



LAND MOBILE COMMUNICATIONS COUNCIL

August 29, 2011

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: WT Docket No. 11-110
Ex Parte Comments
Sprint Nextel Declaratory Ruling Request

Dear Ms. Dortch:

Out of an abundance of caution, the Land Mobile Communications Council (“LMCC”) is compelled to urge that the Federal Communications Commission (“FCC”) do what it undoubtedly would do on its own motion – dismiss as entirely without merit the suggestion of the so-called Mobile Broadband Coalition (“Coalition”) that the FCC initiate a rulemaking proceeding to “repurpose” the 851-861/806-816 MHz band from its 25 kHz channelization to a “flexible use and market based approach.”¹

To be charitable, this ill-conceived proposal blithely ignores the current use of the band for vital public safety and business communications and the absence of suitable replacement spectrum for the many thousands of users that would be displaced by adoption of this approach. Instead, it seems to rely on the unsupported presumption that the public safety, commercial and business licensees in the band would migrate collectively to LTE technology and apparently, share some sort of super network on which all of their requirements would be satisfied. Not only does this concept fail any common sense test, but also disregards the ongoing reconfiguration of this band that already has consumed seven years, billions of dollars and the extraordinary efforts of public safety and other incumbents. It is not clear whether the Coalition expects the parties engaged in this effort to continue their work, even though these rebanded systems then would be dismantled in favor of the uber-LTE network, or would have them stop now while the recommended rulemaking proceeding was conducted, leaving public safety systems in a state of limbo and without essential interoperable capabilities.

¹ See Comments on Request for Declaratory Ruling of the Mobile Broadband Coalition filed August 1, 2011.

Such a proposal could only have come from parties without any meaningful operations in this band. It is based on an erroneous presumption that the FCC favors broadband over all other spectrum uses irrespective of other public interest considerations. The FCC should dispel the Coalition's misunderstanding promptly and unequivocally by dismissing its proposal without further consideration.

Respectfully submitted,

Douglas M. Aiken

Douglas M. Aiken
President

cc: James Barnett, Jr., Chief, PSHSB
Rick Kaplan, Chief, WTB
LMCC Membership