

Before the
First Responder Network Authority
National Telecommunications and Information Administration
Washington, DC 20230

In the Matter of)
)
Further Proposed Interpretations of Parts of) Docket Number: 140821696-5400-03
the Middle Class Tax Relief and Job)
Creation Act of 2012)

COMMENTS OF THE TELECOMMUNICATIONS INDUSTRY ASSOCIATION

I. Introduction

The Telecommunications Industry Association “TIA” hereby submits comments to the First Responder Network Authority (“FirstNet” or the “Authority”) regarding its “Further Proposed Interpretations of Parts of the Middle Class Tax Relief and Job Creation Act of 2012.”¹ At the outset, though, we underscore that these comments largely echo our earlier ones, which Congress gave FirstNet broad authority to take the necessary actions to perform the tasks assigned to it.²

¹ See, In the Matter of “Further Proposed Interpretations of Parts of the Middle Class Tax Relief and Job Creation Act of 2012” Notice and request for comments, First Responder Network Authority, National Telecommunications and Information Administration, U.S. Department of Commerce. [Docket Number: 1140821696-5400-03] Federal Register Vol. 80 , No. 25663, May 5, 2015, (“Public Notice” or “PN”)

² See , TIA Proposed Interpretations Comments to FirstNet, “ Proposed Interpretations of Parts of the Middle Class Tax Relief and Job Creation Act of 2012,” Docket Number: 140821696-4696-01, October 27, 2014 (“TIA

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 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 long supported the public safety community with the tools of advanced communications. Additionally, TIA recognizes the opportunities the latest communications technologies have for empowering the public safety community to perform their vital mission. TIA has numerous members which have and continue to enable early 700 MHz nationwide public safety broadband network (“NPSBN”) deployments. TIA is also a standards development organization accredited by the American National Standards Institute.

II. TIA Strongly Supports FirstNet and the Development of a Nationwide Public Safety Broadband Network

TIA has both long supported the various jurisdictions that have taken early steps to deploy public safety broadband networks and also strongly advocated in favor of the public safety spectrum provisions of the Middle Class Tax Relief and Job Creation Act of 2012

(“Act”).³ As telecommunications manufacturers, operators, and system integrators, our member companies are sources of expertise in addressing the full spectrum of communications network and service requirements, and have extensive experience in deploying advanced telecommunications infrastructure.

FirstNet can benefit greatly from leveraging these existing public safety communications standards resources to build a robust, well-featured NPSBN. For many years, TIA standards bodies have had broad participation from the vendor community, and, more importantly, public safety constituents from local, state, and federal organizations.

Users and manufacturers, co-operating under the auspices of an American National Standards Institute-accredited voluntary, consensus communications standards setting processes through TIA and the Alliance for Telecommunications Solutions (ATIS), have delivered several important standards initiatives:

- TIA has been working jointly with ATIS to develop a generic standards based solution that will provide Public Safety Mission Critical Push-to-Talk (PTT) voice service interoperation between subscriber units operating on traditional Land Mobile Radio (LMR) systems (those defined by TIA-603, TIA-102 (P25)) and subscriber units operating on Public Safety Long Term Evolution (LTE) systems. Specifically, the work shall provide interoperation of all person-to-person and group communication capabilities and console functions provided by the TIA-102 suite of standards;
- TIA is working on additional standards to enhance the integration of Public Safety Mission Critical Push-to-Talk with Public Safety broadband networks.

For example, the standards for mission-critical-PTT-over-broadband leverage the knowledge acquired over decades of work on TIA-603 and TIA-102 standards that are used by

³ See Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156 (2012) (“Act”).

first responders across the US every day. These standards encompass many nuances of public safety communications that need to be considered. In view of the financially constrained environment in which the state and local partners must operate, we offer to provide FirstNet with our insight and experience in this area to the extent that you deem appropriate. We encourage FirstNet to regard TIA and our member companies as an available resource.

TIA notes that open standards have been recognized as an essential element for a successful nationwide public safety interoperable network. They attract investment, encourage innovation, and deliver economies of scale that can quickly drive prices of devices and infrastructure down. Open standards accommodate advancements in technology while enabling greater interoperability and ensuring backward compatibility.

III. TIA BROADLY CONCURS WITH FIRSTNET'S STATUTORY INTERPRETATIONS

The PN asks for comment on a number of specific interpretations of the Act's language. As a matter of general construction, TIA supports broad interpretations of the Act's language. As TIA has previously stated in our earlier comments to FirstNet, the Act gives FirstNet significant latitude with which to carry out its objectives.⁴ In fact, FirstNet's unique organizational structure clearly seems intended by Congress to extend to the Authority at least as much administrative

⁴ See, TIA Proposed Interpretations Comments to FirstNet

discretion as administrative agencies generally receive under the “Chevron Doctrine.”⁵ First, the Public Notice presents interpretations each of which are consistent with the expressed intent of the Act. Secondly, to the same extent some specific statutory ambiguity may exist, FirstNet’s proposed interpretations reflect reasonable constructions of the Act.

IV. Public Safety Entities, Secondary Users, and Other Non-traditional First Response Users

Secondary users, if appropriately coordinated with the State, local and tribal first responders, may prove to be a financially invaluable partner to FirstNet as it seeks to leverage a broad base of secondary users fees, capital, and resources the secondary user community may contribute to this national objective. Failure to consider mission critical service needs alongside network architectures threatens to put the project’s “solution” ahead of the “needs,” when in reality they are symbiotic in nature. The risk of developing specific requirements after the architecture is completed is that future specifications may be far more difficult or costly to incorporate into the network because inadequate provisions had been made for these requirements.

As the Authority notes: “In all cases, however, as discussed above, FirstNet is obligated to consult with regional, State, tribal, and local jurisdictions regarding the “selection of entities seeking access to or use of the [network].” TIA notes that the Act specifically directs the Authority to address to the public safety requirements of rural areas. In less densely populated areas, jurisdiction of necessity may well need to use a far more expansive definition of public safety entity.

⁵ See, *Chevron U.S.A., Inc. v. Natural Resources Defense Council, Inc.*, 467 U.S. 837 (1984),

FirstNet must be able to attract and leverage additional resources. FirstNet should be prepared to accommodate public safety agencies on a number of transition issues, including the timing of capital expenditures and the integration of the network with existing public safety and commercial communications resources. Additionally, public safety agencies, as public entities, typically have well developed legal procurement requirements. Given FirstNet's own limited resources, its business case needs to be sufficiently flexible to allow public safety agencies to draw upon additional funding. TIA recommends that FirstNet encourage any State/local jurisdictions bringing resources to the table to utilize transparency and open competition approaches at least as strong as is expected of FirstNet under the Act.

FirstNet's success will depend in large part on its ability to enter in a number of voluntary, arms-length agreements. These include arrangements to access existing commercial wireless infrastructure to speed deployment of the network. Future success depends on FirstNet obtaining the "opt-in" of individual states to the Authority's services.

V. Conclusion

TIA urges the FirstNet board to continue to actively engage stakeholders, to identify public safety requirements early, and to develop a more clearly defined business case in support of a nationwide public safety broadband network.

Respectfully submitted,

TELECOMMUNICATIONS INDUSTRY ASSOCIATION

Mark Uncapher
Director, Regulatory and Government Affairs

**TELECOMMUNICATIONS INDUSTRY
ASSOCIATION**
1320 North Courthouse Road
Suite 200
Arlington, VA 22201
703.907.7700

June 4, 2015