

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

In the Matter of	)	
	)	
Implementing Public Safety Broadband Provisions of the Middle Class Tax Relief and Job Creation Act of 2012	)	PS Docket No. 12-94
	)	
Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band	)	PS Docket No. 06-229
	)	
Service Rules for the 698-746, 747-762 and 777-792 MHz Bands	)	WT Docket No. 06-150
	)	

To: The Commission

**COMMENTS OF THE TELECOMMUNICATIONS  
INDUSTRY ASSOCIATION**

The Telecommunications Industry Association (TIA),<sup>1</sup> supported by approximately 500 participating members, is a trade association representing the ICT manufacturer, vendor, and supplier interest,<sup>2</sup> responds to the Commission’s *Notice of Proposed Rulemaking* (NPRM) in the

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<sup>1</sup> 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.

<sup>2</sup> 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>.

above-referenced proceeding.<sup>3</sup> TIA appreciates this opportunity to share its insight with the Commission from the perspective of the equipment manufacturer and standard developer.

## **I. TIA STRONGLY SUPPORTS FIRSTNET & THE DEVELOPMENT OF NATIONWIDE PUBLIC SAFETY BROADBAND NETWORK (“NPSBN”)**

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”).<sup>4</sup> 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.

TIA has long supported the various jurisdictions that have taken early steps to deploy public safety broadband networks<sup>5</sup> as well as supporting the Commission’s case-by-case approach regarding waivers 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.

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<sup>3</sup> 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”).

<sup>4</sup> See, Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156 (2012) (“Act”).

<sup>5</sup> See, Comments of TIA, PS Docket No. 12- 94 (filed April 20, 2012)

The Commission seeks comment about its continuing role with the NPSBN and its relationship with FirstNet.<sup>6</sup> 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.

## **II. TIA SUPPORTS CONSISTENCY IN TECHNICAL SERVICE RULES**

As a broad principle of general application to this proceeding, 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 it is consistent with the principle of retaining existing practices.

TIA also notes that the NPSBN anticipates using existing commercial standards. Indeed, the adoption of specialized or unique requirements would increase the deployment costs and diminish product availability. Consequently this approach, of retaining existing requirements, is entirely consistent with the Act’s goals.

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<sup>6</sup> See, NPRM, 42

**Power Limits** - More specifically, regarding power limits, we agree on the proposed Part 27 and Part 90 “power strength limits” consolidation.<sup>7</sup> The current rules were harmonized with normal commercial cellular (due to original public/private partnership) to ensure operations with the D Block (originally commercial).

**Emission Limits** – TIA concurs with the proposed out of band emissions rules. As the NPRM appropriately notes, these emission limits are already in place for the D Block. Similarly planning for the public safety broadband spectrum reflected the assumption that the D Block would be designated for commercial operations within the confines of the public-private partnership. To the extent that these out of band emissions limits were to be modified, additional costs might be incurred to accommodate such a specialized requirement.

Regarding emissions into commercial spectrum bands, TIA supports the Commission’s applying to the public safety broadband spectrum (763-768/793-798 MHz) the emission limits established in Section 27.53(d)(3) for the D Block and codifying the requirements governing both bands in Section 90.543.<sup>8</sup>

**Global Positioning Satellite** - TIA supports the consolidation of the emission limits, as are codified in Sections 27.53(f) and 90.543(f) respectively.<sup>9</sup> As the NPRM notes, these two provisions establish numerically identical limits on emissions into this band.<sup>10</sup> However TIA is

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<sup>7</sup> See, NPRM, at ¶ 19-21

<sup>8</sup> See *Id.* at ¶ 25

<sup>9</sup> See, 47 C.F.R. §§ 90.543(f), 27.53(f).

<sup>10</sup> See, NPRM, at ¶ 24

not prepared to address whether or not to explicitly incorporate the phrase in Part 90 “including harmonics.”<sup>11</sup>

**Field Strength Limits** – TIA supports using the existing field strength limit, 27.55(a)(2) setting a 40 dBuV/m limit for operations in 700 MHz used for commercial wireless service. The Commission appropriately raises the prospect that the “State Network” provision set forth in Section 6302(e) of the Act contemplates the potential deployment of more than one radio access network in this band.<sup>12</sup> However it appears premature to change field strength requirements because of this contingency.

### **III. TIA SUPPORTS MOVING FORWARD NEW EQUIPMENT CERTIFICATION**

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TIA strongly supports the proposed unified certification process, 90.203, without additions or augmentation.<sup>13</sup> At the same time the Commission should expeditiously move to end the equipment certification freeze initiated pending the adoption of rules.

First Responders are currently unable to purchase 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. For example, jurisdictions across the country want to maximize costs of replacement devices and

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<sup>11</sup> See *Id.* at ¶ 22, 23

<sup>12</sup> See *Id.* at ¶ 26

<sup>13</sup> See *Id.* at ¶ 33-35

secure products with LTE capability on a commercial band as well as Band 14 so that they do not need to buy new broadband devices when the NPSBN is operational.

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. To the extent that unrelated issue may delay the completion of this step, TIA encourages the Commission to take appropriate interim measures to end the freeze as soon as practical.

### **III. CONCLUSION**

As it adopts new Technical Service Rules, TIA encourages the Commission to maintain as much consistency with existing requirements as is possible. Doing so will help prevent unnecessary uncertainty or confusion.

TIA further requests that the Commission move quickly to FCC end the equipment certification freeze initiated pending the adoption of rules.

For the foregoing reasons, TIA urges the Commission to adopt policies consistent with the recommendations above.

Respectfully submitted,

**TELECOMMUNICATIONS INDUSTRY ASSOCIATION**

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