

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
Wireless Telecommunications Bureau and) PS Docket No. 13-42
Public Safety and Homeland Security Bureau)
Seek Comment on Options for 470-512 MHz)
(T-Band) Spectrum)

To: Chief, Wireless Telecommunications Bureau
Chief, Public Safety and Homeland Security Bureau

COMMENTS OF THE TELECOMMUNICATIONS INDUSTRY ASSOCIATION

I. INTRODUCTION AND SUMMARY

The Telecommunications Industry Association (“TIA”) hereby submits input to the Federal Communications Commission (“Commission”) on its Public Notice seeking comment to inform the implementation of Section 6103 of the Middle Class Tax Relief and Job Creation Act of 2012¹ (“Act”) as it applies to the 470-512 MHz band (“T-Band”).² TIA represents the information and communications technology (“ICT”) manufacturer and supplier interest, including those who enable licensees in the T-Band to provide valuable services to both the public safety and business/industrial clients. TIA notes its appreciation for the Commission’s

¹ Pub. L. No. 112-96, 126 Stat. 156 (2012).

² See Wireless Telecommunications Bureau and Public Safety and Homeland Security Bureau Seek Comment on Options for 470-512 MHz (T-Band) Spectrum, PS Docket No. 13-42 (rel. Feb. 11, 2013).

request for input on its implementation of Section 6103. We believe that the Commission understands the uncertainty raised by this portion of the Act that it has been directed by Congress to implement.

TIA, supported by approximately 500 participating members, is a trade association representing the ICT manufacturer, vendor, and supplier interest,³ and has been a standards development organization since its inception in 1988. TIA's standards committees create consensus-based voluntary standards for numerous facets of the ICT industry, for use by both private sector interests and government, which are affected by the Commission's actions related to the T-Band.⁴ Among other areas, TIA's standards committees develop protocols and interface standards relating to current U.S. Government technology priorities in such areas as fiber optics, public and private interworking, telecommunications cable infrastructure, wireless and mobile communications, multimedia and voice over internet protocol access. TIA's standards reach into a wide array of areas, such as Smart Grid,⁵ health care ICT,⁶ and – of particular relevance to the

³ 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>.

⁴ TIA publishes an annual report, titled the *TIA 2012-2013 Standards & Technology Annual Report*, that includes the latest actions taken by each respective TIA engineering committee toward the development of standards for the advancement of global communications, which is available at <https://www.tiaonline.org/sites/default/files/pages/STAR4.24.13.pdf>.

⁵ TIA's Engineering Committee TR-50 (Smart Device Communications) is responsible for the development and maintenance of access agnostic interface standards for the monitoring and bi-directional communication of events and information between smart devices and other devices, applications or networks. See <http://tr50.tiaonline.org>.

⁶ TIA's Engineering Committee TR-49 (Healthcare ICT) is responsible for development and maintenance of standards for the healthcare ICT applications which involve medical devices, network infrastructure, applications, and operations support. See <http://tr49.tiaonline.org>.

T-Band – industrial and emergency communications.⁷ TIA’s hundreds of member companies provide, develop, manufacture, and supply ICT products and services, including components of the T-Band.

We submit these limited comments to communicate the agreement of the ICT manufacturer and vendor community with public safety as well as business/industrial T-Band stakeholders that the public interest would be served by lifting the restriction on routine licensing in the T-Band⁸ at this time. We are in agreement with other key stakeholders that satisfying the ongoing requirements of private land mobile radio (“PLMR”) entities that need T-Band spectrum today to meet mission-critical communications as well as business and industrial needs should be paramount to increasing the cost incentives for future clearing of the T-Band spectrum. We believe that existing needs supporting crucial services in numerous major metropolitan areas of the United States now outweigh the requirement on the Commission to implement the Act by the year 2021 (and the date of the auction that would clear the T-Band is currently unknown).

⁷ TIA’s Engineering Committee TR-8 formulates and maintains standards for private radio communications systems and equipment for both voice and data applications. TR-8 addresses all technical matters for systems and services, including definitions, interoperability, compatibility, and compliance requirements. The types of systems addressed by these standards include business and industrial dispatch applications, as well as public safety (such as police, ambulance and firefighting) applications. *See* <http://tr8.tiaonline.org>.

⁸ *See* Wireless Telecommunications Bureau and Public Safety and Homeland Security Bureau Suspend the Acceptance and Processing of Certain Part 22 and 90 Applications for 470-512 MHz (T-Band) Spectrum, Public Notice, 27 FCC Rcd 4218 (WTB/PSHSB 2012). *See also* Wireless Telecommunications Bureau and Public Safety and Homeland Security Bureau Clarify Suspension of the Acceptance and Processing of Certain Part 22 and 90 Applications for 470-512 MHz (T-Band) Spectrum, Public Notice, 27 FCC Rcd 6087.

II. THE COMMISSION SHOULD LIFT THE SUSPENSION ON THE ACCEPTANCE AND PROCESSING OF NEW OR EXPANDED T-BAND APPLICATIONS FOR PART 90 AND PART 22

In the PN, the Commission asks whether it should continue to suspend the processing and filing of T-Band applications for new or expanded operations, until reallocation and relocation are implemented, even if this does not occur until the maximum period of years allowed by Section 6103.⁹ The Commission then asks whether some intermediary allowances should be made between lifting this freeze and continuing it, such as allowing frequency replacements within the same TV channel or within TV channels already designated in a given urbanized area for PLMR use.¹⁰ The Commission also asks whether Part 22 applications for Part 22 frequencies should continue to be suspended.¹¹ In short, TIA believes that the T-Band freeze should be lifted at this time for both Part 90 and Part 22 licensees.

TIA first notes for the Commission that the T-Band serves mission-critical public safety services (law enforcement, followed by fire departments, EMS and public works) along with business/industrial uses in numerous highly-populated metropolitan areas of the United States. Notably, public safety uses the T-Band to supplement existing UHF channels and to provide frequencies in metro areas with no spectrum. The T-Band serves in a public safety sense for regional interoperability among multiple jurisdictions and first responders, as jurisdictions in

⁹ See PN at 4.

¹⁰ *Id.*

¹¹ *Id.*

many of these densely-populated metropolitan areas have built out extensive T-Band communications networks to meet their operational needs.

As the Commission is well aware, the needs of licensees differ from area to area depending on population, geography, and countless other distinctive factors. ICT manufacturers and vendors that supply the critical public safety and business/industrial uses in the T-Band understand the need for unique, on-the-ground solutions that may require new or expanded coverage. In some areas, this need has already been identified for new or expanded coverage in the T-Band, and the Commission has granted some of these waivers.¹² However, the existence of the freeze at issue in Parts 22 and 90 generally places unnecessary obstacles in front of public safety and business/industrial T-Band licensees when they consider their options to address *current* (and often public safety-related) needs. A case-by-case waiver approval regime is far from a welcoming process in this instance, especially when its justification is to create certainty for an auction that is required to occur in the year 2021. Others have already noted for the Commission that a freeze this far in advance of an auction is not required by the Act, and is inconsistent with the general practices of the Commission in auctioning.¹³

In addition, should T-Band occupants, particularly public safety licensees, continue to experience this freeze until the band is vacated and auctioned, we believe that a number of very

¹² See, e.g., In the Matter of Somerset County, New Jersey; Request for Waiver of Sections 20.9(a)(6), 22.651, 90.303, 90.305(a), 90.307(d) and 90.311 of the Commission's Rules, File Nos. 0004598355, 0004598366, 0004598374, 0004598382, 0004983388, 0004993152, 0004994418, 0004994929, DA 13-613, Order (rel. Apr. 4, 2013).

¹³ See, e.g., Comments of the Enterprise Wireless Alliance, DA 12-14-53, at 3-4.

important licensees would find themselves unable to make network adjustments and improvements in as responsive and fluid a manner as possible (i.e. versus the much more resource-consuming case-by-case waiver system currently in place). If these licensees are, as an effect, generally unable or are effectively discouraged from making necessary improvements to their networks between now and 2021, these licensees risk facing reduced availability of and capabilities required for continued protection of the public. TIA does not believe that such a policy would be in the public interest. We emphasize that we have consulted with public safety as well as business/industrial licensees in the T-Band, as well as numerous TIA members who consistently work with these licensees to maintain and improve their networks, and have found a clear consensus that the general freeze on new and expanded T-Band deployments is inappropriate at this time.

III. CONCLUSION

For the foregoing reasons, TIA urges the Commission to take into consideration its above-described views in this proceeding. We urge that the general freeze on new and expanded T-Band deployments be lifted as expeditiously as possible.

Respectfully submitted,

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