

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Amendment of Part 90 of the Commission’s Rules)	WP Docket No. 07-100
)	
Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band)	PS Docket No. 06-229
)	
Service Rules for the 698-746, 747-762 and 777-792 MHz Bands)	WT Docket No. 06-150
)	

To: Chief, Public Safety and Homeland Security Bureau

**REPLY COMMENTS
OF THE
ENTERPRISE WIRELESS ALLIANCE**

The Enterprise Wireless Alliance (“EWA” or “Alliance”), in accordance with Section 1.45 of the Federal Communications Commission (“FCC” or “Commission”) rules, respectfully submits its Reply Comments regarding the October 24, 2013 National Plan Recommendations Final Report (“Report”) filed by the National Public Safety Telecommunications Council (“NPSTC”).¹ The Comments in this proceeding reflect a wide divergence of opinion about the positions advanced in the Report. Some public safety interests object to the band plan and other changes proposed by NPSTC, recommendations they argue will disenfranchise existing public safety operations.² Other parties argue that the NPSTC plan is too static and would leave unused

¹ Public Safety and Homeland Security Bureau Seeks Comment on National Public Safety Telecommunications Council’s 4.9 GHz National Plan Recommendations Final Report, *Public Notice*, WP Docket No. 07-100, PS Docket No. 06-229, WT Docket No. 06-150, DA 13-2096 (rel. Oct. 30, 2013) (“Public Notice”).

² See, e.g., Comments of King County, Washington and the City of Seattle, Washington and those of Regional Planning Committee 8.

spectrum follow by failing to take advantage of spectrum sharing techniques that are available today.³

As stated in its Comments, while EWA recognizes the challenge involved in implementing substantial rule modifications after spectrum has been available for some time, the Alliance supports the band plan proposed in the Report as an appropriate balancing of interests. The changes recommended will promote more robust utilization of this important spectrum throughout the nation, the primary objective in the Commission's decision to revisit its 4.9 GHz rules. To the extent those changes will impact the operations of some users, as rule changes invariably do, the FCC has tools at its disposal to minimize any adverse impact. EWA is confident that it will do so.

The Alliance's Comments took issue with the Report's recommendation that coordination in this band be limited to public safety frequency advisory committees ("FACs"), even for the coordination of applications from non-public safety entities that qualify for primary use of the proposed shared public safety/Critical Infrastructure Industry ("CII") bands.⁴ In support of that position, EWA pointed to the fact that non-public safety FACs "already exchange information regularly with public safety coordinators when handling applications for Sprint-vacated spectrum and adhere to the specialized procedures for processing such requests" as required by the FCC and consistent with a Memorandum of Agreement ("MOA") adopted by both public safety and non-public safety FACs.⁵

Needless to say, therefore, the Alliance was surprised by the Comments filed jointly ("Joint Comments") by the Forestry Conservation Communications Association ("FCCA"), the

³ See Comments of Shared Spectrum Company.

⁴ EWA, along with other CII representatives, had urged NPSTC to adopt a different definition of CII for purposes of the 4.9 GHz band, a recommendation the Alliance repeated in its Comments.

⁵ EWA Comments at 6.

International Municipal Signal Association (“IMSA”), and the International Association of Fire Chiefs (“IAFC”) (collectively, “Joint Commenters”) in which those parties stated the following:

Experience with coordination of Sprint/Nextel vacated spectrum, in which business/industrial coordinators are allowed to participate, suggests that many more problems develop with the addition of coordinators who are not part of the regular public safety coordination process.⁶

EWA, a non-public safety FAC, has received more than fifty (50) applications for Sprint-vacated spectrum, of which approximately seventeen (17) were able to be certified and submitted to the FCC. To the best of its knowledge, once the FCC clarified the coordination procedures, including the prohibition of “batch” filing, a clarification that was applicable to all participating FACs and not just non-public safety FACs, there have been no “problems” in the coordination of this spectrum, much less “many more” problems. The required information regarding applications received has been shared amongst FACs consistent with procedures set out in the MOA. Instances of mutual exclusivity have been resolved promptly, professionally, and in accordance with MOA and FCC policies.

The Joint Commenters provided no details about any alleged problems caused by non-public safety FACs, and EWA is at a loss to understand what they possibly could be. Indeed, this complaint is particularly odd, since none of the Joint Commenters has ever raised this issue with EWA, with any other non-public safety FAC to the best of the Alliance’s knowledge, or within the Land Mobile Communications Council, where such matters typically would be vetted. Before the FCC gives any credence to this unsubstantiated claim from the Joint Commenters, it should require them to provide specific details of the “many” problems that have arisen, including the applicant name, coordination reference number, and FCC file number, if applicable, of the application(s) involved, the FACs that were involved, and the outcome of the

⁶ Joint Comments at 3.

matter(s). This will enable the non-public safety FAC(s), against which this complaint has been lodged, to respond and give the FCC an opportunity to assess the validity of the Joint Commenters' position.

The 4.9 GHz band has the potential to play an important role in supporting advanced communications capabilities for public safety and Industrial/Business entities. EWA urges the FCC to proceed promptly in adopting rules consistent with the Alliance's position herein and in its Comments in this proceeding.

ENTERPRISE WIRELESS ALLIANCE

By: 

Mark E. Crosby
President/CEO
8484 Westpark Drive, Suite 630
McLean, Virginia 22102
(703) 528-5115

Counsel:

Elizabeth R. Sachs
Lukas, Nace, Gutierrez & Sachs, LLP
8300 Greensboro Drive, Ste. 1200
McLean, VA 22102
(703) 584-8678

December 13, 2013

Your submission has been accepted

ECFS Filing Receipt - Confirmation number: 20131213200050		
Proceedings		
Name	Subject	
07-100	In the Matter of Amendment of Part 90 of Commission's Rules. .	
06-229	In the Matter of Implementing a nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band. Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Communication .	
06-150	In the Matter of Service Rules for the 698-746 747-762 and 777-792 MHz Bands.	
Contact Info		
Name of Filer: Enterprise Wireless Alliance		
Email Address: lsachs@fcclaw.com		
Attorney/Author Name: Elizabeth R. Sachs		
Lawfirm Name (required if represented by counsel): Lukas, Nace, Gutierrez & Sachs, LLP		
Address		
Address For: Law Firm		
Address Line 1: 8300 Greensboro Dr.		
Address Line 2: Ste. 1200		
City: McLean		
State: VIRGINIA		
Zip: 22102		
Details		
Small Business Impact: NO		
Type of Filing: REPLY TO COMMENTS		
Document(s)		
File Name	Custom Description	Size
EWA 4 9 GHz 07-100 121313.pdf		95 KB
Disclaimer		
<p>This confirmation verifies that ECFS has received and accepted your filing. However, your filing will be rejected by ECFS if it contains macros, passwords, redlining, read-only formatting, a virus, or automated links to other documents.</p> <p>Filings are generally processed and made available for online viewing within one business day of receipt. You may use the link below to check on the status of your filing: http://apps.fcc.gov/ecfs/comment/confirm?confirmation=20131213200050</p> <p>For any problems please contact the Help Desk at 202-418-0193.</p>		