



REGULATORY AFFAIRS

Seeking Comment FCC to Develop National Broadband Plan & Other Issues ~ BY ROBERT GURSS

As required by Congress, the Federal Communications Commission is undertaking a major study of the nation's broadband needs and capabilities and will be completing a national broadband plan to submit to Congress by February 2010. The plan will cover both wireline and wireless broadband. To gather information for the plan, the FCC has released a Notice of Inquiry with detailed questions and a comment deadline of June 8, 2009. Although most of the issues in the Notice of Inquiry don't have a direct impact on public safety, there is a section that seeks information on a num-

ber of important public safety broadband communications issues.

Some of the FCC's questions are wide-ranging, such as "Should the Commission focus on broadband high-speed Internet connectivity for public safety and homeland security needs?" Broadband has long been viewed as a possible means of addressing interoperability, so comment is also sought on "how access to broadband capability may promote interoperable wireless-based communications among various public safety agencies and jurisdictions, as well as plans and benchmarks to improve interoperability."

The national plan will undoubtedly focus to some degree on commercial networks, leading the FCC to ask whether there are "special concerns about ensuring physical diversity or redundancy in public safety and critical infrastructure industry networks and how to track and measure these factors." Comments are sought "on these issues with respect to commercial networks, as used by public safety entities for emergency communications" and on "strategies for improving network redundancy and hardening network assets."

The FCC asks about how public safety entities are "currently utilizing or plan-

LEGISLATIVE AFFAIRS

PSIC Grant Extension & BTOP Comments ~ BY YUCEL H. ORS

Current law requires all Public Safety Interoperable Communications (PSIC) grant funds to be expended by Sept. 30, 2010. All grant awards not expended by the deadline will be remitted to the Treasury. Rep. Anh "Joseph" Cao (La.) introduced H.R. 1819 (<http://thomas.loc.gov/cgi-bin/query/z?c111:H.R.1819>) to extend the PSIC grant program through FY 2010. The bill was referred to the House Committee on Energy and Commerce and is awaiting committee action.

The law required all states to submit their Statewide Interoperable Communications Plans before the grants could be distributed, which delayed distribution of the grants to Sept. 1, 2008. There's a good chance that a considerable portion of the grant awards may not be fully expended by Sept. 30, 2010. H.R. 1819 would allow these grant awards to be expended until 2012.

In November 2008, NTIA released a report on project trends and

the assessment of the successes of the PSIC program's first year. The report stated that more than 90% (\$811 million) of PSIC funds were designated by state and local agencies for the acquisition and deployment of equipment that would increase emergency communications interoperability ([www.ntia.doc.gov/psic/PSIC%20Investment%20Data%20Analysis%20\(report%20only\).pdf](http://www.ntia.doc.gov/psic/PSIC%20Investment%20Data%20Analysis%20(report%20only).pdf)). The chart below left breaks out the distribution.

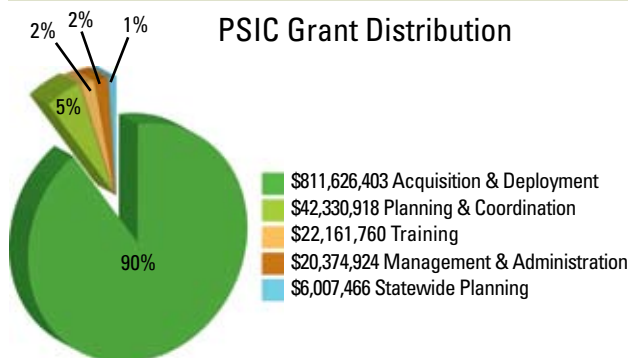
BTOP GRANT

On April 13, NTIA concluded the Request for Information comment period for the BTOP program. Below is a summary of the public comments. (Also see www.ntia.doc.gov/broadbandgrants/comments.cfm.)

APCO International (http://apcointl.org/pdf/APCO_Comments_on_the_ARRA_Broadband_Initiative_Docket_090309298-9299-01.pdf) comments strongly urged NTIA and RUS to ensure that grant applicants demonstrate partnership with local, state and nonprofit organizations to coordinate the deployment of broadband networks in unserved and under served areas. APCO also urged that NTIA and RUS should strongly consider the role nonprofit intermediaries could play in managing projects.

APCO also commented that NTIA and RUS should require priority access for public safety agencies on the networks as authorized for mission-critical operations.

The **Public Safety Spectrum Trust (PSST)** commented that to the extent BTOP funds are used to address the needs of public safety



ning to utilize commercial broadband networks to carry out their missions,” and whether “such networks are used for ‘mission critical’ communications.” In that regard, the Commission seeks information on limitations that public safety entities are “encountering with respect to commercial broadband networks, and what needs are going unmet by commercial offerings.”

Comments are also sought as to how public safety and others “envision using broadband both near-term and in the future” and “what features are most important: live video; data transfer; Web access; IP-based voice; security and encryption; mission critical or emergency use; virtual private networks; deployable systems for special events, disasters, and pandemics.”

The Commission inquires as to what role existing fixed and mobile spectrum allocations, which are able to support public safety broadband deployments, should have in the development of a national broadband plan. Specifically, the FCC asks “how can the 4.9-GHz band meet the broadband needs of the public safety community?” (More on 4.9 GHz below.)

The FCC also asks for information regarding the interplay with its current rulemaking addressing public safety

services in the 700-MHz band, and if “special considerations, concerns or limitations should be taken into account specifically with respect to public safety broadband deployments in rural areas.”

4.9 GHz

In a separate proceeding, the Commission recently made changes to its rules for the 4.9-GHz band and proposed certain other modifications. The FCC clarified that fixed, point-to-point links are permitted in the 4.9-GHz band, and that if such links are used to transport broadband data, the links will have co-primary status in the band. However, fixed, point-to-point links used to backhaul narrowband voice (or data) will be permitted only on a secondary basis, meaning that such links would have to accept interference from and not cause interference to co-primary fixed or mobile users. The reason for this distinction is that the 4.9-GHz band was never intended to be just another backhaul microwave band. Rather, it was allocated for public safety broadband communications.

The FCC is also seeking comment in the 4.9-GHz proceeding regarding frequency coordination, in part to correct an inadvertent deletion of a prior rule provision that

had exempted 4.9 GHz from formal frequency coordination. Comments are also sought regarding a coordination process for fixed links in the band.

700 MHz

Finally on the broadband front, APCO International has joined with other public safety organizations to explore solutions for the 700-MHz and related D-block issues that remain unresolved at the FCC. Much of the discussion addresses how to reconcile the needs of those large urban areas that may have the resources to deploy a broadband network in the near term, and the goal of creating a nationwide public safety broadband network that would rely on a public-private partnership model to deploy the network across all jurisdictions. **||PSC||**



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users, NTIA should ensure that such funds continue to advance the FCC's preference for nationwide interoperability, uniform technical standards and sustainable funding. The PSST also said NTIA should dedicate at least 20% of BTOP funds to “improve access to, and use of, broadband service by public safety agencies.”

Industry also weighed in. **SkyTerra** said improving “access to, and use of, broadband service by public safety agencies” is one of five equally important purposes Congress established for the BTOP. As such, NTIA should allocate at least 20% of funds available to this purpose. Because interoperability is critical to public safety users, NTIA should support proposals that would facilitate the highest degree of interoperability among public safety networks. To stimulate adoption and use of broadband by cash-strapped public safety agencies that already have narrowband networks in place, SkyTerra said NTIA should give priority to proposals that would facilitate the greatest coverage of mobile broadband service to the largest number of public safety users.

SkyTerra pointed out that The Recovery Act permits NTIA to provide funding to any entity that “the Assistant Secretary finds by rule to be in the public interest.” NTIA's rules should state that it is in the public interest for applicants proposing to meet the special requirements of public safety agencies to be eligible to receive BTOP grants.

T-Mobile said qualified wireless infrastructure projects should be afforded an expedited zoning/permitting process to enable wireless broadband providers to begin job-creating construction projects as quickly as possible and substantially complete those projects within the Recovery Act's two-year deadline.

CTIA said a broadband network built and operated by public safety

agencies for first responders would not be subject to the Policy Statement [policy statement refers to non-discrimination and interconnection obligations] and should not be subject to it under BTOP.

Because a principal objective of NTIA and RUS should be to facilitate as much as possible the deployment of broadband services in areas that currently don't have access to these services, the **Rural Cellular Association** believes it would be a mistake for NTIA to adopt any allocation percentages for the five statutory categories to the extent that doing so would detract from the achievement of this objective.

Loudoun County, Va., commented that private sector providers willing to connect to the fiber backbone with their own last-mile facilities could use the publicly funded facility to extend the reach of their networks, and provide more robust and cost-effective services to residential and business subscribers. The County also believes that private sector entities should not be given any funding, except as part of projects that involve a partnership with a public sector entity. Finally, the County urged NTIA to adopt the broadest possible view of the 20% matching requirement. Local government staff salaries, access to the public rights-of-way, use of local government facilities and equipment, and other in-kind contributions should be eligible.

The **City and County of San Francisco** proposed that “public safety grade” reliability, hardening, and coverage requirements be one of the factors used to evaluate BTOP public safety applications.



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