

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
Implementing Public Safety Broadband) PS Docket No. 12-94
Provisions of the Middle Class Tax Relief and)
Job Creation Act of 2012)
)

To: The Commission

COMMENTS OF THE TELECOMMUNICATIONS
INDUSTRY ASSOCIATION

The Telecommunications Industry Association (TIA),¹ supported by approximately 500 participating members, is a trade association representing the ICT manufacturer, vendor, and supplier interest.² We appreciate the opportunity to respond to the Commission’s request for

¹ TIA is the leading trade association for the information and communications technology (“ICT”) industry, representing companies that manufacture or supply the products and services used in global communications across all technology platforms, as well as an American National Standards Institute-accredited standard development organization for the telecommunications industry. TIA represents its members on the full range of policy issues affecting the ICT industry and forges consensus on industry standards. Among their numerous lines of business, TIA member companies design, produce, and deploy a wide variety of devices with the goal of making technology accessible to all Americans.

² For an overview of the ICT market, technologies and policies that drive innovation and investment, please see TIA’s *2013 Policy Playbook* at <http://www.tiaonline.org/policy/tia-2013-playbook>.

comment on the First Responder Network Authority filing in this proceeding.³ As telecommunications manufacturers, operators and system integrators, our member companies are sources of expertise in addressing the broad range of communications network and service requirements, and have extensive experience in deploying advanced telecommunications infrastructure. As we have in the past, TIA appreciates this opportunity to share its insight in this proceeding with the Commission from the perspective of the equipment manufacturer and standard developer.⁴

TIA has strongly advocated in favor of the public safety spectrum provisions of the Middle Class Tax Relief and Job Creation Act of 2012 (“Act”).⁵ TIA has long supported the various jurisdictions that have taken early steps to deploy public safety broadband networks,⁶ as well as having supported the Commission’s case-by-case approach regarding waivers for those early deployments that demonstrate interoperability and other crucial factors. The Commission is to be commended for moving prudently toward enabling early deployment, while ensuring interoperability, with the future public safety broadband network. The Commission deserves considerable credit for setting the existing framework that enables the creation of the NPSBN.

I. TIA SUPPORTS BEGINNING EQUIPMENT CERTIFICATIONS

³ See, FCC Provides Opportunity for comment on First Responder Network Authority Filing in PS Docket 12-94 (rel August 19, 2013) “Public Notice”

⁴ See, 700 MHz Public Safety Broadband NPRM, et al., PS Docket Nos. 12-94, PS Docket No. 06-229, WT Docket No. 06-150 (rel. Mar. 8, 2013) (“NPRM”).

⁵ See, Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156 (2012) (“Act”).

⁶ See, Comments of TIA, PS Docket No. 12- 94 (filed April 20, 2012)

TIA supports the Commission moving expeditiously to end the equipment certification freeze initiated pending the adoption of rules. We strongly associate ourselves with FirstNet's identical conclusions on this point:

“...FirstNet supports swift Commission action to begin accepting and processing equipment authorizations in the newly combined spectrum (763-769/793-799 MHz and the former D Block). As the record shows, there is an imminent need for authorized equipment to meet the needs of jurisdictions that may deploy early. FirstNet concurs with the many commenters that urge the Commission to expedite a process to certify equipment for the FirstNet spectrum license.”⁷

FirstNet confirms the challenges facing First Responders purchasing devices with Band 14 capabilities, even though their existing broadband devices, including 3G devices used on commercial networks, are near or at the end of the product lifecycle. The certification freeze affects the ability of manufacturers to meet near-term demand for NPSBN-ready Band 14 LTE devices. TIA notes that existing FCC requirements now used for the approval of Band 13 devices provides an appropriate framework for Band 14 and will give assurance for quality, safety, and interoperability.⁸

Along with FirstNet, TIA supports the Commission taking appropriate interim measures to make equipment available to the public safety community.

⁷ See, Comments of the First Responder Network Authority (FirstNet), PS Docket 12-94 at 3 (Aug. 2, 2013).

⁸ See, TIA Comment to the FCC, 700 MHz Public Safety Broadband NPRM, PS Docket 12-94, May 24, 2013 <http://apps.fcc.gov/ecfs/document/view?id=7022417398>; TIA March 25, 2013 Ex Parte filing to the FCC <http://apps.fcc.gov/ecfs/document/view?id=7022134675>, <http://apps.fcc.gov/ecfs/document/view?id=7022134676>

Toward this important objective, TIA has proposed the following principles toward moving forward with an equipment certification process:

1. TIA advocates that the Commission should avoid unintended uncertainty or unnecessary ambiguity in new Technical Service Rules. This can be accomplished by transferring appropriate existing requirements to their new section or “location” within the FCC’s rules. Variations or modifications risk the suggestion that the Commission intended new interpretations, even if no change was in fact the case. Broadly then, we concur with the Commission on the consolidation of Part 27 and Part 90 rules since they are consistent with the principle of retaining existing practices.
2. TIA observes that existing FCC requirements now used for the approval of Band 13 devices provides an appropriate framework for Band 14 and will give assurance for quality, safety, and interoperability. To ensure continued investment in LTE products for first responders, meet the near-term demand among them for cutting-edge technology, and further the shared goal of creating an interoperable NPSBN, TIA requests that the Commission move quickly to restart the Band 14 equipment authorization process.
3. To the extent that unrelated issues may delay the completion of this step, TIA encourages the Commission to take appropriate interim measures to end the freeze as soon as practical.

4. As an interim measure, TIA recommends the following:
 - a. Equipment certified to the Waiver Order rules to operate in the 763-768/793-798 MHz public safety broadband spectrum would be permitted to operate in the 758-768/788-798 MHz expanded public safety broadband allocation pursuant to a permissive change process.
 - b. The Commission should permit new certifications to the Waiver Order rules. Newly certified equipment would also require a permissive -change process before operating in the 10x10 spectrum.
 - c. This recommendation can be adopted initially, as the Commission continues to develop finalized rules and equipment certification requirements for this expanded band. Once these rules are finalized, all equipment operating on the expanded public safety broadband allocation, including those used in early deployments, should be subject to the new rules to ensure interoperability and multi-vendor environment.⁹

II FIRST NET

The Commission has sought comment about its continuing role with the NPSBN and its relationship with FirstNet.¹⁰ TIA regards the Commission as having unique competence regarding public safety communications and spectrum management. Its technical expertise can substantially contribute to the development and operation of the network. We further commend the Commission's efforts to extend to FirstNet broad collaborative deference.

III. CONCLUSION

TIA encourages the Commission to move quickly to end the equipment certification freeze initiated pending the adoption of rules.

⁹ See, TIA July 18, 2013 *Ex Parte* Submission – PS Docket No. 12-94; PS Docket No. 06-229; WT Docket No. 06-150

¹⁰ See, NPRM and Public Notice.

For the foregoing reasons, TIA urges the Commission to adopt policies consistent with 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
Senior Manager, Government Affairs

TELECOMMUNICATIONS INDUSTRY ASSOCIATION

1320 N. Courthouse Road, Suite 200

Arlington, VA 22201

(703) 907-7700

September 4, 2013