

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

In the Matter of

Public Safety and Homeland Security	)	
Bureau Seeks Comment on Transition	)	
Process for 700 MHz Public Safety	)	PS Docket No. 12-94
Broadband Waiver Recipients	)	

To: Public Safety and Homeland Security Bureau

**COMMENTS OF THE TELECOMMUNICATIONS**  
**INDUSTRY ASSOCIATION**

The Telecommunications Industry Association (“TIA”) hereby submits comments in response to the Federal Communications Commission (“Commission”) *Public Notice* (“PN”) in the above-referenced proceeding.<sup>1</sup> We congratulate the Commission in taking the important step in determining the path forward for 700 MHz Waiver Recipients and Applicants in order to ensure that their networks are interoperable with the future national public safety broadband network (“PSBN”).

**I. INTRODUCTION AND SUMMARY**

TIA is the leading trade association for the information and communications technology (“ICT”) industry, whose hundreds of member companies manufacture or supply the products and

---

<sup>1</sup> *Public Safety and Homeland Security Bureau Seeks Comment on Transition Process for 700 MHz Public Safety Broadband Waiver Recipients*, PS Docket No. 12-94, DA 12-555 (rel. Apr. 6, 2012) (“PN”).

services used in global communications across all technology platforms. TIA represents its members on the full range of public policy issues affecting the ICT industry and forges consensus on industry standards. For over 80 years, TIA has enhanced the business environment for broadband, mobile wireless, information technology, networks, cable, satellite, and unified communications. TIA has numerous members which have and continue to enable early 700 MHz PSBN deployments. TIA is also a standards development organization accredited by the American National Standards Institute.

TIA is a long-time supporter of the various jurisdictions that have taken steps to early deploy public safety broadband networks and the diligent efforts of the Commission to realize a nationwide network under the Middle Class Tax Relief and Job Creation Act of 2012 (“Act”).<sup>2</sup> TIA supports, on a case by case basis, Commission actions that lead to early deployments that are determined to be interoperable. As described below, subject to certain conditions, and with interoperability a primary concern, we believe that a path exists for both Waiver Recipients and Applicants to proceed with planned deployments, and for their networks to fully interoperate with the future national PSBN. Importantly, TIA supports ensuring that any authorized early deployments be capable of incorporation into the national network architecture. The Commission should determine this based on a case-by-case determination, which prioritizes:

- (i) The interoperability of early deployments with each other, and their commitment to interoperate with the forthcoming national network, and
- (ii) Avoiding unnecessarily wasting past, present, and future investments, both on the part of Waiver Grantees and Applicants as well as the United States government.

---

<sup>2</sup> See Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156 (2012) (“Act”).

**II. THE COMMISSION SHOULD ALLOW EXISTING WAIVERS TO CONTINUE AND GRANT PENDING WAIVERS BASED UPON FACT-SPECIFIC DETERMINATIONS OF INTEROPERABILITY**

TIA applauds the Commission for seeking public comment on how to address incumbents in the 758-763 MHz/788-793 MHz and 763-769 MHz/793-799 MHz bands as it, the National Telecommunications and Information Administration (“NTIA”), and the First Responder Network Authority (“FirstNet”) move forward with implementation of the Act. We believe that the Commission’s efforts to ensure interoperability among waiver jurisdictions and the forthcoming nationwide PSBN to be deployed by FirstNet are essential and obtainable. This could extend enhanced public safety protections for the citizens of jurisdictions which are Waiver Recipients in advance of the national PSBN being completed and operational. At the same time, with appropriate conditions, it would ensure their eventual integration into the PSBN, resulting in nationwide interoperability.

In the PN, the Commission proposes a number of paths forward. TIA does not support the Commission issuing a blanket stay to halt all Waiver Recipients’ deployments as proposed in the PN, but urges that individual proposals be evaluated based upon potential for interoperability.<sup>3</sup> Furthermore, while the PN limits its scope to consideration of Waiver Recipients, TIA does not believe that the Commission should halt in its considerations to grant pending waivers. Because the Act did not alter the Commission’s authority to proceed with these waivers, but directed it only to “take all actions necessary to facilitate the transition” of the

---

<sup>3</sup> PN at 3.

existing public safety broadband spectrum to FirstNet,<sup>4</sup> TIA believes that the Commission has a mandate for the continued assessment and support of any waiver, whether granted or pending. To wholly refuse to allow continued progress of granted or pending waivers would inevitably waste resources already invested by various Waiver Recipients and Applicants who have undergone planning and design steps or have existing or planned deployments. In other words, TIA believes that as the Commission prudently proceeds towards enabling early deployment, while ensuring interoperability with the future PSBN, it will be taking “another step towards development of a nationwide, wireless, broadband interoperable public safety network.”<sup>5</sup> Further, given the benefits of quicker deployments of systems ensured to be interoperable with the PSBN, it would clearly be in the public interest as those jurisdictions will sooner enjoy the benefits of enhanced public safety communications.<sup>6</sup>

Instead, we advocate that a case-by-case determination be employed that, while considering the overall circumstances for each Waiver and the appropriateness of continued commencement of deployments, prioritizes interoperability and other crucial factors discussed below.

---

<sup>4</sup> Act at § 6201(c).

<sup>5</sup> *See, e.g.*, Requests for Waiver of Various Petitioners to Allow the Establishment of 700 MHz Interoperable Public Safety Wireless Broadband Networks, PS Docket 06-229, Order, 26 FCC Rcd 6783 (PSHSB 2011).

<sup>6</sup> We note that the Government Accountability Office has recently stated that they have found a consensus among “some waiver jurisdictions, experts, government officials, and others” that “it will likely be 10 years or more” before Long Term Evolution (“LTE”) will support mission critical voice communications. *See* GAO Report to Congressional Requesters – Emergency Communications: Various Challenges Likely to Slow Implementation of a Public Safety Broadband Network (2012) at 22, available at <http://www.gao.gov/assets/590/588795.pdf> (“GAO Report”).

a. *The Commission Should Make Its Utmost Priority Ensuring Interoperability  
When Evaluating Early Deployment Waivers*

First, consistent with its statutory obligations, the Commission’s priority should allow further early deployment activity only upon a determination of interoperability.<sup>7</sup> Toward this end, TIA recommends that the Commission condition all current Waiver Recipients’ early deployments and any future authorizations for early deployment on a continuing requirement of compliance with interoperability standards and specifications as they are developed by the Commission’s Technical Advisory Board for First Responder Interoperability (“Interoperability Board”), as transmitted to FirstNet., as well as future technical requirements to be adopted by FirstNet that ensure continued interoperability. We believe that this position is justified considering the Commission’s original grant of the waivers reserved the right to make further specifications on what each Waiver Recipient’s network must support as noted in the original granting Order.<sup>8</sup> TIA also supports that approval be predicated upon compliance with all interoperability requirements that existing waiver recipients must comply with, to the extent they do not conflict with the recommendations of the Public Safety Interoperability Board as transmitted to FirstNet. This logical step could lend towards interoperability amongst not only Waiver Recipients’ jurisdictions but the PSBN as a whole.

---

<sup>7</sup> See Spectrum Act § 6201(c).

<sup>8</sup> See Service Rules for the 698-746, 747-762 and 777-792 Bands; Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band, WT Docket No. 06-150, PS Docket No. 06-229, 25 FCC Rcd at 5153 ¶ 22 (2010).

Consistent with NTIA's statutory role in the development of a national public safety broadband network, the FCC should obtain NTIA's Public Safety Communication Research (PSCR) Labs' input. PSCR's expert analysis to the Commission regarding individual projects' interoperability offers key guidance on whether a waiver grantee's deployment is consistent with current technical requirements and can be modified to meet future ones.

In a recent letter to NTIA, TIA requested that the Administration open a public proceeding on PSBN and FirstNet implementation.<sup>9</sup> Further, to the extent all early deployments rely on commercial open-standards-based technology (i.e., 3GPP), it appears the biggest threat to the interoperability of the future nationwide network would arise in the event FirstNet itself fails to employ commercial open-standards-based technology, as the legislation recommends.

- b. *The Commission Should Ensure that Investments Made or Committed to Early Deployment Waivers Are Fully Enjoyed by the Future Public Safety Broadband Network*

The Commission should also ensure that it does not take any actions that would cause appropriate investment already made in early deployments to go to waste or squander FirstNet resources. Key to this is the Commission ensuring appropriate conditions permitting those networks to be interoperable with the nationwide network, as described above. Each of the Waiver Recipients and Applicants has made investments of varying degrees towards their

---

<sup>9</sup> Letter from TIA President Grant Seiffert to NTIA Administrator Larry Strickling (April 19, 2012), available at <http://www.tiaonline.org/sites/default/files/pages/TIA%20Letter%20-%20FirstNet%20Process%2041912%20FINAL.pdf>

planned network. Some of these investments are significant. It is essential that these valuable resources already invested not be wasted upon a determination of interoperability.

As the Commission has noted in the PN, three jurisdictions have already filed interoperability showings as required by their waivers, and have set begin-service dates.<sup>10</sup> Given the significant investments already made by Waiver Recipients, TIA supports waivers already granted having a presumption (subject to a case-by-case assessment of interoperability) that they should continue with their deployment plans. Clearly others have also expended significant resources on network planning and design. It is crucial that the Commission appropriately allow these important investments to be realized by the Waiver Recipient or Applicant as well as the network as a whole.

In the PN, the Commission specifically seeks comment on possible impact to Waiver Recipients' funding, including obligations such as those under the Broadband Technology Opportunities Program ("BTOP").<sup>11</sup> As noted in the most recent NTIA BTOP report to Congress, seven grants totaling approximately \$382 million have been awarded for projects to deploy public safety wireless broadband networks.<sup>12</sup> TIA believes that any arbitrary halt on the ability of all existing waiver recipients to build out would negatively affect those BTOP-funded grantees who continue to move forward on schedule most acutely, compounding issues already experienced by some BTOP-funded Waiver grantees that threaten some BTOP-funded projects

---

<sup>10</sup> PN at 3.

<sup>11</sup> PN at 3.

<sup>12</sup> NTIA, *Broadband Technology Opportunities Program (BTOP) Quarterly Program Status Report* (Mar. 2012) available at <http://www.ntia.doc.gov/files/ntia/publications/12th-btop-quarterly-congressional-report-march-2012.pdf> at 1 ("NTIA 4Q 2011 BTOP Report").

independent of this PN in particular, including those related to various requests for proposal and of a jurisdictional nature. In addition, TIA notes that NTIA has expended resources itself which could be put at risk if BTOP-funded 700 MHz PSBN early deployments are derailed. The agency has been and continues to conduct schedule, budget, and sustainability assessments, and works with these grantees.<sup>13</sup> Simultaneously, TIA recognizes that FirstNet and the Commission must view public investments holistically. As FirstNet will spend \$7 billion in building the nationwide network, they must steward these funds effectively and ensure that any approved early buildouts are deployed in a way that avoids stranded investments or other wasted funds to the greatest degree possible and maximizes the efficient use of scarce funding.

---

<sup>13</sup> NTIA 4Q 2011 BTOP Report at 12.



### III. CONCLUSION

We urge the Commission to consider the full range of circumstances that each Waiver Recipient and Applicant is under, on a case-by-case basis, with an emphasis on ensuring interoperability. For the foregoing reasons, TIA urges the Commission's to adopt the recommendations above.

Respectfully submitted,

**TELECOMMUNICATIONS INDUSTRY ASSOCIATION**

By: /s/ Danielle Coffey

Danielle Coffey  
Vice President, Government Affairs

Mark Uncapher  
Director, Regulatory and Government Affairs

Brian Scarpelli  
Manager, Government Affairs

**TELECOMMUNICATIONS INDUSTRY ASSOCIATION**  
10 G Street N.E.  
Suite 550  
Washington, D.C. 20002  
(202) 346-3240

April 20, 2012