



TELECOMMUNICATIONS
INDUSTRY ASSOCIATION

1320 N. Courthouse Rd., Suite 200
Arlington, VA 22201 USA
www.tiaonline.org

Tel: +1.703.907.7700
Fax: +1.703.907.7727

July 16, 2013

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

Re: *Ex Parte* Submission – PS Docket No. 12-94;
PS Docket No. 06-229; WT Docket No. 06-150

Dear Ms. Dortch:

TIA’s previous comments in this proceeding observed that “[t]o 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.”¹

TIA has expressed its concern that 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 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.” We observed, for example, “that 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.”

TIA advocated that “to the extent that unrelated issues may delay the completion of this step, the Commission should take appropriate interim measures to end the freeze as soon as practical.” Toward this important objective, TIA proposes 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.

¹ 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>; 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>

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.

Respectfully submitted,

TELECOMMUNICATIONS INDUSTRY ASSOCIATION

By: */s/ Danielle Coffey*__

Danielle Coffey
Vice President & General Counsel, Government Affairs

Mark Uncapher
Director, Regulatory & Government Affairs

Brian Scarpelli
Sr. Manager, Government Affairs

cc:

David S. Turetsky, Bureau Chief, Public Safety & Homeland Security Bureau
Julius P. Knapp, Chief, Office of Engineering & Technology
Sam Ginn, Chairman, First Responder Network Authority (FirstNet)