SPECTRUM COALITION
FOR PUBLIC SAFETY

10 June 2007

Mr. Kevin Martin, Chairman
Federal Communications Commission
445 12th St., S.W.
Washington, DC 20554

Dear Chairman Martin

The current proceedings regarding the 12 MHz of 700 MHz public safety spectrum before the Commission represents an opportunity for our public safety personnel to acquire critical tools to help save life and property for decades to come. Not fixing the current state of public safety communications will result in a widening gap between the capabilities of our public safety personnel, and those wishing us harm – the terrorists and criminals.

Broadband communications will become more mission critical year over year. And therefore, a solution that delivers broadband, not just for the elite few, but for all public safety personnel, must be established. No silver bullet, one size fits all model exists and the Commission should resist the temptation to force one on public safety. The greatest flexibility possible for state and local governments, balanced with assured national interoperability is required. It is with this belief that we advocate the following underlying principles for your Report and Order.

In order to ensure that those who pay the bills, the governments themselves, maintain control of their costs and balance them against their needs, you must deliver to them the flexibility to allocate their spectrum to the national public safety carrier <u>or</u> to build and operate systems that would be interoperable nationally. Some entities may choose to have a private entity build and operate a network in their spectrum, while others will choose to build it themselves. Please reference the attached cost analysis slide, which illustrates how some jurisdictions will pay less to operate their own network. We contend that achieving interoperability among these systems does <u>not</u> require a single licensee. Instead, it requires a national standard and rules that ensure roaming, which is already a common industry practice in the wireless market.

We recommend that the Commission establish EVDO Revision A as the broadband communications standard immediately. Selection of this standard will allow for smooth migration to any mass market 4G commercial solutions that prove to provide the performance and eco-system that public safety needs five years from now. No other standardized solution exists today that will fit within the public safety broadband allocation and that will allow for graceful migration to other technologies in the future. While there are five megahertz broadband solutions, they would take the entire block of spectrum and leave a very complex cutover plan to a 4G solution. Furthermore, the eco-systems (i.e., existing devices,

infrastructure vendors, etc.) for emerging 4G technologies have not fully developed and it would be unwise for public safety to be the "guinea pig" for a new technology in advance of the commercial markets. Failure to set a standard today will make migration to a 4G standard that much more difficult and costly. Additionally, there will be Billions spent within the next several years on interoperable communications and it is vital that we invest these funds in a way that maximizes our return. For example, within the 5 years if 5 super regions build to the 3G standard, migrating to a 4G standard will allow us to reuse backhaul, public safety grade radio sites, lines, antennas, and possibly dual mode devices, all ensuring a smooth transition. This is great news, but the most important benefit will be that these regions have worked out and tested roaming and governance agreements that will be critical to the national network's success.

We understand that the Commission may be struggling with the administrative burden of the many thousands of licensees that would surface should this spectrum remain in the direct control of state and local governments. It is important to understand that broadband systems are far easier to manage due to their interference resistance properties. We feel that the commission can move to a geographic licensing model, managed by the Regional Planning Committees (RPCs) to accommodate this. This will allow for local jurisdictions to Opt-In or Opt-Out of the national network. RPCs would manage their regional plans as they already do today, and then coordinate that plan with the public/private partner. This eliminates the administrative burden on the public/private partner in having to deal with each of these licensees individually. We strongly recommend that the Commission set in place procedures that will leverage the RPCs as a conduit for communication with the national entities. Furthermore, we recommend that the Commission push the RPCs to build regional consensus, to the greatest extent possible for retaining the spectrum, or assigning it to the national public safety carrier.

In closing, we believe that this approach will inspire State, Regional and Local use of the 700MHz spectrum. We are very concerned with recent proposals which offer to give over the existing public safety spectrum assigned to State and Local Governments to a single national network for public/private use. We feel that this will result in public safety trading-in the Land Mobile Radio monopoly for a new national broadband carrier monopoly. Choice, competition and standards are the critical elements of our communications success. If you would not let a Developer take your land, promise to build a house in 5 years, and lease it back to you at an undisclosed price without an opt-in or opt-out option, then you should not rule to turn over the Public Safety spectrum to a single group without an opt-in or opt-out clause for States and Local governments. Many of us feel that the spectrum assigned by Congress is ours to use to protect our citizens. Stripping the spectrum from us would be discouraging and likely result in State and Local Governments choosing diverse, non-700 MHz communications solutions thereby ensuring non-interoperability.

Thank you for the opportunity to present our case.

Sincerely,

Robert LeGrande, II

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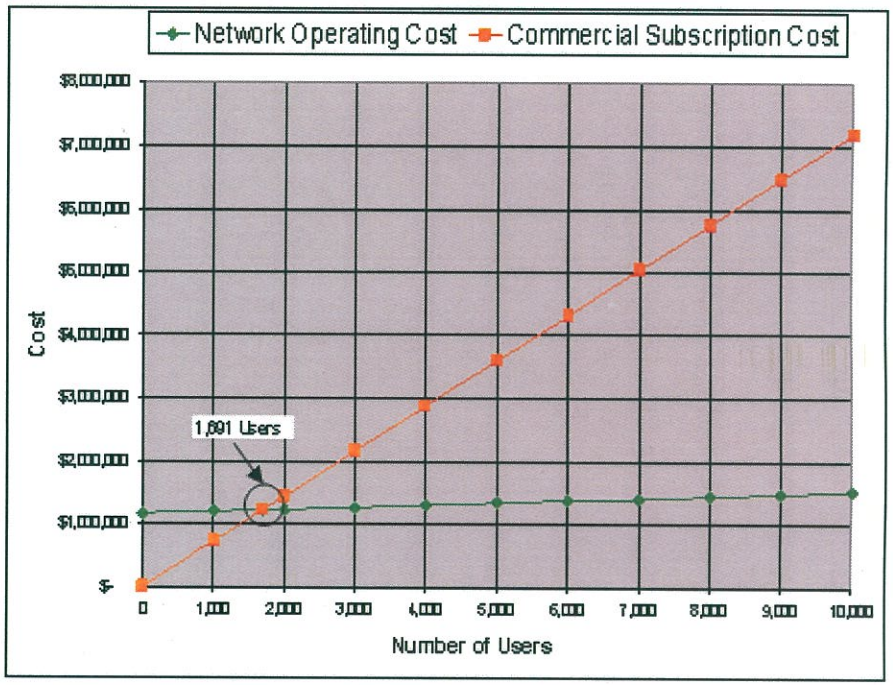
Chair, Spectrum Coalition for Public Safety

Why a National Network is good for "SOME" but not good for "ALL" jurisdictions

Operating Cost Comparison- Single Jurisdiction

- Commercial **data-only** services for 10,000 devices equals **$7.2 million** annually.
- **Annual estimated operating costs for 10,000 users equals **$1.5 million**.
- Most major jurisdictions currently pay approximately **$5 million** annually in commercial service fees.



An Opt-in or Opt-out option is the only way to ensure that "ALL" jurisdictions will have a financial incentive to utilize the 700Mhz spectrum.

Cost calculation assumes 15 site network, 10,000 user devices, and depreciation.