

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
DATARADIO)
Emergency Petition for Waiver) "Waiver--Expedited Action Requested"
of Section 90.547 of the Commission's)
Rules)
)

To: The Commission

**COMMENTS OF THE PUBLIC SAFETY
WIRELESS NETWORK (PSWN) PROGRAM**

Filed by: The Public Safety Wireless Network Program

Date: March 9, 2000

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**COMMENTS OF THE PUBLIC SAFETY
WIRELESS NETWORK (PSWN) PROGRAM**

1. The Public Safety Wireless Network (PSWN) Program respectfully submits the following comments regarding the Emergency Petition for Waiver *In the Matter of the DATARADIO Emergency Petition for Waiver of Section 90.547 of the Commission’s Rules* (Petition).¹ In the Petition, DATARADIO requests a waiver of Section 90.547 of the Commission’s Rules, 47 C.F.R. § 90.547, which requires that all transmitters operating in the 764-776 MHz and 794-806 MHz public safety frequency bands (700 MHz band) be capable of operating on any of the designated nationwide narrowband interoperability channels.² The Commission placed the DATARADIO petition on public notice on February 9, 2000, and asked that all interested parties file comments within 30 days.³ As an initiative committed to effective and efficient public safety communications, the PSWN Program continues to investigate wireless communications issues with direct impact on public safety agencies. Through these comments,

¹ See *In the Matter of DATARADIO Emergency Petition for Waiver of Section 90.47 of the Commission’s Rules* (December 20, 1999). (Petition).

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, *First Report and Order and Third Notice of Proposed Rulemaking*, 14 FCC Rcd 152, at para. 7 (1998) (*First Report and Third Notice*).

³ See 47 CFR §1.405(a).

the PSWN Program hopes to bring the benefits of its perceptions and experiences to the Commission as it decides the matters raised in the Petition.

I. STATEMENT OF INTEREST

2. The PSWN Program is a federal 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.⁴ 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.

3. Consistent with the NPRG, and in concert with the public safety community, the Program hopes to achieve a shared vision of interoperability—seamless, coordinated, and integrated public safety communications for the safe and efficient protection of life and property.⁵ The PSWN Program is developing partnerships and working closely with the public safety community throughout the first five-year phase of the program to develop a comprehensive implementation plan for interoperability among wireless networks.⁶ The program is now past the halfway mark of the first phase and planning a transition into the second phase. During the

⁴ See the Public Safety Wireless Network NPRG booklet (submitted with the PSWN Program Comments, WT Docket No. 96–86), which contains a general overview of NPRG initiatives, as described by the Vice President; copies of NPRG action items IT04 (for establishing a national law enforcement/public safety network) and A06 (for establishing the intergovernmental wireless public safety network); and a one-page summary of the PSWN Program vision and mission.

⁵ See the *PSWN Program Strategic Plan*, April 1998 (submitted with the PSWN Program Comments, WT Docket No. 96–86) at page 2.

⁶ The information obtained and developed by the PSWN Program through its activities is openly available via the program's web page at <http://www.pswn.gov>.

second five-year phase, the program will assist the public safety community with its implementation of interoperability in accordance with the national plan.⁷

4. In December 1996, the *PSWN Program Management and Organization Document (PMOD)* noted the need to establish an advisory committee to provide advice and guidance to the PSWN Program Management Office (PMO) as it worked to achieve the program goals and objectives. The PSWN Executive Committee (EC), originally known as the Senior Advisory Panel, was thereby established in September 1998. The purpose of the EC is to raise awareness, collectively and individually, through targeted interactions and affiliations with the public safety community and other key controlling players, such as vendors, standards and regulatory bodies, and senior government officials. The EC is also tasked with providing guidance to the PSWN Program in order to ensure that its activities contribute constructively and significantly towards the implementation of interoperable solutions.

5. Consistent with its NPRG charter, and building on the findings of the Public Safety Wireless Advisory Committee (PSWAC), the PSWN Program, through the EC, has made spectrum one of its priority areas of activity.⁸ In an effort to help resolve open spectrum issues and realize improvements in this area, the PSWN Program has undertaken several spectrum-related activities.⁹ These activities are designed to raise awareness, improve understanding of processes and policies, and analyze issues in more specific detail as appropriate. They include making direct contributions to this and other Commission proceedings related to public safety

⁷ See the *PSWN Program Strategic Plan*, at pages 5, 9, and 10 for information regarding the PSWN Program phases (e.g., their definitions, relative timing, and types of activities within each phase).

⁸ See the PSWN Program Comments (WT Docket No. 96-86) at paragraphs 5 and 6. The PSWN Program has identified six key spectrum issues that require resolution for improving public safety radio communications: insufficient aggregate amount of spectrum, excessive number and undetermined appropriateness of frequency bands, insufficient interoperability spectrum, lack of affordable multi-band technology, complicated spectrum management processes, and lack of a migration strategy.

⁹ *Ibid.* Para. 7.

spectrum. Therefore, any development affecting public safety communications, particularly those related to use and management of the 24 Megahertz (MHz) of spectrum in the 764–776 and 794–806 MHz bands reallocated pursuant to the Balanced Budget Act of 1997,¹⁰ directly and significantly interests the Program and members of the EC.

6. The PSWN Program, is pleased to offer these comments in regards to DATARADIO's request for exemption from the rule requiring that all transmitters operating in 700 MHz band be capable of operating on any of the designated nationwide narrowband interoperability channels. The PSWN Program does not oppose the Commission's granting of the Petition on technical merit. The Program is, however, concerned by the specific characterizations made by DATARADIO with respect to interoperability. In particular, the PSWN Program wishes to clarify the need for interoperability by public safety agencies, update the activities of the Public Safety National Coordination Committee (NCC), and speak to the true spirit of the PSWAC Final Report. The PSWN Program offers these comments to do so.

II. COMMENTS

7. First, the PSWN Program questions the statements made by DATARADIO that many public safety users have “no need” for interoperability channels.¹¹ In addition to the statement being inaccurate based on surveys and case studies conducted by the PSWN Program and others,¹² it is also contrary to the public interest due to the need of public safety agencies to possess interoperability channels to effectively perform their critical missions. In a report issued

¹⁰ 47 U.S.C. § 337.

¹¹ Petition at 12.

¹² See PSWN Program, *PSWN Program Analysis of Fire and EMS Communications Interoperability* where 43% of the responding fire and EMS agencies indicated that the lack of interoperability has affected their ability to communicate with agencies in surrounding jurisdictions. Additionally, nearly 90% of the responding agencies reported interoperating with other local public safety organizations on a daily or weekly basis. A companion report that examined law enforcement, prepared by the National Institute of Justice, *Wireless Communications and Interoperability Among State and Local Law Enforcement Agencies*, arrived at similar results.

by the Public Safety Wireless Advisory Committee (PSWAC) it was concluded that, “[u]nless immediate measures are taken to alleviate spectrum shortfalls and promote interoperability, Public Safety agencies will not be able to adequately discharge their obligation to protect life and property in a safe, efficient, and cost-effective manner.”¹³ Additionally, the Commission itself has recognized the significance that interoperability plays to the public safety mission and the shortfalls of current allocations in supporting this requirement.¹⁴ Based on the data provided through the PSWAC efforts, independent evaluations, and the Commission’s own conclusions, the PSWN Program questions the validity of DATARADIO’s assertions.

8. The PSWN Program agrees with DATARADIO that the Commission is committed to addressing the needs of public safety users. This is evidenced by the initial allocation of the 700 MHz public safety band and the establishment of the NCC for the purpose of addressing and advising the Commission on the operational and technical parameters for use of this band. However, DATARADIO’s assertion that “one of the Commission’s primary policy objectives (in adopting the 700 MHz public safety service rules) was to address the immediate and critical needs of public safety users while allowing these users the *option* to operate on the interoperability channels”¹⁵ is an inaccurate interpretation of Commission actions. Review of the First Report and Third Notice reveals that the Commission intended to develop rules to support the development of nationwide public safety interoperability and foresaw interoperability as being a *requirement* for a majority of public safety agencies.¹⁶ In fact, the Commission feels that “interoperability signifies the crowning achievement of this proceeding”¹⁷ and therefore established Section 90.547

¹³ *Public Safety Wireless Advisory Committee (PSWAC) Final Report*, September 11, 1996, page 2. (*PSWAC Final Report*).

¹⁴ First Report and Third Notice at para. 7

¹⁵ Petition at 2.

¹⁶ First Report and Third Notice at 14.

¹⁷ First Report and Third Notice at para 7.

to ensure that regardless of the primary communications channel being used in the 700 MHz bands, public safety interoperability, often required at unpredictable times, could be achieved. Thus, the PSWN Program feels that the continued application of Section 90.547 does not frustrate the true intent of the rules or the commitment of the Commission to address public safety's critical needs.

9. The PSWN Program also wishes to clarify DATARADIO's understanding of the established NCC interoperability standard approval process. DATARADIO's states that "because interoperability standards must first be developed by the NCC and then approved by the Commission, it will take years before these standards are in place."¹⁸ Although the PSWN Program generally agrees with this statement, it should be pointed out that the NCC, in the interests of time and a desire to avoid the unnecessary duplication of efforts, has agreed not to develop standards, but to review and recommend already existing standards. In this capacity the NCC has thus far supported the adoption of standards developed under ANSI/TIA/EIA-102 (Project 25 Phase 1). At the NCC Technology Subcommittee meeting in New York City on November 18, 1999, it was the consensus of those present to recommend the ANSI/TIA/EIA-102 BAAA-1998 (Project 25 Phase 1) Frequency Division Multiple Access (FDMA) Common Air Interface (CAI) standard for voice interoperability and the ANSI/TIA/EIA 102.BABA-1998 (Project 25 Phase 1) Vocoder Description standard for voice interoperability to the NCC full committee.¹⁹ At the Technology Subcommittee meeting in San Francisco, California, on January 27, 2000, the ANSI/TIA/EIA 102 BAEA, BAEB, BAEC and BAEE-1998 (Project 25 Phase 1)

¹⁸ Petition at 5.

¹⁹ NCC Technology Subcommittee and Full Committee Meetings, New York, NY, November 18-19, 1999.

narrowband data interoperability standards were also adopted by consensus for recommendation to the NCC.²⁰

10. In addition, the PSWN Program questions the assumption made by DATARADIO that data requirements can be satisfied on the general use channels.²¹ Current public safety emergencies require the use of data interoperability channels as cited by the Commission in this very proceeding.²² The Commission noted that “EMS personnel at the scene of an emergency could transmit on a ‘slow motion video interoperability channel’ to a nearby hospital.”²³ In addition to the current public safety uses of data interoperability channels, the projected use is expected to increase. In a January 1998 report it was determined that because the number of laptops [used by law enforcement] is projected to double in the next 10 years additional spectrum will be necessary.²⁴ Based on current needs, the expected growth of public safety use of data applications, and the pending technological advancements in data applications, the PSWN Program urges the Commission to fully consider whether or not data requirements can actually be satisfied on the general use channels.

11. Finally, the PSWN Program commends DATARADIO on its extensive review of the PSWAC Final Report, but wishes to clarify one of the citations used in DATARADIO’s petition regarding the bands where interoperability spectrum should be designated. Specifically, DATARADIO points out that the PSWAC Final Report suggested that 2.5 MHz of spectrum should be designated for interoperability purposes in the bands below 512 MHz, but made no

²⁰ NCC Technology Subcommittee and Full Committee Meetings, San Francisco, CA, January 27-28, 2000.

²¹ Petition at 5.

²² See *In the Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Requirements Through the Year 2010; Establishment of Rules and Requirements of Priority Access Service*, WT Docket No 96-86, Second Notice of Proposed Rulemaking, 12 FCC Rcd 17706, (1998).

²³ Ibid.

mention of interoperability spectrum needed in the 700 MHz band. While this is true, the PSWN Program notes that at the time of the publication of the PSWAC Final Report²⁵, the 24 MHz of public safety spectrum in the 700 MHz band had not yet been allocated under The Balanced Budget Act of 1997 (BBA 97), making a recommendation of public safety interoperability spectrum in this band impossible at this time.

III. CONCLUSION

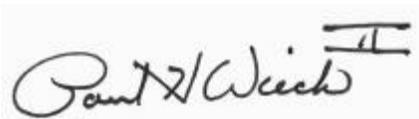
12. The PSWN Program reiterates that it does not oppose the Commission's granting of DATARADIO's Petition on its technical merit, but notes that the Program is concerned by the specific characterizations made by DATARADIO with respect to interoperability.
13. The PSWN Program asserts that interoperability channels are an immediate and increasing need for public safety.
14. The PSWN Program concludes that interoperability is a primary requirement for public safety, as currently articulated in Section 90.547 of the Commission's Rules.
15. The PSWN Program notes that the NCC has chosen not to develop its own standards, but rather adopts and recommends standards developed by existing standards bodies, to include ANSI/TIA/EIA-102 (Project 25, Phase 1).
16. The PSWN Program requests that the Commission carefully consider whether or not general use channels only will be able to satisfy wireless data requirements for public safety.
17. The PSWN Program respectfully points out that the PSWAC report predates the reallocation of the 24 MHz of spectrum on the 700 MHz band.

²⁴ National Institute of Justice, *Wireless Communications and Interoperability Among States and Local Law Enforcement Agencies*, at 2 (January 1998).

²⁵ *Public Safety Wireless Advisory Committee (PSWAC) Final Report*, September 11, 1996.

18. The PSWN Program commends the efforts of DATARADIO, and of all petitioners and commenters to this R&O and respectfully requests that the Commission consider the PSWN Program's positions herein submitted in light of the commentary of others. The PSWN Program respectfully asserts the continuing importance of interoperability to public safety operations and the Commission's original reasoning for designating a segment of public safety spectrum to meet this specific need, as well as of its endorsement of measures designed to promote the shared use of spectrum at all levels of government.

Sincerely,

A handwritten signature in black ink that reads "Paul H. Wieck II". The signature is written in a cursive style with a horizontal line above the "II".

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

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Certificate of Service

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I, Joseph Sifer, Senior 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 Program's comments regarding the Commission's First Report and 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*, the original of which is filed herewith and upon the parties identified on the attached service list.

DATED at Fair Oaks, Virginia this 10th day of March 2000.

Joseph Sifer

Service List

*The Honorable William E. Kennard, Chairman
Federal Communications Commission
445 12th St., S.W., Rm. 8–B201
Washington, D.C. 20054

*The Honorable Harold Furchgott–Roth, Commissioner
Federal Communications Commission
445 12th St., S.W., Rm. 8–A302
Washington, D.C. 20054

*The Honorable Susan Ness, Commissioner
Federal Communications Commission
445 12th St., S.W., Rm. 8–B115
Washington, D.C. 20054

*The Honorable Michael Powell, Commissioner
Federal Communications Commission
445 12th St., S.W., Rm. 8–A204
Washington, D.C. 20054

*The Honorable Gloria Tristani, Commissioner
Federal Communications Commission
445 12th St., S.W., Rm. 8–C302
Washington, D.C. 20054

*Ari Fitzgerald, Legal Advisor
Office of Chairman Kennard
Federal Communications Commission
445 12th St., S.W., Rm. 8–B201
Washington, D.C. 20054

*Paul E. Misener, Senior Legal Advisor
Office of Commissioner Furchgott–Roth
Federal Communications Commission
445 12th St., S.W., Rm. 8–A302
Washington, D.C. 20054

*Daniel Connors, Legal Advisor
Office of Commissioner Ness
Federal Communications Commission
445 12th St., S.W., Rm. 8–B115
Washington, D.C. 20054

*Peter A. Tenhula
Office of Commissioner Powell
Federal Communications Commission
445 12th St., S.W., Rm. 8–A204
Washington, D.C. 20054

*Karen L. Gulick
Office of Commissioner Tristani
Federal Communications Commission
445 12th St., S.W., Rm. 8–C302
Washington, D.C. 20054

*Thomas J. Sugrue, Chief
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th St., S.W., Rm. 3–C252
Washington, D.C. 20054

*Kathleen O’Brien–Ham, Deputy Chief
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th St., S.W., Rm. 3–C207
Washington, D.C. 20054

*James D. Schlichting, Deputy Chief
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th St., S.W., Rm. 3–C207
Washington, D.C. 20054

*D’Wana R. Terry, Chief
Public Safety & Private Wireless Division
Federal Communications Commission
445 12th St., S.W., Rm. 4–C321
Washington, D.C. 20054

*Ramona Melson, Chief Legal Counsel
Public Safety & Private Wireless Division
Federal Communications Commission
445 12th St., S.W., Rm. 4–C321
Washington, D.C. 20054

*Herb Zeiler
Public Safety & Private Wireless Division
Federal Communications Commission
445 12th St., S.W., Rm. 4-C321
Washington, D.C. 20054

*Katherine Hosford
Public Safety & Private Wireless Division
Federal Communications Commission
445 12th St., S.W., Rm. 4-C321
Washington, D.C. 20054

*Kris Monteith, Chief
Policy Division
Federal Communications Commission
445 12th St., S.W., Rm. 3-C120
Washington, D.C. 20054

*Nancy, Boocker, Deputy Chief
Policy Division
Federal Communications Commission
445 12th St., S.W., Rm. 3-C120
Washington, D.C. 20054

*Stan Wiggins
Policy Division
Federal Communications Commission
445 12th St., S.W., Rm. 3-C120
Washington, D.C. 20054

*Ed Jacobs
Policy Division
Federal Communications Commission
445 12th St., S.W., Rm. 3-C120
Washington, D.C. 20054

*Steve Weingarten, Chief
Commercial Wireless Division
Federal Communications Commission
445 12th St., S.W., Rm. 4-C207
Washington, D.C. 20054

*Jeff Steinberg, Deputy Chief
Commercial Wireless Division
Federal Communications Commission
445 12th St., S.W., Rm. 4-C207
Washington, D.C. 20054

International Transcription Services, Inc.
1231 20th St. N.W.
Washington, D.C. 20037

Albert J. Catalano, Esq.
CATALANO & PLACHE, PLLC
3221 M Street, N.W.
Washington, DC 20007
Counsel for DATARADIO Corporation

***HAND DELIVERED**