedings to implement the key recommendations of the National Broadband Plan. The FCC will focus on the following:

- Pursue an additional 500 MHz of spectrum for mobile broadband within the next ten years
- Improve the transparency of spectrum utilization and allocation
- Facilitate creation of a nationwide interoperable public safety wireless broadband network

Specific details are available at

<http://www.broadband.gov/plan/broadband-action-agenda.html> FCC actions can be tracked at:  
<http://www.broadband.gov/plan/chart-of-key-broadband-action-agenda-items.pdf>

### Twenty-One Broadband Early Deployment Waivers Approved

The FCC has approved 21 broadband early deployment waivers allowing those agencies to begin broadband deployment on the public safety broadband spectrum. Waiver grantees must work closely

with the FCC's Emergency Response Interoperability Center (ERIC) as they plan their deployments. The FCC denied Flow Mobile's early deployment waiver because it, as a commercial entity, is not eligible to operate on the public safety spectrum.

Some of the conditions placed on the broadband early deployment waivers are:

- Conformance with initial technical requirements including: Use of Long Term Evolution (LTE) air interface standard; Nationwide network interoperability; Use of certain system characteristics including security features; and Network support of certain applications (access to the Internet, access to an incident command system; access to field-based server applications)
- Provision of service or access to all public safety entities within the network coverage area
- Submission of conformance testing and technical deployment plans to (ERIC), including plans for achieving and maintaining interoperability with all the PS broadband early deployments
- Participation in demonstration network testing sponsored by the NIST/NTIA Public Safety Communications Research program and the District of Columbia
- Execution of a standard spectrum lease agreement with the Public Safety Spectrum Trust (PSST), the PS broadband licensee. The PSST may charge a limited administration fee
- Submission of quarterly progress reports to the FCC



The text of the News Release is available at:

[http://fjallfoss.fcc.gov/edocs\\_public/attachmatch/DOC-298124A1.doc](http://fjallfoss.fcc.gov/edocs_public/attachmatch/DOC-298124A1.doc) The text of the Order is available at:

[http://fjallfoss.fcc.gov/edocs\\_public/attachmatch/FCC-10-79A1.doc](http://fjallfoss.fcc.gov/edocs_public/attachmatch/FCC-10-79A1.doc)

## FCC Emergency Response Interoperability Center (ERIC)

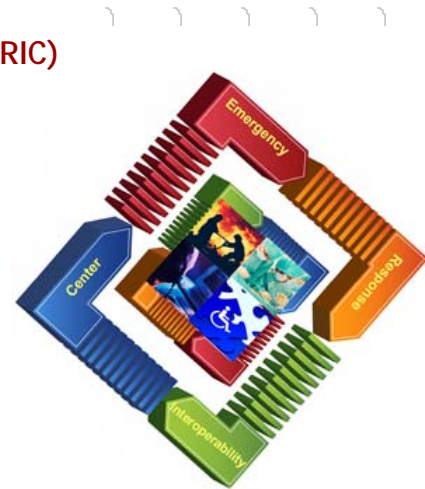
The FCC has established an Emergency Response Interoperability Center (ERIC) within the Public Safety and Homeland Security Bureau (PSHSB). ERIC's responsibilities will be to implement national interoperability standards and develop operational and technical procedures for the 700 MHz public safety broadband network. The Chief of the PSHSB was given authority to select appropriate representatives from the public safety community, industry, and federal agencies to advise ERIC.

The text of the News Release is available at:

[http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DOC-297707A1.doc](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-297707A1.doc)

The text of the Order is available at:

[http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/FCC-10-67A1.doc](http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-10-67A1.doc)



## White Paper on Economically Viable Way To Build Nationwide PS Broadband Network

The FCC has developed and released a White Paper offering a detailed analysis of how its plan for funding and creating the national Public Safety broadband network would meet public safety's needs for affordability, reliability and accessibility while providing substantial savings in capital and operating expenditures. The study demonstrates that the FCC's recommendation to piggy-back on a

simultaneous commercial buildout would cost about \$6.5B over 10 years - a savings of \$9.2B over the projected \$15.7B cost to build a stand-alone system.

The News Release is available at:

[http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DOC-297710A1.doc](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-297710A1.doc) The White Paper is available at:  
[http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DOC-297709A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-297709A1.pdf)

## **FCC Provides Additional Guidance To PS Broadband Early Deployment Waiver Grantees on Interoperability Showings**

A few days after the early deployment waivers were granted, the FCC released a Public Notice giving further guidance on the interoperability showings required as part of the waiver grant. Waiver recipients will have 30 days from the date of a future Public Notice to provide the required showings to ERIC. ERIC will analyze the interoperability showings to ensure that they are compliant with the waiver order.

Text of the Public Notice is available at:

[http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DA-10-923A1.doc](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-10-923A1.doc)

## **FCC Seeks Comment on Interoperability, Out of Band Emissions, Equipment Certification for PS Broadband Networks**

The FCC is seeking comment on various aspects of the technical rules for interoperability related to the public safety broadband early deployment waivers which will eventually tie into a nationwide public safety broadband network. The Commission is trying to determine which standards requirements should be incorporated into the Code of Federal Regulations and how to accommodate technical evolution. Comment is sought on:

### **Interoperability**

- Applications: Are the applications identified by the NPSTC Broadband Task Force sufficient to promote nationwide interoperability? Should they be required by rule for the nationwide network? Are some unnecessary; are additional applications needed?
- Roaming: Should ERIC develop a common roaming agreement?
- Priority Access: Was not addressed in the Waiver Order but is envisioned to be standardized, required, and supported among PS networks. What are the technical requirements?
- System characteristics, interfaces and testing: Comment is sought on the requirements established in the Waiver Order. Should these be in the final rules?
- Security: Network security features have to be established by ERIC; what features are necessary for optimal network security?
- Performance, Reliability, Capacity, and Coverage: These features were not addressed in the Waiver Order; what requirements should the FCC establish for the PS broadband network or devices used on the network, if any?
- Nationwide Core: Each waiver recipient is required to use LTE and the "Evolved Packet Core" (EPC) for their regional networks. Should there be a nationwide core created to achieve a nationwide interoperable PS broadband network?
- Network Operations, Administration, and Maintenance (OA&M): The Waiver Order did not address the operational and technical aspects of OA&M. Should ERIC standardize operational models?
- Governance: How can the FCC ensure a governance structure that promotes interoperability?

### **Out-of-Band Emissions (OOBE)**

In the Waiver Order, the FCC specified  $43 + 10\log P$  dB as the OOBE limit for operations in the Public Safety Broadband (PSBB) Block. Should this limit be applied to the PSBB Network? If more stringent

limits are placed on the PSBB Block, would it be possible to eliminate a guardband between the D Block and the PSBB Block? Would it be more costly?

### Equipment Certification

In the Waiver Order, the FCC waived the equipment certification requirements of 90.203 and instead required manufacturers to meet the technical requirements of 3 GPP Release 8 LTE pending final rules. How would equipment deployed before final rules are adopted be impacted if changes are made? How do manufacturers and the licensees intend to address the evolution of the 3GPP standard so that there is minimal impact on deployed equipment? Should the FCC require the public safety network operators to use processes to qualify user devices so that they will be able to roam onto specific commercial networks as well as the PS network?

Comments are due June 17. The Public Notice is available at:

[http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DA-10-884A1.doc](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-10-884A1.doc)

### Effective Date of Coordination Exemption For Narrowbanding-Only Applications Subheading



As of May 14, 2010, licensees who wish to modify their licenses to change from 25 kHz analog operations to 12.5 kHz analog operations may do so online using the FCC's Universal Licensing System (ULS) without receiving frequency coordination. The coordination exemption applies only to changes in emission that convert from wideband analog to narrowband analog operations.

Narrowbanding that converts a system from analog to digital operations must receive frequency coordination. If a licensee attempts to make any online changes to the license other than the change to the emission designator the application will be dismissed.

### Proposed Modifications to Antenna Construction, Marking, Lighting Part 17

As part of its biennial review of its regulations and in response to a Petition for Rulemaking filed by PCIA, the FCC is seeking comment on proposals to simplify, streamline, and clarify Part 17 rules related to antenna structure registration, construction, marking, lighting, maintenance, and other matters. A Notice of Proposed Rulemaking was released in April. Among the proposed changes are:



#### Tower Registration

- Clarify that any change in site coordinates of more than 1 degree or change in antenna height of more than 1 foot requires prior approval from both the FAA and the FCC
- Should the rules require that the tower information supplied on the tower registration form be accurate to within 1 second/1foot?
- Should the FCC require tower owners to use a particular survey method?
- Eliminate the requirement that tower owners provide tenants with paper copies of the Antenna

Structure Registration (ASR). Instead the tower owner can notify tenants electronically and provide a link to the FCC's ASR website

### Inspection and Maintenance of Lighting

- Should the FCC remove the existing requirement that the tower owner visually inspect the tower lighting quarterly?
- Should the FCC establish a specific time limit for tower owners to repair tower lighting? Current rules say "as soon as possible"

### Tower Painting Maintenance

- Should the rules be amended from requiring painting "as often as necessary to maintain good visibility" to require use of the FAA's "In Service Aviation Orange Tolerance Chart" to determine whether or not a tower needs painting

### Definitions

- Clarify that the "tower owner" is the owner of the "underlying structure that supports or is intended to support antennas and other appurtenances"
- Clarify that a structure will continue to be considered an antenna structure and subject to Part 17 until it has been dismantled whether or not it is being used

The NPRM was published in the Federal Register on May 22. Comments are due July 20; Replies are due August 19. The text of the NPRM is available at:

[http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/FCC-10-53A1.doc](http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-10-53A1.doc)

## Decision on Puerto Rico 800 MHz Band Plan Released

The FCC has released a decision on a modified 800 MHz band plan and reconfiguration schedule for Puerto Rico. Details are these:

- All NPSPAC licensees currently licensed in 866-869/821-824 MHz will be relocated to the new NPSPAC band in 851-854/806-809 MHz
- Incumbents in 851-854/806-809 MHz will be relocated to frequencies above 854 MHz
- Licensees currently operating in 854-862 MHz will not be impacted except for any ESMR incumbent relocating to the ESMR band
- Non-ESMR/non-public safety incumbents operating in the Expansion Band (860/815.0125-861/817.4875) will remain on their current frequencies
- Licensees in the guard band (861/817.5125-861.817.9875) can relocate to frequencies below 861/817.5125
- All non-ESMR licensees currently licensed in the ESMR band (862-866/817-821 MHz) will be relocated to non-NPSPAC frequencies below 862/817 MHz
- All Puerto Rico licensees are subject to a single 90-day mandatory negotiation period which will commence 60 days after the effective date of the decision. If no agreement is reached during the mandatory negotiation period a mandatory TA-sponsored mediation will begin
- An 18-month transition period has been established to complete Puerto Rico band reconfiguration. The reconfiguration timeline will start 60 days after the effective date of the decision (90 days after publication in the Federal Register). The transition will begin with 3 months of negotiations followed by 15 months of implementation
- An application freeze for new applications in Puerto Rico will extend until 30 days after the completion of mandatory negotiations. Licensees in Puerto Rico can expand their systems or apply for new authorizations during the freeze by seeking Special Temporary Authority (STA). Requests for STA must demonstrate that without the new or expanded system there would be a "specific, material and serious adverse effect on the safety of life or property"
- The TA must develop a detailed band reconfiguration timetable for Puerto Rico within 30 days of

the effective date of the decision (60 days from Federal Register publication). The timetable must include milestones for each stage of reconfiguration

The 3rd Report & Order adopting the Puerto Rico band plan also included a 3rd Further Notice of Proposed Rulemaking asking for comment on whether or not to adopt the same band plan for the US Virgin Islands (Region 48). Comments on the Further Notice are due 30 days after publication in the Federal Register; replies are due 60 days after Federal Register publication. The text of the decision is available at:

[http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DA-10-695A1.doc](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-10-695A1.doc)

## Canadian Border Rebanding Power Issues Require License Modifications

Due to license reviews occurring as part of the rebanding process, the FCC is discovering licenses operating in the Canadian border (within 140 km of Canada) that have been granted in error. In some cases, licensees were operating on Canadian primary frequencies at power levels that exceeded the maximum Power Flux Density (PFD) or were operating at ERPS that were not compliant with the international agreement with Canada. In some cases, the FCC determined that mobile units were operating on Canadian primary frequencies within 30 km from the Canadian border.

In several Orders released this month, the Commission is announcing its intention to modify these existing licenses to reduce the authorized power and/or restrict mobile operations. If the licensees mentioned in the Orders do not protest the modification within 30 days of the release of the Order, the license modification will take place. Licensees intending to protest must provide a written statement of protest and offer an alternate method for bringing their operations into compliance or demonstrate that the proposed modification is not in the public interest.



Links to some of the affected licensees are provided for reference purposes:

King County, WA. Text of the Order

[http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DA-10-858A1.doc](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-10-858A1.doc)

Washington State. Text of the Order:

[http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DA-10-861A1.doc](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-10-861A1.doc)

Oakland County, MI. Text of the Order:

[http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DA-10-857A1.doc](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-10-857A1.doc)

Commonwealth of Pennsylvania. Text of the Order:

[http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DA-10-854A1.doc](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-10-854A1.doc)

State of New York, Office For Technology. Text of the Order:

[http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DA-10-859A1.doc](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-10-859A1.doc)

## 700 MHz Regional Planning Update

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-three Regional Plans have been approved; three Regional Plans are now pending.

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