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PUBLIC SAFETY PSWN PROGRAM WIRELESS NETWORK

Public Safety Wireless Network

Saving Lives and Property Through Improved Interoperability

July 8, 2002

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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

Re: Comments to ***The 4.9 GHz Band Transferred from Federal Government Use,*** **Further Notice of Proposed Rule Making, in WT Docket No. 00-32**

Dear Ms. Dortch:

On behalf of the Public Safety Wireless Network (PSWN) Program and pursuant to Section 1.419 of the Commission's Rules, 47 C.F.R. § 1.419 (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,

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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Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of	)	
	)	WT Docket No. 00-32
The 4.9 GHz Band Transferred from	)	
Federal Government Use	)	
	)	

To: The Commission

COMMENTS TO THE FURTHER NOTICE OF PROPOSED RULEMAKING

Filed by: The Public Safety Wireless Network Program

Date: July 8, 2002

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EXECUTIVE SUMMARY

At the Federal Communications Commission (Commission) Open Meeting of February 14, 2002, the Commission announced the allocation of 50 megahertz (MHz) of spectrum in the 4.9 gigahertz (GHz) band for local, state, and tribal public safety communications. With the completion of this transfer of spectrum from the Federal Government, the Commission has begun the difficult task of drafting policies and procedures to regulate operations on this band. The Public Safety Wireless Network (PSWN) Program offers its comments to the Commission with respect to this rulemaking proceeding.

The Commission requested comments regarding eligibility requirements for licensing this spectrum to public safety entities. The PSWN Program emphasizes that the Commission should reserve access to this spectrum solely for public safety agencies as previously defined in WT Docket No. 96-86. The PSWN Program further recommends that the Commission apply the lessons and rulings that guided the licensing process for the new 700 MHz public safety band. Regulatory flexibility should also be encouraged to permit interoperability between law enforcement, fire and rescue, emergency medical services, and with federal public safety stakeholders.

The PSWN Program agrees with the Commission's conclusion that not allowing both fixed and mobile applications in the 4.9 GHz band unduly restricts the operational flexibility of licensees and inhibits efficient use of spectrum. The PSWN Program asserts that without fixed operations, public safety users would not be able to fully employ the spectrum for the broadband data and video applications that were intended. To support these emerging technologies, the

PSWN Program requests a channel plan that focuses on the needs of the public safety community and promotes specific technologies to advance those interests. The PSWN Program also encourages the incorporation of State Interoperability Executive Committees (SIEC) and Regional Planning Committees (RPC) to administer and coordinate operations in the 4.9 GHz band.

Interference remains a central concern for the public safety community. Through this rulemaking, the Commission can continue to demonstrate its commitment to preventing any harmful interference to public safety communications. The PSWN Program advises a cautious approach that will protect sensitive naval operations while not hampering public safety communications. The PSWN Program recommends the use of open, flexible standards to foster new applications and achieve maximum efficiency while promoting interoperability.

The 50 MHz of spectrum provided in this rulemaking demonstrates the Commission's vigorous support of public safety as a national priority. The PSWN Program is confident that the Commission will develop the appropriate rules and policies to manage mission-critical communications and enable public safety agencies to be better prepared to effectively respond in any emergency.

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To: The Commission

COMMENTS TO THE FURTHER NOTICE OF PROPOSED RULEMAKING

1. The Public Safety Wireless Network (PSWN) Program[1] Executive Committee (EC) respectfully submits these comments in response to the Further Notice of Proposed Rulemaking (FNPRM) by the Federal Communications Commission (Commission).[2]

I. INTRODUCTION

2. In the Second Report and Order (Second R&O), the Commission has allocated the 50 megahertz (MHz) of spectrum in the 4940–4990 MHz band for fixed and mobile services (except aeronautical service) for use by public safety entities on a co-primary basis.[3] The

[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. The PSWN Program is a 10-year initiative that is an effort to ensure that no man, woman, or child loses his or her life because public safety officials cannot talk to one another.

[2] Second R&O and FNPRM, *In the Matter of The 4.9 GHz Band Transferred from Federal Government Use,* WT Docket No. 00-32, adopted February 14, 2002, rel. February 27, 2002.

[3] *Id.*, paras. 8–11.

allocation will provide public safety with an additional 50 MHz of spectrum suitable for supporting broadband applications. The decision by the Commission demonstrates its support for effective public safety communications in this new era of homeland security. Through this allocation, public safety agencies will be able to deploy critical communications tools for incident management such as high-speed digital technologies and wireless local area networks (WLAN). With this action, the Commission has implemented the transfer of this spectrum from the Federal Government to the non-Federal Government.

3. In the FNPRM, the Commission seeks input from the industry and future users of this new band in developing rules that will allow flexibility in its use, while making efficient use of the spectrum and protecting the users from harmful interference. The Commission recognizes both the potential benefits and problems of the new public safety band, and through the solicitation of Comments, strives to maximize the utility of this spectrum.

II. BACKGROUND

4. As a result of the Omnibus Budget Reconciliation Act of 1993,[4] the 4.9 gigahertz (GHz) band was reassigned from use by the Federal Government for fixed and mobile services on a co-primary basis. Prior to this Second R&O, the only non-Federal Government services permitted in the 4.9 GHz band were passive and operated on a secondary or unprotected basis.[5] The 4.9 GHz band has also been studied as a candidate band for global harmonization of spectrum for

[4] Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-66, 107 Stat. 312 (1993) (OBRA-93).
[5] Second R&O and FNPRM, WT Docket No. 00-32, at para. 3.

public protection and disaster relief internationally.[6]

5. In December 1999, the Commission released a *Memorandum Opinion and Order* (MO&O), which effectively revised the Table of Frequency Allocations to note that the 4.9 GHz band had become non-Federal Government exclusive spectrum in March 1999.[7] On February 29, 2000, the Commission issued the *First Notice of Proposed Rulemaking* (First NPRM), which proposed to allocate the 4.9 GHz band for non-Federal Government fixed and mobile services excluding aeronautical mobile service. The Commission further considered licensing the band for commercial services.[8] At the same time, the Commission sought comment on its tentative conclusion not to designate any portion of the band for exclusive public safety use, indicating the allocation of 24 MHz in the 700 MHz band was sufficient to support public safety communications needs. However, the Commission noted that the 4.9 GHz band could be used for public safety purposes, "consistent with the Commission's licensing scheme for the band."[9]

6. On October 24, 2000, the Commission issued a *First Report and Order and Second Notice of Proposed Rulemaking* (First R&O and Second NPRM), which allocated the 3650–3700 MHz band for fixed and mobile services (except aeronautical mobile service) and sought comment on the feasibility of and synergy possible through pairing this band with the 4.9 GHz band. The majority opinions received by the Commission relating to the 4.9 GHz band focused on allocating the band for exclusive use by public safety.[10] The comments, letters, and meetings

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[6] *Id.*, at para. 3.
[7] See *Amendment of Part 2 of the Commission's Rules to Make Non-Substantive Revisions to the Table of Frequency Allocations*, MO&O, para. 39 (2000).
[8] First NPRM, at p. 16.
[9] *Id.*, at p. 61.
[10] Second R&O and FNPRM, WT Docket No. 00-32, at p. 7.

focused on the need for more spectrum for public safety and the ideal characteristics of this new band for emerging broadband technologies.[11]

III. DISCUSSION

A. Eligibility for Licensing in the 4.9 GHz Band

7. After the Commission's allocation of this 50 MHz of spectrum to public safety, it sought comments on the appropriate definition of public safety that would determine the entities authorized to use this band. The PSWN Program supports incorporating the definition of public safety stated in the Commission's FNPRM for WT Docket No. 00-32 and part of Section 337(f) of the congressional directive in the Balanced Budget Act of 1997 (BBA-97), [12] which stated: "(1) Public safety services. The term 'public safety services' means services-

> (A) the sole or principal purpose of which is to protect the safety of life, health, or property;
>
> (B) that are provided-
>
> (i) by State or local government entities; or
>
> (ii) by nongovernmental organizations that are authorized by a governmental entity whose primary mission is the provision of such services; and
>
> (C) that are not made commercially available the public by the provider."[13]

This definition was used to determine the eligibility of users in both general and interoperability spectrum of the 700 MHz public safety band. The criteria set forth through this definition have served effectively throughout the nearly complete rulemaking process contained within WT

[11] *Id.*
[12] FNPRM, WT Docket No. 00-32, at para. 31.
[13] *See* BBA 97, H.R. 2015, 105th Congress, Title III, Section 337(f), p. 111 Stat. 258, enacted August 5, 1997.

Docket No. 96-86. In the First R&O of WT Docket No. 98–86, the Commission adopts the definition from the BBA-97 while also implementing a three-pronged approach to verify the eligibility of the potential license holders. The eligibility is determined by the purpose of spectrum use, identity of the licensee, and the noncommercial proviso.[14]

8. The definition of "public safety services" noted above was derived from the public safety communications leaders who served on the Public Safety Wireless Advisory Committee (PSWAC). This committee drafted the PSWAC Final Report, which determined public safety communications needs through the year 2010.[15] The central focus of the committee's recommendations was the need for additional exclusive, public safety spectrum allocations. Of particular note, the PSWAC reported on the requirement for a large bandwidth for interoperable, on-scene, high-speed data and video. Originally, the PSWAC proposed the 4635–4685 MHz band to provide these high-speed, large bandwidth services for on-scene portable applications.[16] Alternatively, the recent allocation of the 4.9 GHz band fills that specific void because that spectrum possesses similar propagation characteristics to the 4635–4685 MHz band. The PSWN Program observes that the PSWAC definition of "public safety" does not consider critical infrastructure services or companies such as transit systems, railroads, utilities, and not-for-profit emergency road services when determining the relevant spectrum requirements. In addition, when a similar discussion transpired during the rulemaking for WT Docket No. 96-86 on the inclusion of critical infrastructure organizations on the public safety band, the Commission did not support this addition to the definition of public safety providers.[17] Therefore, the PSWN

[14] First R&O, WT Docket No. 96-86, paras. 48–59.
[15] PSWAC Final Report, September 11, 1996, pp. 12–13.
[16] *Id.*, at pp. 59–61.
[17] First R&O, WT Docket No. 96-86, at para 51.

Program maintains that the Commission should not permit the exemptions contained within Section 309(j), which would make critical infrastructure agencies or companies eligible for licenses in the 4.9 GHz public safety band.

9. The PSWN Program also declines to support the licensing of commercial entities on the 4.9 GHz band. The PSWN Program asserts that if a commercial entity supports a public safety agency and requires access to the spectrum, it should be able to obtain any required licensing through its cooperative agency. Licensing in this manner would also reduce the additional strain on the Commission by simplifying the eligibility definition and the administrative burden. The PSWN Program would like to clarify that commercial entities attempting to enter into these arrangements should be those services directly assisting specific public safety agencies in emergency response, not companies looking to provide localized "high-speed Internet access."[18]

10. The PSWN Program understands the importance that both critical infrastructure organizations and commercial entities may play in a large-scale interoperability situation; however, the primary concern in this rulemaking is to make sufficient broadband resources available for traditional first responders. The PSWN Program supports the establishment of memoranda of understanding (MOU) or other formal agreements with public safety agencies to allow these services to gain access to this spectrum in support of public safety missions. The PSWN Program would like to point out that any cooperative arrangement less formal than an MOU or other similar well-defined sharing agreement would only increase the possibility of harmful interference or the unavailability of spectrum for first responders without notice in

[18] Second R&O, WT Docket No. 00-32, at para. 28, referencing Reply Comments of Adaptive Broadband Corporation, WT Docket No. 00-32 , May 17, 2000, at pp. 2; Reply Comments of Global Frontiers, Inc., May 17, 2000, at p. 1.

circumstances when such resources are most critical.

11. In large-scale and even daily incident response, all levels of government may be required to participate. The PSWN Program agrees with the Commission's tentative conclusion to allow Federal Government sharing of the 4.9 GHz public safety band for interoperability purposes on a noninterference basis with formal sharing agreements in place between that particular federal agency and the licensed state or local public safety agency. The Commission stated in the First R&O on WT Docket No. 96-86, "[a]lthough we conclude herein that Federal entities are ineligible for Commission licensing in the 700 MHz band, they are eligible to receive authorization to use this spectrum in accordance with the requirements set forth in Section 2.103 of our rules for Government use of non-Government spectrum. This use of the 700 MHz band by Federal public safety providers falls within the reasonable interpretation of the uses for which the spectrum is allocated because such use will benefit, support, and in some cases be critical to, the successful provision of public safety services by Commission licensees."[19]

12. As mentioned above, the Commission's Rules allow for authorization of federal sharing of the 700 MHz public safety bands as long as the specific criteria set in the Rules are met. In Section 2.103(b) of the Rules it states, "Government stations may be authorized to use non-government frequencies in the bands above 25 MHz (except the 764–776 MHz and 794–806 MHz public safety bands) if the Commission finds that such use is necessary for coordination of Government and non-government activities."[20] Other conditions must also be met by federal public safety providers to qualify for co-equal access to this spectrum; however, none would

[19] First R&O, WT Docket No. 96-86, at para. 68.
[20] 47 CFR 2.103.

preclude the possibility of frequency sharing in a joint response situation.

B. Fixed and Mobile Use of the 4.9 GHz Band

13. The PSWN Program supports the Commission's tentative conclusion that public safety would benefit from mobile as well as fixed operations in the 4.9 GHz band. The program envisions fixed operations being a key to daily operations as well as incident response and management. As the Commission points out, spectrum efficiency is crucial in today's radio environment and employing fixed operations in the 4.9 GHz band would provide for more efficient use policies. Without fixed operations, daily needs for this spectrum could not be fulfilled because the propagation characteristics limit mobile transmissions to short range. However, if a fixed infrastructure is permitted, mobile applications would operate over a backbone, allowing reuse of frequency and connecting groups of users with others in both emergency and non-emergency situations. Specifically, the PSWN Program recommends allowing traditional point-to-point microwave, point-to-multipoint services, and temporary fixed links to optimize the effectiveness and reuse of this newly allocated spectrum.

14. Permitting the mobile and fixed use of technologies in this band opens the door for many services that may now become a reality for public safety agencies around the Nation. Several new technologies that could be deployed in the future include personal area network/vehicular area network (PAN/VAN) applications, WLANs, and hotspot WLANs. PAN/VAN applications are broadband systems that provide very localized coverage around the user or the vehicle, creating a wireless link between a variety of devices such as wireless headsets, microphones, palmtops, mobile data terminals, and other imaging technology. WLAN applications are traditionally deployed on an ad-hoc basis in response situations to provide the local area with

real-time, high-speed wireless data, video, or voice transmissions. Hotspot WLAN applications are fixed technologies that support high-speed file transfers or voice traffic from an infrastructure at fixed "hotspot" locations in a jurisdiction.[21] Due to the geographic limitations of these technologies, which only transmit over distances from 1 to 1000 meters, the possibilities for spectrum reuse in a region are significant.

15. Several public safety agencies across the country already have made plans to take advantage of this new technology to better serve citizens. For example, the City of Memphis Police Department has incorporated these new technologies into its long-term communications plan. Memphis plans to employ WLANs to gain the broadband access necessary to support its deployment of mobile offices, mobile data terminals, handheld computers, video cameras, and other emerging technologies. It also plans to employ related applications that require the wireless transmission of large data and image files.[22] The City of Mesquite, Texas, fire department noted several applications that could be deployed in this band that could save the lives of the firefighters and victims. The department proposes that with this technology, a firefighter could have several applications wirelessly connected including biometric and environmental sensors, wireless microphone and earpieces, video and imaging cameras, and three-dimensional location applications.[23] Together, these devices could provide the crucial link to locate an injured firefighter or victim. The Los Angeles County Sheriff noted that the integration of these new technologies would create a safer environment for the officers that risk

[21] 4.9 GHz Allocation to Public Safety: Motorola White Paper for Submission to FCC (*Motorola White Paper*), July 31, 2001, pp. July 31, 2001, pp. 9–11.
[22] *See* The City of Memphis Police, *Ex Parte Letter to the Honorable Michael K. Powell, Commissioner, Federal Communications Commission*, WT Docket No. 00-32, May 9, 2001.
[23] *See* The City of Mesquite, Texas, Fire Chief, *Ex Parte Letter to the Honorable Michael K. Powell, Commissioner, Federal Communications Commission*, WT Docket No. 00-32, April 10, 2001.

their lives every day.[24] This new technology will not be effective nor serve its purpose if it is not properly licensed. The PSWN Program reiterates the importance of this spectrum to the public safety community and the need to carefully establish and enforce licensing rules.

C. Channel Plan

16. Before the Second R&O for WT Docket No. 00-32 was even released, channel plans were submitted for consideration to the Commission. The PSWN Program expresses its concern regarding the differing opinions with regard to choosing an appropriate channel plan. The PSWN Program strongly supports a band plan designed for public safety with input from its users, not a plan built without public safety in mind or conceived to support only a single technology. In addition, an appropriate plan must advance the priorities expressed by the Commission for broadband public safety operations. The PSWN Program also agrees that with proper planning, the spectrum provided by this allocation could fulfill many of the needs of the public safety community.

D. Mobile Licensing

1. State Licensing

17. In the Second R&O, the Commission focused its mobile licensing decisions on the need for flexibility, especially considering the deployment requirements for this spectrum. The PSWN Program agrees that licensing flexibility will be crucial for effective implementation of the technologies planned for this newly allocated spectrum. To relieve the burden of licensing this spectrum while allowing maximum flexibility, the Commission recommended that "[a] state-

[24] *See* Los Angeles County Sheriff, *Ex Parte Letter to the Honorable Michael K. Powell, Commissioner, Federal Communications Commission*, WT Docket No. 00-32, April 25, 2001.

level agency or organization responsible for administering state emergency communications would be responsible for authorizing local and other public safety entities to operate on the spectrum and coordinating spectrum use."[25] The PSWN Program agrees with the Commission's conclusion that the state-level organizations are typically in charge of large-scale incident responses and are also well-positioned to coordinate local public safety entities with federal agencies. While drafting rules for the 700 MHz public safety interoperability band, the Commission encouraged states to establish organizations necessary to administer this spectrum and many responded.

18. The PSWN Program supports a licensing process for the 4.9 GHz band similar to the licensing process that will be performed for the 700 MHz interoperability spectrum. The system referenced in the FNPRM that was originally described in the Fourth R&O for WT Docket No. 96-86[26] would provide good guidelines for the current rulemaking, including the use of an application time frame for states to apply for administration of the spectrum. The PSWN Program has witnessed success in many states that have formed SIECs to assist in the management of the interoperability spectrum and envision this success carrying over into the 4.9 GHz band management. In those cases where a state does not have an SIEC or does not respond within the Commission's application time frame, the PSWN Program supports reverting administrative responsibilities to the appropriate regional planning committee (RPC), as is done in situations involving the 700 MHz interoperability band.[27] The PSWN Program asserts that administration of the 4.9 GHz band by a SIEC or alternate body, and defaulting to the RPC, is both feasible and appropriate.

[25] Second R&O and FNPRM, para. 47.
[26] Fourth R &O, WT Docket No. 96-86, paras. 6–16.
[27] *Id.*

19. The PSWN Program acknowledges the proven benefits of thorough planning when establishing new public safety spectrum rules. Additionally, the PSWN Program recommends that the Commission should seek input from experts in the public safety communications community. In the past, groups such as the National Public Safety Planning Advisory Committee (NPSPAC) have contributed guidance in the 800 MHz public safety band, and today the National Coordinating Committee (NCC) has been instrumental in planning the 700 MHz interoperability band. Input from these organizations has proven invaluable in outlining operational and technical guidelines for successful communications. Other recognized sources of expertise that have contributed valuable input include the National Public Safety Telecommunications Council (NPSTC) and the Association of Public-Safety Communications Officials-International, Inc. (APCO).

2. Blanket Licensing

20. As the Commission has noted, the small service contour creates an optimal environment for blanket licensing.[28] The PSWN Program supports blanket licensing in this situation provided that the users qualify under standards parallel to the two standards set forth in the Fourth R&O on WT Docket No. 96-86. These standards require that the entities are eligible to be licensed in the 700 MHz public safety band and that the entities are otherwise licensed under Part 90.15 of the Rules.[29] Incorporating a blanket licensing approach will indeed permit the flexibility that the Commission seeks while also reducing the administrative burdens of traditional licensing processes. The PSWN Program foresees no significant interference problems associated with this approach; however, licensing public safety radios using Part 15 of the Commission's Rules could inadvertently increase the potential for interference because of a lack of restrictions.

[28] Second Report and Order and FNPRM, WT Docket No. 00-32, para. 50.
[29] Fourth R & O, WT Docket No. 96-86, para. 29.

3. Regional Planning Committees

21. The PSWN Program supports the continued use of the RPC licensing scheme in the new 4.9 GHz band to ensure the necessary planning for successful multiagency responses occurs in a timely manner. The incorporation of this scheme forces coordination in a region and does not rely on an individual agency taking the initiative to work with other agencies in the area.

E. Interference

22. In the FNPRM, the Commission raises concerns about interference with the neighboring U.S Navy Cooperative Engagement Capability (CEC) operations.[30] These concerns are legitimate; however, a study performed by Motorola suggests that public safety radios in the 4.9 GHz band would not cause harmful interference to CEC operations in most of the country.[31] The PSWN Program agrees with many of the findings made in the study.

23. The PSWN Program asserts that interference would not be a problem in most geographic areas for several reasons. First, the naval CEC operations outside of the 15 training facilities use a mid-power level and do not occupy the 50 MHz closest to the public safety band beginning at 4.94 GHz.[32] Second, public safety equipment would operate on low power. Finally, public safety has historically been quick to resolve interference issues. This is especially true because the public safety community and the U.S. Navy have a "common appreciation for mission critical operations."[33] This situation underscores the need for the Commission and the National Telecommunications and Information Administration to further investigate methods of coordination between non-government public safety and the military.

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[30] Second R&O and FNPRM, WT Docket No. 00-32, paras. 60–62.
[31] Motorola White Paper, pp. 21–22.
[32] *Id.*
[33] *Id.*, at p. 3.

F. Technical Standards for Mobile Equipment

24. The PSWN Program strongly endorses the creation or use of equipment standards in the 4.9 GHz public safety band. Although the program makes no specific recommendations, the Commission should seek a suite of standards that will accommodate the unique, anticipated applications for the 4.9 GHz band, which will be predominantly used to enable high-speed data transfer and video technologies. The key to successful communications and interoperability in this new spectrum is developing open, flexible standards. In general, open standards enable simplified equipment interoperability by breaking down the barriers of proprietary technologies. With regard to the standards selection in the 700 MHz public safety interoperability band, the Commission has noted that, "a single standard would ensure equipment compatibility."[34]

25. The PSWN Program concurs with the Commission's statement that some regulatory flexibility would support interoperability among agencies.[35] Previously, the Commission has demonstrated similar flexibility. In the rulemaking proceeding establishing the 700 MHz interoperability spectrum, the Commission allowed trunking on the interoperability channels but did not require it.[36] This was just one example of flexibility in an operational capacity that allows for greater efficiency, provides opportunities for interoperability when needed, and enables use of all available technologies.

26. The PSWN Program commends the Commission for exploring alternative means to bolster interoperability. However, in addition to adopting standards, the Commission can enhance public safety interoperability by establishing regulations. First, the Commission can

[34] Fourth NPRM, WT Docket No. 96-86, at para. 41.
[35] Second R&O and FNPRM, WT Docket No. 96-86, at para. 63.
[36] Fourth R&O, WT Docket No. 96-86, paras. 34–35.

mandate the use of a pre-coordination database or similar tool that would create a central coordinating point for these frequencies across the Nation. Second, the Commission can assign a broadband spectrum channel designated for use when different agencies or jurisdictions needed interoperability. This channel would not be used solely for interoperability; in a multi-jurisdictional response, it would become the default channel for broadband use by responding agencies. For this channel to work, it is crucial to draft regulations that include standards to ensure all agencies using the channel in a joint response situation can establish communications easily.

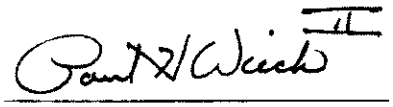
27. The PSWN Program would like to emphasize to the Commission that it is crucial to provide access to this spectrum in an expedited fashion to fill the existing void in public safety communications. The public safety community has experienced the inevitable losses of personnel and property from lack of resources, and valuable time has already been lost in the implementation of public safety operations in the 700 MHz band. The PSWN Program requests that the 4.9 GHz spectrum be released for use as soon as the relevant Rules are finalized and implores the Commission not to incorporate any contingencies that might unnecessarily delay deployment.

IV. CONCLUSION

28. The PSWN Program is grateful for the additional spectrum that the Commission has allocated for public safety communications in this proceeding. The program commends the efforts of all commenters and respectfully requests that the Commission consider carefully the program's concerns and recommendations submitted with respect to the proposed rulemaking by the Commission. It is only with the Commission's cooperation and continued support of public

safety initiatives that this spectrum can provide effective, state-of-the-art tools for responding public safety agencies. With your help, this scarce resource can be used to the fullest extent possible in achieving the goals of protecting the people and property, which are the responsibility of the public safety community.

Respectfully submitted,



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Chair, PSWN Executive Committee
Spectrum Working Group

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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	)	
	)	WT Docket No. 00-32
The 4.9 GHz Band Transferred from	)	
Federal Government Use	)	
	)	

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 first-class mail, postage prepaid (or by hand where noted) copies of the Public Safety Wireless Network Program's Comments in response to the Second Report and Order and Further Notice of Proposed Rulemaking, *The 4.9 GHz Band Transferred from Federal Government Use,* the original of which is filed herewith and upon the parties identified on the attached service list.

DATED at Fair Oaks, Virginia this 8th day of July 2002.

Richard N. Allen

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