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Public Safety Wireless Network

Saving Lives and Property Through Improved Interoperability

May 31, 2001

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

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Reply Comments in response to Comments Filed by Other Parties Concerning the *Status Report on Licensing and Service Issues and Deployment Strategies for DSRC-Based Intellicent Transportation Services in the 5.850-5.925 GHz Band; In the Matter of Service Rules for the 5.850-5.925 GHz Band*, on WT Docket No. 01-90

Dear Ms. Salas:

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 Reply 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

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Service Rules for the 5.850–5.925 GHz)
Band, and Revisions to Part 90 of the)
Commission’s Rules)
)

WT Docket No. 01–90

To: The Commission

**REPLY COMMENTS IN RESPONSE TO COMMENTS FILED BY OTHER PARTIES
ON THE ITS–A STATUS REPORT ON LICENSING AND SERVICE ISSUES AND
DEPLOYMENT STRATEGIES FOR DSRC–BASED INTELLIGENT
TRANSPORTATION SERVICES IN THE 5.850–5.925 GHz BAND**

Filed by: The Public Safety Wireless Network Program

Date: May 31, 2001

Before the
Federal Communications Commission
Washington, DC 20554

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In the Matter of)
Service Rules for the 5.850–5.925 GHz)
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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

WT Docket No. 01–90

**REPLY COMMENTS IN RESPONSE TO COMMENTS FILED BY OTHER PARTIES
OF THE PUBLIC SAFETY WIRELESS NETWORK (PSWN) PROGRAM ON THE ITS–
A STATUS REPORT ON LICENSING AND SERVICE ISSUES AND DEPLOYMENT
STRATEGIES FOR DSRC–BASED INTELLIGENT TRANSPORTATION SERVICES
IN THE 5.850–5.925 GHz BAND**

1. The Public Safety Wireless Network (PSWN) Program¹ Executive Committee (EC) respectfully submits these reply comments in response to comments filed by third parties concerning the *Status Report on Licensing and Service Issues and Deployment Strategies for DSRC–Based Intelligent Transportation Services in the 5.850–5.925 GHz Band* (ITS–A Status Report) originally released by the Intelligent Transportation Society of America (ITS–A) in October 2000, and pursuant to WT–Docket No. 01–90.

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.

I. BACKGROUND

2. On April 24, 2001, the Wireless Telecommunications Bureau of the Federal Communications Commission (FCC) published Public Notice DA 01-1047, requesting comments on the filing submitted on October 6, 2000 by ITS-A. The ITS-A Status Report advocated the allocation of at least a part of the spectrum in the 5.850-5.925 GHz range (the 5.9 GHz band) for public safety. ITS-A's comments, primarily addressed to the Department of Transportation (DOT),² provided recommendations pursuant to the Federal Advisory Committee Act, for development and deployment of dedicated short range communications systems (DSRC). Though encouraged by the many potential applications noted in the ITS-A Status Report, the PSWN program remains cautious in the sponsorship of any novel and untested technology before it has been thoroughly explored and found to be reliable.

II. THE 5.9 GHz BAND SHOULD NOT BE SET ASIDE AS DEDICATED SPECTRUM FOR PUBLIC SAFETY PURPOSES

3. The PSWN Program wishes to reiterate its views as expressed in its comments on the ITS-A Report made to this docket filed on May 16, 2001. In that filing, the PSWN Program expressed concerns regarding the characterization of the 5.9 GHz band as being designated for "public safety" usage. While the PSWN Program readily concedes that the public safety community requires that the FCC allocate additional spectrum for voice, data, and other innovative applications to meet anticipated needs through the year 2010,³ the proposed DSRC usage on the 5.9 GHz band is only tangentially related to public safety related services. Instead, the uses proposed for this spectrum, and as discussed, in the ITS-A Status Report are primarily addressed to transportation concerns and issues affecting traffic management.

² *ITS-A Status Report*, October 6, 2000, pages 9-13.

³ Final Report of the Public Safety Wireless Advisory Committee to the Federal Communications Commission and the National Telecommunications and Information Administration, September 11, 1996 ("*PSWAC Final Report*"), page 3.

4. The PSWN Program is grateful for the participation of all members of the public safety community, including non-traditional public safety organizations, in advancing these interests. At the same time, the allocation of the 5.9 GHz band spectrum to public safety services is not appropriate, nor does the PSWN Program believe the FCC intended this in allocating it for DSRC services. The DSRC applications cited in the ITS-A Status Report for use on the 5.9 GHz band are primarily intended for transportation support functions, to include automatic tollbooth operation and parking payment functions.⁴ This type of usage is clearly distinguishable from public safety communications as described in the Balanced Budget Act of 1997 (“BBA 97”), the definition of “public safety entities” offered by the Association of Public-Safety Communications Officials-International, Inc. (APCO), or as understood in previous rulings by the Commission.⁵ The PSWN Program reiterates that this definition is specifically limited to command and control functions of public safety entities. The expansive definition suggested in the ITS-A Status Report would include services and functions not previously considered in defining and regulating the public safety interest.

III. DEPLOYMENT OF DSRC-BASED TECHNOLOGY FOR PUBLIC SAFETY PURPOSES REMAINS REMOTE AND SPECULATIVE

5. The PSWN Program acknowledges that some of the applications described in the ITS-A Status Report may potentially benefit the interests of the public safety community. ITS-A states that the DSRC-based technology may enable such uses as emergency vehicle signal preemption and driver advisory services to warn them of accidents and other hazards in their paths. However, the infrastructure must first be put in place to enable the operation of such

⁴ See *ITS-A Status Report*, page 6. Automatic tollbooth and electronic parking payment applications are the only uses of DSRC-based technology, which are currently operable.

⁵ See *PSWN Reply Comments in Response to Comments Filed by Other Parties in Response to, In the matter of, Reorganization and Revision of parts 1, 2, 21 and 94 of the Rules to Establish a New Part 101 Governing Terrestrial Microwave Fixed Radio Services; Amendment to Part 21 of the Commission’s Rules for the Domestic Public Fixed Radio Services; McCaw Cellular Communications, Inc. Petition for Rule Making; Amendment of Part 101 of the Commission’s Rules to Streamline Processing of Microwave Applications in the Wireless Telecommunications Services; Telecommunications Industry Association Petition for Rulemaking, Memorandum Opinion and Order and Notice of Proposed Rule Making, in WT Docket No. 00-19, pages 3-4.*

applications. These projected uses are still in the development stage, are expensive to implement, and will not soon be available for testing or deployment. ⁶

6. In addition, the use of the 5.9 GHz band spectrum is of limited value in addressing the need for additional spectrum that is required by the public safety community. While the 5.9 GHz band is suitable for data transmission using the DSRC-based technology described in the ITS-A Status Report, the public safety community has a more urgent need to address the spectrum that is needed today. Spectrum is also required to support voice and video systems, and for systems to assist in hazardous and ultrahazardous situations, such as hostage negotiations, and robotics for defusing explosives and similar tasks, which will reduce the number of lives of public safety personnel which are put at risk.

IV. THE PSWN PROGRAM REQUESTS THE COMMISSION TO SOLICIT THE SUPPORT OF THE NTIA IN DEVELOPING RULES AND STANDARDS FOR THE 5.9 GHz BAND SPECTRUM

7. Finally, the PSWN Program had previously recommended that the National Telecommunications and Information Administration (NTIA) is consulted by the Commission in the review and development of standards for use of the DSRC technology.⁷ We wish to strongly reassert that position. The DSRC-based technology described in the ITS-A Status Report holds great promise for the advance of transportation as well as safety-related issues, which have the potential to safeguard motorists operating vehicles on our highways. It is also understood that these devices must be carefully monitored and inadvertent emissions prevented so that current operations are not threatened by, or that such services will not suffer degradation from, interference caused by DSRC-based technology.

⁶ See *ITS-A Status Report*, page 9.

⁷ *Comments of the Public Safety Wireless Network (PSWN) Program on the ITS-A Status Report on Licensing and Service Issues and Deployment Strategies for DSRC-Based Intelligent Transportation Services in the 5.850–5.925 GHz Band; In the Matter of Service Rules for the 5.850–5.925 GHz Band, in the WT Docket No. 01–90, May 16, 2001, page 6.*

8. As the ITS-A Status Report also states, and as the ITS-A reiterates in its own comments addressed to this docket, the candidate technologies for DSRC standards have not been selected.⁸ A channelization plan has yet to be developed.⁹ Equipment interoperability issues,¹⁰ licensing,¹¹ and other matters need to be addressed before the advantages offered by DSRC-based technology can be fully realized and deployed without fear of interference to established operations. NTIA has both the expertise and experience in testing technology, as well as in the objective establishment of regulations and standards to prevent future controversy between manufacturers and users, and other potential conflicts from occurring.

V. CONCLUSION

9. The PSWN Program again wishes to thank the Commission for the opportunity to provide comments addressing the utilization of the 5.9 GHz band spectrum, and to commend the efforts of those commenters who have done so. Public safety must remain a paramount objective among the Commission's competing priorities. To balance these concerns, it is our firm belief that the Commission should proceed with abundant caution, and consider the issues addressed by all parties which have submitted comments, as well as soliciting the NTIA's participation in

⁸ See *ITS-A Status Report*, pages 31-33; see also *Comments of the Intelligent Transportation Society of America*, WT Docket No. 01-90, May 16, 2001, pg.4.

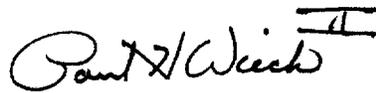
⁹ See *ITS-A Status Report*, page 30.

¹⁰ *Id.*, pages 22-23, 28-30.

¹¹ *Id.*, pages 37-42.

assessing the potential capabilities of DSRC before authorizing the development of rules applicable to this emerging technology.

Respectfully submitted,



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



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

Before the
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Washington, DC 20554

Certificate of Service

In the Matter of)
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Service Rules for the 5.850–5.925 GHz)
Band, and Revisions to Part 90 of the) WT Docket No. 01–90
Commission’s Rules)

I, Richard N. Allen, 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 Reply Comments in response to Comments filed by other parties on the Intelligent Transportation Society of America *Status Report on Licensing and Service Issues and Deployment Strategies for DSRC–Based Intelligent Transportation Services in the 5.850–5.925 GHz Band; In the Matter of Service Rules for the 5.850–5.925 GHz Band*, the original of which is filed herewith and upon the parties identified on the attached service list.

DATED at Fair Oaks, Virginia this 31st day of May 2001.



Richard N. Allen

SERVICE LIST

*The Honorable Michael Powell, Chairman
Federal Communications Commission
445 12th St., SW, Rm. 8-B201
Washington, DC 20054

*The Honorable Harold Furchtgott-Roth, Commissioner
Federal Communications Commission
445 12th St., SW, Rm. 8-A302
Washington, DC 20054

*The Honorable Susan Ness, Commissioner
Federal Communications Commission
445 12th St., SW, Rm. 8-B115
Washington, DC 20054

*The Honorable Gloria Tristani, Commissioner
Federal Communications Commission
445 12th St., SW, Rm. 8-C302
Washington, DC 20054

*Peter A. Tenhula
Office of Chairman Powell
Federal Communications Commission
445 12th St., SW, Rm. 8-A204
Washington, DC 20054

*Ben Golant, Senior Legal Advisor
Office of Commissioner Furchtgott-Roth
Federal Communications Commission
445 12th St., SW, Rm. 8-A302
Washington, DC 20054

*Mark Schneider, Legal Advisor
Office of Commissioner Ness
Federal Communications Commission
445 12th St., SW, Rm. 8-B115
Washington, DC 20054

*William J. Friedman, Legal Advisor
Office of Commissioner Tristani
Federal Communications Commission
445 12th St., SW, Rm. 8-C302
Washington, DC 20054

***Thomas J. Sugrue, Chief**
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th St., SW, Rm. 3–C252
Washington, DC 20054

***Kathleen O'Brien–Ham, Deputy Chief**
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th St., SW, Rm. 3–C255
Washington, DC 20054

***James D. Schlichting, Deputy Chief**
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th St., SW, Rm. 3–C254
Washington, DC 20054

***D'Wana R. Terry, Chief**
Public Safety & Private Wireless Division
Federal Communications Commission
445 12th St., SW, Rm. 4–C321
Washington, DC 20054

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

***Herb Zeiler**
Public Safety & Private Wireless Division
Federal Communications Commission
445 12th St., SW, Rm. 4–C321
Washington, DC 20054

***Solomon Satche, Engineer**
Public Safety and Private Wireless Division
Wireless Telecommunications Bureau
445 12th St. SW, Room 3–C417
Washington, DC 20554

*Mary Beth Murphy, Chief
Policy Division
Federal Communications Commission
445 12th St., SW, Rm. 2–C360
Washington, DC 20054

*Bruce Romano, Deputy Chief
Policy Division
Federal Communications Commission
445 12th St., SW, Rm. 2–C226
Washington, DC 20054

*Paul D’Ari, Chief
Wireless Policy Division
Federal Communications Commission
445 12th St., SW, Rm. 4–A325
Washington, DC 20054

*Susan Friedman, Deputy Chief
Wireless Policy Division
Federal Communications Commission
445 12th St., SW, Rm. 4–A225
Washington, DC 20054

*Steve Weingarten, Chief
Commercial Wireless Division
Federal Communications Commission
445 12th St., SW, Rm. 4–C224
Washington, DC 20054

*Jeff Steinberg, Deputy Chief
Commercial Wireless Division
Federal Communications Commission
445 12th St., SW, Rm. 4–C222
Washington, DC 20054

*Jeanne Kowalski, Deputy Chief
Public Safety & Private Wireless Division
Wireless Telecommunications Bureau
445 12th St., SW, Rm. 4–C324
Washington, DC 20054

*Michael J. Wilhelm, Legal Advisor
Public Safety and Private Wireless Division
Wireless Telecommunications Bureau
445 12th Street, SW, Room 4-C305
Washington, DC 20554

International Transcription Services, Inc.
1231 20th St., NW
Washington, DC 20037

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