PUBLIC SAFETY PSWN PROGRAM WIRELESS NETWORK

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Public Safety Wireless Network

Achieving Interoperability Through Cooperation and Coordination

March 19, 2001

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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

Re: Petition for Reconsideration of the Commission's Fourth Report and Order, *In the Matter of the Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010,* **in WT Docket No. 96-86**

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 (1999), 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 the additional, marked copy of this cover letter and return it in the envelope provided.

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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The Development of Operational,	)	
Technical and Spectrum Requirements	)	
For Meeting Federal, State and Local	)	WT Docket No. 96–86
Public Safety Agency Communication	)	
Requirements through the Year 2010	)	
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To: The Commission

PETITION FOR RECONSIDERATION

Filed by: The Public Safety Wireless Network Program

Date: March 19, 2001

Federal Communications Commiss
Washington, DC 20554

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PUBLIC SAFETY WIRELESS NETWORK PROGRAM PETITION FOR RECONSIDERATION

1. Pursuant to section 405 of the Telecommunications Act of 1934, as amended,[1] and section 1.429 of the Commission's rules,[2] the Public Safety Wireless Network (PSWN) Program[3] Executive Committee (EC) respectfully requests that the Commission reconsider certain aspects of the Fourth Report and Order as further explained herein. The Fourth Report and Order was published in the Federal Register on February 16, 2001, 66 FR 33.

I. BACKGROUND

2. The PSWN Program was established to foster nationwide interoperability between and among all levels of government—seamless, coordinated, and integrated public safety communications for the safe and efficient protection of life and property.[4] To this end, the PSWN Program has actively participated in the Public Safety National Coordination Committee

[1] 47 U.S.C. § 405.
[2] 47 C.F.R § 1.429.
[3] The PSWN Program is a federally funded initiative operating on behalf of all local, state, and federal public safety agencies. The Department of Justice and the Department of the Treasury are jointly leading the PSWN Program's efforts to plan and foster interoperability among public safety wireless networks. The PSWN Program is a 10–year 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.
[4] *See* the *PSWN Program Strategic Plan*, April 1998 (submitted with the PSWN Program Comments, WT Docket No. 96–86) at page 2.

(NCC),[5] which was convened pursuant to the Federal Advisory Committee Act (FACA)[6] to develop rules for the management of the 700 megahertz (MHz) band interoperability spectrum. In the Fourth Notice of Proposed Rulemaking the Commission sought comments regarding the NCC's recommendations involving the 700 MHz band. On January 17, 2001, the Commission issued the Fourth Report and Order in this proceeding. In the Fourth Report and Order, the PSWN Program believes that the Commission has continued to take the necessary steps to bring public safety interoperability to fruition. The PSWN Program, however, disagrees with the Commission's determination in the Fourth Report and Order on five vital issues that are critical to the development of the 700 MHz public safety band. Thus, the PSWN Program respectfully requests that the Commission reconsider its determination in the Fourth Report and Order with regard to the pre-coordination database and access priority.

II DISCUSSION

Pre–coordination Database

3. The PSWN program agrees with the Commission's finding that the "pre-coordination database has great merit."[7] We disagree, however, with the Commission's reluctance to mandate the use of a pre-coordination database in the Fourth Report and Order. As the Commission states, "we believe the pre-coordination database may have the greatest benefit in planning the General Use channels, given that we expect to have more applications filed for the General Use channels, and to have more licensees in the General Use channels."[8] The Commission further states that it is not persuaded that the correct course of action at this time is to mandate a pre-coordination database that has not been fully developed and tested. On the other hand, the Commission is concerned that its decision not to mandate such a database "could inadvertently delay the actual utilization of the Interoperability spectrum."[9] Thus, the PSWN Program is

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[5] *See* Public Safety National Coordination Committee's Recommendations to the Federal Communication Commission for Technical and Operational Standards for Use of the 764–776 MHz and 794–806 MHz Public Safety Band Pending Development of Final Rules (February 25, 2000).
[6] 5 U.S.C. App 2 (1988).
[7] *See* Fourth Report and Order ¶ 18.
[8] *Id.* at ¶19.
[9] *Id.* at ¶18.

perplexed at the Commission's reluctance to mandate the pre-coordination database, given the fact that the Commission fully understands the significance of not doing so.

4. The PSWN Program continues to believe that if undertaken, participation in the pre-coordination database must be mandatory. Otherwise, the PSWN Program is concerned that the pre-coordination database will be unable to obtain and maintain complete and accurate information, which will substantially, if not entirely, impair the usefulness of the pre-coordination database to public safety entities, whether or not they choose to participate. In addition, the NCC has recommended to the Commission that the development of a pre-coordination database is essential to overall interoperability. The pre-coordination database would give the regional planning committees (RPC) the ability to choose interoperability channels that would avoid co-channel and adjacent channel interference on the 700 MHz band of spectrum.

5. Further, the overall scheme is currently in place to make the pre-coordination database a reality now. The National Institute of Justice has agreed to fund the pre-coordination database. Moreover, the certified Public Safety Frequency Coordinators have agreed to enter and maintain the applicable information in the database as part of the pre-established licensing process. Thus, the obligation to create, populate, and administer the pre-coordination database will not fall to the states, the RPCs, or the Commission.

6. The Commission, however, should amend Part 90 of its rules to reflect that the Public Safety Frequency Coordinators are charged with the authority to enter the requisite information into the pre-coordination database. In addition, the Commission should also mandate that the Public Safety Frequency Coordinators are required to receive the requisite information to populate the pre-coordination database from the states or the RPCs at the time of licensing for the 700 MHz band of spectrum. Thus, for the aforementioned reasons, the PSWN Program once more urges the Commission to make participation in the pre-coordination database mandatory.

Access Priority

7. In the Fourth Report and Order, the Commission determined the priority access scheme that the NCC recommended differed from the Priority Access Service (PAS) levels that the Commission recently adopted in its rules, which allowed commercial radio services (CMRS) providers to use PAS for national security and emergency preparedness (NSEP) personnel.[10] Thus, the Commission declined to amend its rules to reflect an access priority scheme for the Interoperability channels. Rather, the Commission encouraged the states to adopt priority access schemes that would consider federal communications access levels in the event of a disaster or emergency situation.

8. The PSWN Program seeks reconsideration by the Commission of the NCC's recommended access levels. In so doing, the Commission should look to the overall NCC objective of a nationwide access system.[11] The PSWN Program reiterates its opposition to the position of other entities, such as the Public Safety Representatives[12] and the State of Florida,[13] which believe that priority access should be designed and administered primarily at the state level. The PSWN Program feels that this administration scheme would create unnecessary confusion and fragmentation. Thus, the PSWN Program is convinced that in order to achieve nationwide interoperability at all levels of government, the Commission must establish priority access rules to allow agencies from outside a particular state to quickly engage during an emergency response situation. In emergency response situations, it is crucial that delays do not occur because access rules vary from state to state.[14]

9. Further, the PSWN Program asks the Commission to consider the differences articulated by the Federal Law Enforcement Wireless Users Group (FLEWUG) between the public safety and CMRS user environment, noting that national security/emergency preparedness (NS/EP) usage is far more likely to follow the operational characteristics contemplated by the NCC than those familiar to CMRS users. At face value, the PSWN Program understands the Commission's

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[10] Fourth Report and Order at ¶64.
[11] NCC 4th NPRM Comments at pp. 7-8.
[12] Public Safety Representatives 4th NPRM Comments at p. 10.
[13] State of Florida 4th NPRM Comments at p. 5.
[14] PSWN Program 4th NPRM Reply Comments, October 10, 2000, at Para. 6.

trepidation in not wanting to amend its rules regarding priority access. The PSWN Program, however, disagrees with the Commission's belief that states are in a far superior position to devise, coordinate, and operate an appropriate access formula in the event of a emergency situation. The PSWN Program remains convinced that the goal of nationwide interoperability at all levels of governments will be best served with the implementation of the NCC plan through the Commission's rules. Thus, the PSWN Program, for the aforementioned reasons, seeks reconsideration of the Commission's determination in the Fourth Report and Order as it relates to access priority.

Trunking Channels

10. In its Fourth Report and Order, the Commission designated eight 12.5 kHz interoperability channels where secondary trunking is permissible[15]. In selecting these channels, the Commission placed them all within one television channel pair instead of distributing them evenly within the two channel pairs as recommended by the NCC. The PSWN Program believes that the even distribution proposed by the NCC for all interoperability channels is preferable, and requests that the Commission reconsider this determination in light of the NCC's original recommendations.

Guard Channels

11. In its Fourth Report and Order, the Commission determined there was not an overriding urgency to adopt guard channels on either side of the interoperability channels to protect against adjacent channel interference.[16] Accordingly, the Commission adopted a band plan that allowed four contiguous 6.25 kHz channel pairs to be aggregated into a 25 kHz block.

12. The PSWN program observes at the outset that the NCC proposal and the result reached by the Commission are similar in that they both seek to prevent harmful interference on adjacent channels. However, the NCC's guard channel proposal additionally addresses where the 12.5 kHz assignment is placed within 25 kHz channel (at the edge or centered), while still effectively permitting the aggregation of four 6.25 kHz channels into a single 25 kHz assignment.

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[15] Fourth Report and Order at ¶44.
[16] Fourth Report and Order at ¶53.

13. Since the Commission released the Fourth Report & Order, significant research has been done by members of the Telecommunications Industry Association (TIA) showing there is the potential for significant interference to interoperability users from other users on adjacent General Use channels in the same geographic area if the interoperability channels are not protected by a 6.25 kHz guard channel, i.e., if the 12.5 kHz interoperability channel is not centered within the 25 kHz assignment with a 6.25 kHz guard channel on either side. The reality of these situations is that these users all may be trying to address the same incident with interference clearly detrimental to the overall response.

14. The TIA's findings are currently being assembled for presentation at the March 2001 meeting of the NCC, with subsequent recommendations to follow based on the new information. On that basis, the PSWN asks that the Commission defer its determination in order to reconsider this issue in light of these recent studies by the TIA.

Channel Designations

15. In the Fourth Report and Order, the Commission determined the table of channel assignments ("Channel Designations") that the NCC recommended "would seem to defeat the main purpose of Interoperability, i.e., interagency cooperation."[17] However, as active participants throughout that discussion within the NCC, the PSWN Program is of the opinion that a definitive table of assignments was not the intent of the NCC, rather the intent was to provide baseline for personnel managing emergency responses during the first critical minutes of a developing incident. It is during this critical three to five minute period that there is simply no time to go through the often-arduous process of requesting and obtaining an interoperability channel. For example, such a process might involve:

- Identifying an interoperability requirement
- Determining the area of operation and responsible interoperability channel coordination agency
- Contacting that coordination agency by radio or telephone
- Determining the repeater that most likely covers the impacted area

- Checking the channel assignment log and then listening to ensure that the designated channel/repeater is not already in use
- Activating the chosen repeater if it is not already turned on
- Recontacting the requesting agency with the channel assignment
- And finally, relaying the channel assignment to the field units

By the time the critical need for an interoperability channel is filled, the major part of the emergent situation has potentially already occurred.

16. In the same scenario described above, using the methodology envisioned by the NCC, the originating agency dispatcher or field personnel would make a single radio call. The response provided would be immediate, with all personnel then enroute to the scene, knowing that the incident is operating on one of the two designated channels. Of critical importance in understanding this concept, the initiating caller need not be from any particular jurisdiction or agency; a call for assistance could go out immediately from any first responder on the designated channel. The concept described above does not diminish the importance of the Calling Channels, which will be essential for coordination of the larger, more slowly unfolding events that require greater channel management.

17. In summary, the PSWN Program does not believe that the NCC has proposed to recommend a definitive table of service-specific assignments. If a particular type of channels are needed for a large operation such as a wildland fire, the PSWN Program concurs with the NCC that they must be available for such use based upon the priority system for channel assignments. While the reality of a large incident is that all services will generally be involved to some degree and thus need interoperability channels, the access priority protocols must be followed if use is to be efficient and effective. We therefore urge the Commission to reconsider its decision with regard to channel designations.

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[17] Fourth Report and Order at ¶56.

III. CONCLUSION

18. The PSWN Program hereby seeks reconsideration of the Commission's determination in the Fourth Report and Order and recommends that the Commission follow the recommendations of the NCC regarding the need for a pre-coordination database, trunking channel designation, guard channels, channel designations and access priority rules for public safety users. Further, the PSWN Program asks that the Commission consider the PSWN Program's recommendations set forth above regarding these five vital issues. Thus, for the foregoing reasons, the PSWN Program respectfully requests that the Commission reconsider, and accordingly modify its decision in the Fourth Report and Order to make it consistent with the views expressed herein.

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
Federal Communications Commission
Washington, DC 20554

Certificate of Service

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Requirements through the Year 2010	)	
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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 Reconsideration of the Commission's Fourth Report and Order, *In the Matter of the Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010*, the original of which is filed herewith and upon the parties identified on the attached service list.

DATED at Fair Oaks, Virginia this 19th day of March 2001.

Richard N. Allen

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