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PUBLIC SAFETY PSWN PROGRAM WIRELESS NETWORK

Public Safety Wireless Network

Achieving Interoperability Through Cooperation and Coordination

June 2, 2000

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Magalie Roman Salas
Secretary
Federal Communications Commission
TW–A325
445 Twelfth Street, SW
Washington, DC 20554

Re: PSWN Program ex parte letter, *In the Matter of Service Rules for the 746–764 and 776–794 MHz Bands, and Revisions to Part 27 of the Commission's Rules,* WT Docket 99–168

Dear Ms. Salas:

On behalf of the Public Safety Wireless Network (PSWN) Program, enclosed herewith for filing are an original and four (4) copies of the PSWN Program's ex parte letter in the above–referenced proceeding.

Kindly date–stamp the additional, marked copy of this cover letter and return it in the envelope provided. Should you require any additional information, please contact the undersigned.

Respectfully submitted,

Brigadier General Paul H. Wieck II
Iowa Army National Guard
Chair, PSWN Executive Committee
Spectrum Working Group

Steven Proctor
Executive Director,
Utah Communications Agency Network
Executive Vice–Chair,
PSWN Executive Committee

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The Honorable William E. Kennard
Chairman
Federal Communication Commission
445 12th Street, SW
Washington, D.C. 20554

Re: Delay of Auction and Band Clearance Initiatives in the 747–762 and 777–792 MHz Bands, WT Docket 99–168

Dear Mr. Chairman:

The Public Safety Wireless Network (PSWN)[1] Program is pleased to offer these ex parte comments in the above-referenced proceeding. As an entity dedicated to planning and fostering public safety wireless communications interoperability throughout the Nation, the PSWN Program has actively involved itself in all proceedings affecting the reallocation of the 700 MHz band.[2] Access to this spectrum is essential for law enforcement, fire, emergency medical, and other public safety personnel to carry-out their mission-critical functions of saving lives and protecting property.

At the outset, the PSWN Program applauds the Commission's decision to postpone the 700 MHz auctions until September 2000. The PSWN Program concurs with the Commission's determination that "additional time will allow auction bidders to develop better business plans and bidding strategies and to form strategic alliances."[3] The PSWN Program agrees with the assertion of Verizon Wireless, that the Commission must resolve technical issues such as emission mask limits and base/mobile transmit frequency pairings before proceeding to auction the spectrum.[4]

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[1] The PSWN Program is a federally–funded initiative operating on behalf of all local, state, and federal public safety agencies. The Department of Justice and the Department of the Treasury are jointly leading the PSWN Program's efforts to plan and foster interoperability among public safety wireless networks. The PSWN Program is a 10–year National Partnership for Reinventing Government (NPRG) initiative. The NPRG, previously known as the National Performance Review, is an effort to reengineer how government provides services to citizens through more effective use of information technology and through more concerted partnership efforts among government at all levels.

[2] See *In the Matter of the Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010,* WT Docket No. 96–86, FCC 98–191 (rel. September 29, 1998).

[3] *See* Letter from Chairman William Kennard to Senator Ted Stevens, April 27, 2000.

[4] *See* Letter from John T. Scott, of Verizon Wireless to Chairman William Kennard, April 21, 2000.

More important to public safety and the PSWN Program is that the additional time will also allow the Commission to conclude expedited rulemaking proceedings that would facilitate the clearing of broadcasters from channels 59–69. The program is taking the opportunity, (on the heels of ex parte filings from US West, BellSouth, and Verizon Wireless), to remind the Commission that public safety, like industry, is anxiously awaiting the removal of the analog TV broadcasters from this band. Specifically, the Commission has allocated the 24 MHz of spectrum from TV channels 62, 63, 67, and 68 for public safety use. The clearing of this spectrum, particularly in areas where spectrum is most scarce (e.g., Los Angeles, Dallas), is very important to public safety. The PSWN Program also reminds the Commission that the analog TV broadcasters are not required to vacate the 24 MHz of public safety spectrum until 2006 and that removal of the broadcasters by this deadline is conditional.[5]

The PSWN Program is interested in the proposals recently put forth by commenters to this docket regarding potential schemes whereby incumbent commercial broadcasters would be cleared off of the 700 MHz band earlier than the statutory mandate to do so. The program notes that such band clearance initiatives would improve the commercial viability of the band and would have the secondary benefit of allowing public safety to begin using its spectrum sooner than the 2006 deadline. The PSWN Program believes that a US West proposal whereby broadcasters would be required to relocate to lower channels to the extent that lower channels are available, represents a viable solution.[6] The program likewise concludes that a BellSouth proposal to clear the spectrum of co–channel and adjacent channel TV station interference on a nationwide basis, border to border, no later than 24 months from the auction's conclusion would both optimize the economic value of the 700 MHz band spectrum for commercial users, as well as permit public safety users on the adjacent spectrum to initiate operations significantly earlier.[7] Regardless of the methodology employed, the PSWN Program asserts that recommendations to expedite band clearance would result in substantial public benefit, while maximizing the commercial value—and potential auction revenues—to be derived from the 700 MHz band spectrum.

It is important to note that some commercial providers will deem paying the incumbent spectrum users to vacate the band early as sound business investments. It is equally important to note that the public safety community does <u>not</u> have funding to offer analog TV broadcasters incentives to move from the 700 MHz band before they are required to do so.

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[5] *See* First Report & Order, *In the Matter of the Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010,* WT Docket No. 96–86, FCC 98–191 (rel. September 29, 1998) at p. 65.

[6] *See* Letter from Julia Kim Kane of U.S. West to Chairman William Kennard, April 27, 2000.

[7] *See* Letter from Karen Posner of BellSouth to Chairman William Kennard, April 26, 2000.

In conclusion, the PSWN Program urges the Commission to take full advantage of the opportunity to provide the dual benefits of encouraging the economic viability of the 700 MHz band, while at the same time supporting the vital role of public safety agencies nationwide.

Respectfully submitted,

Brigadier General Paul H. Wieck II
Iowa Army National Guard
Chair, PSWN Executive Committee
Spectrum Working Group

Steven Proctor
Executive Director,
Utah Communications Agency Network
Executive Vice–Chair,
PSWN Executive Committee

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	
Service Rules for the 746–764 and 776–794 MHz Bands, and Revisions to Part 27 of the Commission's Rules	)	WT Docket No. 99–168

CERTIFICATE OF SERVICE

I, Brian Love, Associate, Booz·Allen & Hamilton, Inc., 8283 Greensboro Drive, McLean, Virginia, 22102–3838, hereby certify that on this date I caused to be served, by first–class mail, postage prepaid (or by hand where noted) copies of the Public Safety Wireless Network's ex parte letter, *In the Matter of Service Rules for the 746–764 and 776–794 MHz Bands, and Revisions to Part 27 of the Commission's Rules,* WT Docket 99–168, the original of which is filed herewith and upon the parties identified on the attached service list.

DATED at Fair Oaks, Virginia this 2nd day of June 2000.

Brian Love

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