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Public Safety Wireless Network

Saving Lives and Property Through Improved Interoperability

January 27, 2003

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

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: PSWN Program Response to the Commission's Request for Comments to the Spectrum Policy Task Force Report, *In the Matter of Spectrum Policy Task Force Seeks Public Comment on Issues Related to the Commission's Spectrum Policies*, ET Docket No. 02-135

Dear Ms. Dortch:

On behalf of the Public Safety Wireless Network (PSWN) Program and pursuant to Section 1.51 of the Commission's Rules, 47 C.F.R. § 1.51 (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 to the person delivering it.

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

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Washington, DC 20554

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In the Matter of)
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Spectrum Policy Task Force Seeks Public)
Comment on Issues Related to Commission's)
Spectrum Policies)

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

FCC 02-322
ET Docket No. 02-135

To: The Commission

**RESPONSE TO THE COMMISSION'S REQUEST FOR COMMENTS
ON SPECTRUM POLICY TASK FORCE REPORT**

Filed by: The Public Safety Wireless Network Program

Date: January 27, 2003

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EXECUTIVE SUMMARY

On June 6, 2002, the Federal Communications Commission (Commission) announced the formation of the Spectrum Policy Task Force (SPTF), composed of an elite group of knowledgeable spectrum professionals from a wide range of interests within the user community, and Commission and National Telecommunications and Information Administration (NTIA) staff members. This distinguished group held a series of workshops in August 2002 and reviewed several key topics and policy areas in an effort to reconsider the foundations of the Commission's spectrum management policies. In the months that followed, over two hundred comments, reply comments, notices, letters, and other correspondence were submitted, addressing many topics and proposals under consideration on ET Docket No. 02-135.

On November 15, 2002, the Spectrum Policy Task Force (SPTF) released its final report, which provided a series of observations regarding spectrum use and recommendations to facilitate access to spectrum and promote more efficient use. On November 25, 2002, the Commission published Public Notice FCC 02-322, requesting comments from interested parties regarding the findings and recommendations made in the SPTF Report. The findings and recommendations are divided into five broad areas: Spectrum Reform: The Time is Now, Key Elements of New Spectrum Policy, Interference Avoidance, Spectrum Usage Models, and Promoting Access to Spectrum. Initiatives in any of these policy areas could have an impact on the public safety community and should be studied in depth to prevent any detrimental effect on quality, reliability, or immediacy of necessary communications capabilities.

The PSWN Program agrees with many of the key findings of the SPTF report, but is reluctant to endorse some of the "market-oriented" allocation policies proposed by the panels,

which could have a negative impact upon the provision of wireless services in support of public safety and national security. The Commission has frequently acknowledged that public safety will remain a priority in determining appropriate rules and procedures for spectrum management. However, the intrinsic value of law enforcement, firefighting, search and rescue, and other critical operations are impossible to quantify in monetary terms, and so, are at odds with the policies that have been articulated to assess the best and highest use of spectrum resources.

Nor can public safety agencies be held to the same standards for efficiency as private and commercial licensees, any more than they can afford to relinquish primary licenses or depend upon commercial services to provide support for day-to-day operations. The nature of public safety communications and the duties of first responders in cases of emergencies make spectrum usage unpredictable and immediate access and interoperability a necessity. In short, the public safety community cannot compete for spectrum on an even basis with commercial providers.

By requiring public safety entities to bid on spectrum or upgrade equipment to meet new interference protection standards and increased signal strength requirements, the taxpayer will ultimately have to pay the price in lieu of the private and commercial providers that use spectrum for profit. Even if the lack of financial resources were not prohibitive, the applications and uses that are intrinsic to public safety users cannot be measured using the same yardstick as operators who sell their services to the public. The PSWN Program urges the Commission to honor its commitment to public safety by protecting users from debilitating interference, increasing allocations for national interoperability capability, and finding ways to promote efficiency and innovation that do not inhibit public safety personnel from undertaking that mission.

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)
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Spectrum Policy Task Force Seeks Public) FCC 02-322
Comment on Issues Related to Commission's) ET Docket No. 02-135
Spectrum Policies)

To: The Commission

**RESPONSE TO THE COMMISSION'S REQUEST FOR COMMENTS
ON THE SPECTRUM POLICY TASK FORCE REPORT**

I. INTRODUCTION

1. The Public Safety Wireless Network (PSWN) Program¹ Executive Committee (EC) respectfully submits this response to the Federal Communications Commission (Commission) in response to the Public Notice released on November 25, 2002, requesting comments on the Spectrum Policy Task Force Report (SPTF Report).² ET Docket No. 02-135 was established by the Commission in June 2002 to solicit additional information and input from a broad range of interested parties regarding the comprehensive revision of the underlying assumptions and spectrum management policies that have been developed to determine spectrum usage, rights and

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 Public Notice, *Commission Seeks Public Comment on Spectrum Policy Task Force Report*, FCC 02-322, rel. November 25, 2002.

responsibilities.³ The specific findings and recommendations described in the report address proposed revisions of the Commission’s current spectrum policies.

2. At the outset, the PSWN Program observes that the Commission has not endorsed the findings or recommendations of the SPTF Report.⁴ Commissioner Michael Copps also noted that implementation of some of the policies recommended could generate “vigorous debate” and entail development of “strong protections, oversight, and planning.”⁵ The SPTF Report generally recommends that the Commission should—

- Allow maximum flexibility of spectrum use by both licensed and unlicensed users
- Clearly and definitively establish spectrum users’ rights and responsibilities
- Use all dimensions of spectrum usage (frequency, power, space, and time)
- Provide incentives to encourage efficient spectrum use
- Group together spectrum “neighbors” with technically compatible characteristics
- Periodically review and revise spectrum rules to reflect advances in technology and other changes
- Establish efficient, reliable enforcement procedures for ensuring regulatory compliance by all spectrum users.⁶

While the PSWN Program fundamentally agrees with these objectives in theory, accomplishing them could utilize disparate approaches that could have a negative effect on some wireless user groups, most notably the public safety community.

³ Public Notice, *Spectrum Policy Task Force Seeks Public Comment on Issues Related to Commission’s Spectrum Policies*, DA 02-1311, rel. June 6, 2002.

⁴ See FCC Request for Comments to SPTF Report at p. 3, *Statement of Commissioner Michael J. Copps*.

⁵ *Id.*

⁶ Federal Communications Commission, *Spectrum Policy Task Force Report*, ET Docket No. 02-135, November 2002 (*SPTF Report*), at pp. 15–16.

II. STATEMENT OF INTEREST

3. The PSWN Program has closely monitored the proceedings in this rulemaking because many of the issues addressed in this docket touch on the concerns of the public safety community. Adoption of the recommendations in the SPTF Report could have a profound effect on how law enforcement, firefighting, search and rescue, and other emergency personnel and first responders carry out their duties. The PSWN Program has contributed comments and reply comments to ET Docket No. 02-135. PSWN Program staff attended the four workshops held in August in which leaders in the spectrum management arena discussed issues and proposed solutions to promote efficient use of spectrum resources and foster innovation. The PSWN Program seeks to provide the Commission with perspectives expressing the views and needs of those users and is proud to assist the Commission in the improvement of public safety communications. The policies adopted by the Commission should encourage the introduction of new technologies to augment public safety capabilities and achieve greater efficiency and flexibility, while promoting interoperable communications between local, state, and federal personnel.

III. DISCUSSION

A. Spectrum Policy Reform: The Time Is Now

4. The SPTF Report openly states that “[i]ncreasing demand for spectrum-based services and devices is straining longstanding and outmoded spectrum policies.”⁷ The SPTF Report discusses the exponential growth of mobile wireless services and devices in detail. The SPTF Report also acknowledges that 1994 estimates of the popularity of wireless mobile technology through the year 2000 predicted less than half of the actual 110 million users who were using

⁷ SPTF Report at pp. 4, 12.

those services by that time.⁸ The SPTF noted that advances in technology had also made it possible for the Commission to implement changes in its spectrum policy regime. The SPTF Report proposes that recent advances have also made additional services and applications available to consumers, including wireless access to wide area networks (WAN) using 802.11b standard (Wi-Fi) technology, third-generation (3G) technology, ultra wideband (UWB) and other wireless high-speed access methods, software defined radio (SDR) and additional cognitive “opportunistic” radio transmitters and receivers, and other cutting-edge applications.⁹

5. The PSWN Program asserts that while some of these applications may offer tremendous opportunities, some also have potential drawbacks. For example, recent studies by the Federal Bureau of Investigation (FBI), the U.S. Secret Service, and other agencies have determined that many Wi-Fi networks are not secure and present real dangers because of the ease with which unauthorized access to sensitive information can occur.¹⁰ The SPTF Report also maintains that “[I]t is important that critical defense systems do not risk exposure to harmful interference and to provide adequate spectrum resources to public safety entities.”¹¹ Again, the Commission must proceed cautiously and deliberately to eliminate undetected problems creating vulnerability in emerging technologies before they can cause damage from interference, lack of security, or other flaws.

⁸ *Id.* at p. 12.

⁹ *Id.* at p. 14.

¹⁰ See, e.g., Michelle Kessler, “Security-conscious groups ban Wi-Fi,” *USA Today*, January 28, 2002; Dave Salvator, “Opinion: Plugging Neighborhood 802.11b Leaks,” *Extremetech.com*, October 3, 2002; Paul Boutin, “Feds Label Wi-Fi a Terrorist Tool,” *Wired News*, December 6, 2002.

¹¹ SPTF Report at p. 11.

6. The SPTF Report also notes that “portions of the radio spectrum are not in use for significant periods of time, and that spectrum use of these ‘white spaces’ (both temporal and geographic) can be increased significantly.”¹² The SPTF Report goes on to recommend that additional information and measurement is needed to thoroughly evaluate spectrum usage in order to adopt policies that take full advantage of idle spectrum.¹³ The SPTF Report further observes that “certain types of spectrum users, such as the public safety community, have significant variability in their spectrum use and, as such, much of their allocated spectrum lies fallow during non-peak periods.”¹⁴ The SPTF Report notes a study by the New York State Office for Technology that found during the period measured, channel occupancy varied from less than 15 percent to close to 85 percent of capacity.¹⁵ However, the SPTF Report did *not* publish the New York State Office for Technology’s conclusion that “[t]he actual user’s needs are not captured by these measurements. Therefore, Public Safety networks must be designed to provide sufficient ‘worst case’ capacity.”¹⁶ In fact, the SPTF Report ignores this conclusion and recommends that this “excess” spectrum should be leased, completely mischaracterizing the results of the study.

7. The SPTF Report recommends that users that experience “down time” with their spectrum should have the flexibility to lease it to commercial providers, and calls on the Commission to specifically permit public safety users to lease their spectrum to commercial or private services when it is not in use. The PSWN Program strongly opposes this

¹² SPTF Report, at pp. 3–4.

¹³ *Id.*, at pp. 3, 10.

¹⁴ *Id.* at p. 10.

¹⁵ *Id.*, at pp. 10–11, citing Comments of the Statewide Wireless Network, New York State Office for Technology, ET Docket No. 02-135, July 8, 2002, at pp. 6–7 (*NY OFT Comments*).

¹⁶ See NY OFT Comments, at pp. 5–6.

recommendation. The potential temptation for less affluent communities' police, fire and rescue, and other public safety providers to lease spectrum that they might need at any given moment to respond to emergencies, whether natural or manmade events, is a recipe for disaster. Once spectrum has been allocated for public safety operations, it should remain exclusively dedicated for public safety purposes.

8. The SPTF Report mentions providing control mechanisms to immediately curtail the leased spectrum use, and return access to public safety when the need for access arises. The PSWN Program notes that although advances in technology could make such operation *possible* in the future, there is no assurance that these devices would actually be used in compliance with any such requests. The SPTF does not offer a sufficiently reliable method to guarantee immediate access or enforcement provisions that would carry penalties for parties that fail to respond when spectrum is needed by primary users. This recommendation also begs the question of how the lessees' customers or users would react when their service was abruptly interrupted. They too would be poorly served by this proposal.

9. Conversely, the SPTF Report later recommends the emergency provision of non-public-safety spectrum by other licensees to support public safety operations in emergencies.¹⁷ The PSWN Program fully supports encouraging public-private cooperation to assist first responders and other users, and suggests that the Commission offer carriers incentives to provide additional spectrum "easements" for public safety communications. Unlike commercial users, public safety personnel will have no incentive to continue occupying "borrowed" spectrum after a crisis has

¹⁷ SPTF Report at p. 44.

passed. Carriers and other providers would have their spectrum promptly returned after the critical need for additional access had ceased.

B. Key Elements of New Spectrum Policy

10. One of the many recommendations in the SPTF Report is to maximize flexibility of spectrum use in order to allow greater choice.¹⁸ The PSWN Program agrees with this concept; however, the solutions to promote flexibility offered in the SPTF Report are based on market factors and competition, which are antithetical to promoting adequate public safety communications services.

11. The SPTF Report also proposes that the Commission adopt more clearly defined rules and responsibilities to govern spectrum use.¹⁹ The PSWN Program agrees that spectrum rights should be clarified, and limitations placed on spectrum use. In particular, when improper use causes interference, it should be subject to more immediate correction, including termination of transmission and possible forfeiture of licenses. Thus, the PSWN Program fully supports the SPTF's recommendation that the Commission should request additional funding and resources, and authorization from Congress, to bring about some of the changes in policy and procedure recommended in this report.²⁰

12. The SPTF Report also recommends the co-location of high-power transmitters.²¹ The PSWN Program agrees with this analysis but cautions that it may limit frequency reuse and

¹⁸ *Id.* at p. 16.

¹⁹ *Id.* at p. 17.

²⁰ *Id.* at p. 23.

²¹ *Id.* at p. 20.

conflict with other applications within the affected service area. However, co-located receivers in the vicinity of these transmitters may be affected by high-power signals. The PSWN Program supports grouping like uses into similar segments of spectrum, such as grouping the low-power, non-interfering assisted learning devices with public safety applications in the 218–220 MHz band.

13. One method suggested in the SPTF Report to promote spectrum efficiency is to impose users' fees.²² The PSWN Program strongly disagrees with this recommendation because it would require additional taxes to support necessary government operations. These scarce tax dollars would be better spent improving local and state government wireless infrastructure or to buy much-needed equipment, and not simply to provide additional revenues for the Government.

C. Interference Avoidance

14. The PSWN Program asserts that public safety communications are entitled to the strictest possible protections from harmful interference and disruption that the Commission can provide. The Commission must continue to take any and all steps necessary to ensure the quality and reliability of those operations, as well as provide sufficient spectral resources and enforcement of regulations to make certain that public safety personnel have the capabilities to meet their needs. The SPTF Report recommends that “cumulative summation of all the undesired RF energy available to be captured by a particular antenna for delivery to the receiver” can be used to help “quantify and manage interference.”²³ The PSWN Program recommends that clearly defined standards should be imposed to limit interference in each band, relevant to the environment for

²² *Id.* at p. 21.

²³ *Id.* at p. 27.

each. Ad hoc resolution is not feasible and would only raise transactional costs for providers and delay resolution. If interference to public safety wireless users is not *prevented* from occurring but only mitigated or resolved after the fact, the lives of first responders, as well as the general public, are endangered by each instance of interference that adversely affects service.

15. The PSWN Program also agrees with the SPTF Report's recommendation to the Commission regarding the adoption of receiver standards.²⁴ The PSWN Program has continually supported providing open receiver standards to promote interoperability and to improve the quality and reliability of communications.²⁵ By setting objective and feasible guidelines for manufacturers to meet, much interference can be prevented as users transition to new equipment as systems are upgraded. The PSWN Program supports the adoption of out-of-band emissions limits by the Commission, as early as is feasible, beginning with bands that are subject to the greatest degree of adjacent channel interference.

16. The PSWN Program fully agrees with the SPTF Report's recommendations with respect to undertaking a study of the noise floor in each band to develop the interference metric described to accurately measure, and hopefully prevent, harmful interference. The PSWN Program maintains that such a study would be in the best interests of all spectrum users and that the Commission could use the results to accurately assess the emission levels that should be prescribed, noting that different values would be appropriate to each band. The PSWN Program urges the Commission to prepare analyses to revise emissions limits as part of its policy to

²⁴ *Id.* at p. 34.

²⁵ *See, e.g.*; Petition for Rule Making by the Public Safety Wireless Network To Promote the Allocation of Spectrum For Public Safety Agencies and Other Matters To Address Communications Needs Through 2010, September 14, 2001, at paras. 38–39; PSWN Program Comments to ET Docket No. 02-135, July 8, 2002, at para. 16.

remedy interference to public safety communications systems in the ultra-high frequency (UHF) and very high frequency (VHF) bands below 512 MHz, as well as in the 700 MHz and 800 MHz spectrum bands, to prevent interference in the future.

17. The SPTF Report also recommends that a review should be conducted by the Commission to ascertain “actual spectrum measurements of the RF noise interference floor.”²⁶ The PSWN Program agrees with the recommendation for a study of the noise floor to be performed by a public-private partnership. However, some information regarding location of base stations, repeaters, and the incidence of interference in certain areas could be used to the detriment of military, intelligence, law enforcement, and other government and public safety entities; therefore, access to this data should be limited so that sensitive information cannot be misused.

D. Spectrum Usage Models

18. The SPTF Report observes that there is no appropriate “one size fits all” model for regulation of spectrum.²⁷ The PSWN Program agrees with the SPTF Report that market forces are not sufficient to protect public safety spectrum allocations.²⁸ While the “exclusive rights” and “commons” models for spectrum could be used in regulating spectrum use in particular instances, the PSWN Program strongly agrees with the SPTF recommendation to reserve use of the spectrum “command-and-control” model “for situations where prescribing spectrum use by regulation is necessary to accomplish important public interest objectives” and “to ensure

²⁶ SPTF Report at p. 27.

²⁷ *Id.* at pp. 5, 15.

²⁸ *Id.* at p. 43.

provision of essential life-and-safety services.”²⁹ The SPTF Report finds that “public safety and critical infrastructure may also require dedicated spectrum at particular times to ensure priority access for emergency communications.”³⁰ The PSWN Program reiterates its opinion that comprehensive planning must make these assets available at all times because of the unpredictable nature of public safety needs. The PSWN Program again reminds the Commission that to allow “public safety users to have the flexibility to lease spectrum capacity during lower-use periods to commercial users”³¹ would only create access shortages and endanger citizens, the public safety community, carriers, and secondary users alike. The Commission must assume that lives will be at stake in each instance and balance the risk of endangering the public every time spectrum is leased by public safety agencies.

19. The SPTF Report further suggests that breakthroughs in efficiency, and improving spectrum use and flexibility may drive costs down sufficiently so that public safety entities can bid competitively at auctions against other spectrum licensees, but admits that this is not possible today.³² The PSWN Program adds that given the competition among commercial entities, especially for spectrum in the 800 MHz band, such participation by public safety in competitive auctions will not occur any time in the foreseeable future. The PSWN Program also underscores the point that the public safety community is *still* without access to *any* of the 74 MHz of the

²⁹ *Id.*, at pp. 5–6, 41.

³⁰ *Id.* at p. 41.

³¹ *Id.* at p. 6. *See also* SPTF Report at p. 36; “Some commenters, however, argued in favor of retaining a command-and-control approach for certain services (*e.g.*; public safety) on the grounds that exclusive reliance on market-based spectrum usage models would undervalue or thwart the use of such services.” *Id.*

³² *Id.* at p. 43.

spectrum that has been allocated for public safety purposes in recent rulemakings.³³ The PSWN Program respectfully requests that the Commission makes every effort to expedite public safety access in the 700 MHz band, as well as in the 4.9 gigahertz band, to meet increasing public safety communications requirements.

E. Promoting Access to Spectrum

20. The SPTF Report recommends changes in licensing policy to allow for “underlay” use of spectrum and encouragement of secondary markets, to increase efficiency of use and access to spectral resources. The SPTF Report recommends allowing “frequency-agile” radios operating below the interference threshold, and suggests that in limited cases, these devices should also be permitted to operate above the noise floor, using cognitive radios technologies that require the radios to listen first before transmitting. The PSWN Program agrees that for any device known to operate using power levels that exceed the level at which interference could be created to other users and in nearby spectrum, licensing must be required to ensure immediate resolution of interference affecting public safety users. Strict enforcement measures should also be incorporated to ensure compliance. Again, the PSWN Program asserts that these technologies must be thoroughly evaluated prior to any deployment and recommends that the Commission work closely with NTIA to test and ensure that emissions levels would not pose a threat of interference to incumbent services. The PSWN Program also submits that public safety licensees should already have maximum flexibility of use of allocated spectrum under the Commission’s

³³ See, e.g.; First Report and Order (*First R&O*), 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, rel. January 7, 2000; Second R&O and Further Notice of Proposed Rulemaking, In the Matter of the 4.9 GHz Band Transferred from Federal Government Use, WT Docket No. 00-32, rel. February 27, 2002.

Rules, and that this spectrum should be exempted from the “two-sided” auction process recommended in the SPTF Report.³⁴

21. The SPTF Report also suggests that the Commission should encourage “voluntary relocation” of incumbent licensees to realize the transition plan to a market-facing allocation policy.³⁵ The PSWN Program urges the Commission to ensure that in any case where public safety users are relocated from their present channels, all costs incurred are paid by the parties moving to that spectrum, no interruption of service occurs, and a deadline for compliance is established. The PSWN Program also notes that by defragmenting the 800 MHz band to create a public safety block, the Commission could reduce interference and promote efficiency by grouping compatible services.

22. The PSWN Program thoroughly agrees with Commissioner Kevin Martin’s statement with respect to the provision of additional spectrum for unlicensed devices by creating underlays in some spectrum bands. These bands include the 700 MHz analog television band, part of which has been allocated for public safety following the transition of incumbent broadcasters to newly licensed digital channels. He stated that although he supports making more spectrum available for unlicensed devices, he is “concerned that opening this inquiry into the TV broadcast bands at this time may create additional uncertainty and potentially delay the digital transition.”³⁶ At that time, the Commissioner further noted that it would be premature to craft service rules on

³⁴ See SPTF Report at p. 49.

³⁵ *Id.* at pp. 47–51.

³⁶ See Separate Statement of Commissioner Kevin J. Martin, Approving in Part and Dissenting In Part, Re: Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band, Notice of Inquiry, ET Docket No. 02-380, December 11, 2002, at p. 1.

that docket while comments were still pending on the SPTF Report that could have an impact on that rulemaking, and that the Commission “ought to concentrate on providing more—not less—certainty, so that licensees can develop rational business plans and move forward expeditiously with the digital transition.”³⁷

IV. CONCLUSION

23. The PSWN Program thanks the Commission for the opportunity to contribute to this rulemaking. The SPTF initiative to modernize the spectrum management process and promote flexibility, efficiency, and improved access is an ambitious and commendable goal. However, the PSWN Program cautions that adequate time and study must be expended to ensure that decisions made to revise the Commission’s current policies do not have foreseeable and avoidable repercussions on wireless users in general, and public safety communications personnel in particular. The public safety community stands to benefit greatly from initiatives designed to improve the efficiency and reliability of communications. The PSWN Program shares the Commission’s enthusiasm for the modernization of procedures and processes, and the introduction of new technologies, that would provide public safety personnel with better tools to perform their duties.

24. The general public will also be better served by improved organization and greater dependability of public safety operations. However, wholesale changes that take place without adequate consideration of possible consequences to incumbents’ rights and the effects of new users and applications on existing licensees will benefit no one. It would only serve to undercut the potential value that increased opportunities for access and the introduction of new

³⁷ *Id.*

technologies could provide, ultimately worsen existing conditions by adding more possible sources of conflict and competition where clear, definitive guidance is needed. The PSWN Program looks forward to working with the Commission in the future to resolve these matters equitably for the benefit of all.

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)	
)	
Spectrum Policy Task Force Seeks Public)	DA 02-322
Comment on Issues Related to Commission's)	ET Docket No. 02-135
Spectrum Policies)	

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 Commission's Request for Comments in Response to the Spectrum Policy Task Force Report, *Spectrum Policy Task Force Seeks Public Comment on Issues Related to the Commission's Spectrum Policies*, the original of which is filed herewith and upon the parties identified on the attached service list.

DATED at Fair Oaks, Virginia this 27th day of January 2003.



Richard N. Allen

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