



Public Safety Wireless Network

Saving Lives and Property Through Improved Interoperability

January 21, 2003

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
12th St. Lobby, TW-A325
Washington, DC 20554

Re: Comments to the Federal Communications Commission, *Application for Wireless Telecommunications Bureau Radio Service Authorization, and for Waiver of Sections 2.102(c), 90.20(c)(3), and 90.173(c) of the Commission's Rules, In the Matter of the Request for Waivers by the State of Alaska To Allow Wide-Area Joint Federal/Non-Federal Interoperable VHF Alaska Mobile Radio System, DA 02-3495.*

Dear Ms. Dortch:

On behalf of the Public Safety Wireless Network (PSWN) Program and pursuant to Sections 1.49, 1.1200(a), and 1.1206 of the Commission's Rules, 47 C.F.R. §§ 1.49, 1.1200(a), 1.1206 (2000), enclosed herewith for filing are an original and four (4) copies of the PSWN Program's Comments in the above-referenced proceeding.

Kindly date-stamp and return the additional, marked copy of this cover letter and filing.

Should you require any additional information, please contact the undersigned.

Respectfully submitted,

A handwritten signature in black ink that reads "Steven Proctor".

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)
)
Request for Waivers by the State of Alaska) DA 02-3495
To Allow Wide-Area Joint Federal/Non-Federal)
Interoperable VHF Alaska Mobile Radio System)

January 21, 2003

**COMMENTS OF THE
PUBLIC SAFETY WIRELESS NETWORK PROGRAM**

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)
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Request for Waivers by the State of Alaska) DA 02-3495
To Allow Wide-Area Joint Federal/Non-Federal)
Interoperable VHF Alaska Mobile Radio System)

To: The Commission

**COMMENTS OF THE
PUBLIC SAFETY WIRELESS NETWORK PROGRAM**

1. The Public Safety Wireless Network (PSWN) Program¹ respectfully submits the following Comments to the above-referenced docket.² For the reasons discussed below, the PSWN Program fully supports the Applications for Waiver of the Commission’s Rules submitted by the State of Alaska to operate a trunked, interoperable, very high frequency (VHF) public safety communications network to be shared by local, state, and Federal Government authorities.

I. STATEMENT OF INTEREST

2. From the outset, the PSWN Program has been involved in the planning and development of a robust, reliable solution to address the unique challenges presented for the public safety community in the State of Alaska. The PSWN Program asserts that the system to be constructed

¹ The PSWN Program is a federally funded initiative operating on behalf of all local, state, federal, and tribal 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.

² See Public Notice DA 02-3495, *Wireless Telecommunications Bureau Seeks Comment On Request for Waivers by the State of Alaska to Allow Wide-Area Joint Federal/ Non-Federal Interoperable VHF Alaska Mobile Radio System*, rel. December 20, 2002.

using resources from the U.S. Department of Defense (DoD), other Federal Government agencies, and local and state public safety government agencies is a reliable and economically resourceful solution that will augment Alaska's capabilities to meet its public safety demands. The PSWN Program further agrees that Alaska has sufficiently demonstrated its need for the system "to meet current shortfalls in interoperable communications and secure communications."³ The new, shared VHF system will replace old and obsolete infrastructure, and address particular communications concerns and conditions that are unique to the state. The shared, trunked federal/non-federal system will support improved services by the Alaskan public safety community, making a waiver in the best interest of the states' citizens, whether in cities or in the states' many rural expanses.

II. BACKGROUND

3. The PSWN Program has consistently supported the sharing of communications systems and resources where feasible to foster interoperability among and between different public safety agencies and jurisdictions. In many cases, sharing can also reduce costs and provide better coverage for law enforcement, fire fighting personnel, emergency medical services, and other first responders. In this case, the tailored system will unify local, state, and federal public safety communications operations into a transparent network that permits access by all authorized users. The federal/non-federal network will enhance the ability of participating agencies to plan and coordinate response and will take advantage of existing functional resources that public safety users have contributed to address their communications issues. The PSWN Program

³ *Id.* at p. 1.

therefore maintains that the Commission's criteria for approval of the proposed system have been satisfied.⁴

III. DISCUSSION

4. The State of Alaska represents the largest single jurisdiction in the United States, covering more than 586,000 square miles, with a coastline exceeding 10,000 miles and numerous mountains that reach between 14,000 and 20,000 feet. The state also shares a border with Canada that extends more than 1,500 miles. However, the state has one of the lowest populations in the United States—approximately 627,000 at the time of the 2000 Census—as well as the lowest population density, with approximately 1 person per square mile.⁵ These characteristics make a compelling case for ensuring that the State of Alaska has adequate communications services to protect its citizens in emergencies. Public safety communications must be reliable and seamless, whether to confront natural threats such as earthquakes and forest fires, or manmade catastrophes, such as the Exxon Valdez disaster that caused billions of dollars in property damage as well as irreparable injury to the state's fishing industry.

5. Because of the nature of Alaska's vast size, topography, and low population, the solution developed in this instance must be limited to application in unusual circumstances, as are presented here. In this case, high-power signals will not create the danger of interference with other incumbent users, and spectrum usage is not as congested, making spectrum reuse less

⁴ See, e.g.; 47 C.F.R. §§ 2.102 (c), which provides that non-U.S. Government operations coordinate use of frequencies with the National Telecommunications and Information Administration (NTIA), operate in conformance with the NTIA's rules, not cause interference, and be certified by the participating Government entities that such use is necessary to communicate. 47 C.F.R. § 90.20 (c) requires the users to be eligible to license particular frequencies in the Public Safety Pool. 47 C.F.R. §90.173(c) again reiterates that applicants for use of frequencies allocated by Executive Order of the President are certified as necessary for communications with the appropriate U.S. Government agency.

⁵ See Alaska Blue Book 1993–94, 11th ed., Juneau, Department of Education, Division of State Libraries, Archives & Museums; <http://sled.alaska.edu/akfaq/akgeogr.html>. See also U.S. Department of the Interior, U.S. Geological Survey, USGS Information by State, <http://search.usgs.gov/query.html?col=&qp=&qs=&qc=&pw=100%25&ws=1&la=&qm=1&ct=1628170799>.

necessary than it is in many more urban areas. Also, the location of Alaska on our northernmost border and along the Pacific coast further intensifies the importance for reliable, immediate communications between local, state, and federal users if the United States should experience any threats to our security. DoD, the Department of the Interior, and other federal agencies each has substantial assets located in Alaska that must be protected. In addition, the Alaska Pipeline is responsible for a substantial portion of our nation's oil production and must be afforded the same protection as our other critical infrastructure assets, such as water, gas, electricity, and nuclear facilities.

6. The State of Alaska has submitted its application to the Association of Public-Safety Communications Officers–International, Inc. (APCO). This will further serve to ensure that, in the event that any interference or other conflicts are created in utilizing this system, those problems will be quickly resolved. All antenna height and frequency information has been filed with the Commission to describe the state's plans in detail. The state has also verified that no additional Environmental Impact Statement needs to be submitted, as this system does not require new construction that will have significant consequences.⁶ The PSWN Program maintains that the necessary conditions for waiver of the Commission's Rules have been met in this instance, and that the Commission should approve these applications.

7. Finally, the PSWN Program also notes that Section 90.179 of the Commission's Rules⁷ appears to authorize shared usage of the type described in this proceeding. The relevant agencies are all non-profit entities that will use the radio station with the authorized licensee on a cost-shared basis, subject to a written agreement specifying the method of the system's operation, the

⁶ See FCC Applications for Wireless Telecommunications Bureau Radio Service Authorization, File Nos. 0001036496 and 0001036497, filed September 23, 2002, and File No. 0001039631, filed September 25, 2002.

⁷ See 47 C.F.R. § 90.179(g).

components of the system to be used, the method describing how costs will be shared, and agreement that the station will be under the control of the licensee.

IV. CONCLUSION

8. The PSWN Program thanks the Commission for this opportunity to contribute its comments in support of the State of Alaska and acknowledges other interested parties submitting responses to help the Commission determine its course of action with respect to these requests for waiver. The PSWN Program again asserts that these applications have been provided to better enable sharing of information and promote interoperability between local, state, and federal public safety agencies, and that by granting this waiver, the Commission would be acting in the best interest of the citizens of Alaska. Furthermore, the PSWN Program urges the Commission to support shared communications systems for public safety uses and to look for opportunities to expand and enable cooperation among local, state, federal, and tribal agencies. By promulgating rules that create flexibility and encourage expedient access to designated communications resources (particularly for interoperability spectrum below 512 megahertz), the Commission can greatly enhance the capabilities and efficiency of public safety personnel in emergencies.

Respectfully submitted,



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

**Before the
Federal Communications Commission
Washington, DC 20554**

Certificate of Service

In the Matter of)
)
Request for Waivers by the State of Alaska) DA 02-3495
To Allow Wide-Area Joint Federal/Non-Federal)
Interoperable VHF Alaska Mobile Radio System)

I, Richard N. Allen, Senior Associate, Booz Allen Hamilton, 8283 Greensboro Drive, McLean, Virginia, 22102-3838, hereby certify that on this date I caused to be served, by hand (or by first-class mail, postage prepaid where noted) copies of the Public Safety Wireless Network Program's Comments to the Federal Communications Commission, re: *Applications for Wireless Telecommunications Bureau Radio Service Authorization, and for Waiver of Sections 2.102(c), 90.20(c)(3), and 90.173(c) of the Commission's Rules, **In the Matter of the Request for Waivers by the State of Alaska To Allow Wide-Area Joint Federal/Non-Federal Interoperable VHF Alaska Mobile Radio System, DA 02-3495***, the original of which is filed herewith and upon the parties identified on the attached service list.

DATED at Fair Oaks, Virginia this 21st day of January 2003.



Richard N. Allen

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