

May 3, 2002

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
12th St. Lobby, TE_A325
Washington DC 20554

RE: Comments on the Notice of Proposed Rulemaking, Improving Public Safety Communications in the 800 MHz Band, Consolidating the 900 MHz Industrial/Land Transportation Business Pools. WT DOCKET NO. 02-55

Dear Ms, Dortch:

On behalf of the Utah Communications Agency Network (UCAN) we wish to file the following comments with respect to the above referenced filing. Should you require any additional information, please contact us at 801-840-4200.

Respectfully submitted,

Steven H. Proctor
Executive Director /for
The Executive Committee of UCAN

Before the
Federal Communications Commission
Washington DC 20554

In the Matter of)
)
Improving Public Safety Communications in the)
800 MHz Band)
) WT Docket No. 02-55
)
Consolidation the e900 MHz Industrial/Land)
Transportation and Business Pool Channels)

To: The Commission

COMMENTS TO NOTICE OF PROPOSED RULEMAKING

Filed by: The Utah Communications Agency Network (UCAN)

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To The Commission:

COMMENTS TO THE NOTICE OF PROPOSED RULEMAKING

1. The Utah Communication Agency Network (UCAN) respectfully submits these comments in response to the Notice of Proposed Rulemaking (NPRM) by the Federal Communications Commission (Commission). UCAN is a quasi-state agency formed in 1997 under the laws of the state of Utah as outlined in the Utah Code Annotated.

INTRODUCTION

2. In The NPRM, the Commission tentatively concluded that interference to public safety communications caused by Commercial Mobile Radio Services (CMRS): presents a sufficiently serious problem that a solution must be found". The commission requested comments to address the proposed restructuring of the 800 Megahertz (MHz) band to "best remedy interference to 800 MHz public safety systems consistent with minimum disruption to our existing licensing structure and assurance of sufficient spectrum for critical public safety communications services". The requested comments are to come from users, Manufacturers, telecommunications carriers and other interested parties. The purpose is to receive comments and ultimately resolve the issue.
3. UCAN thanks the commission for the renewed emphasis it has placed on prioritizing public safety communication and is grateful for the opportunity to be a part of the rulemaking process. UCAN, being a Quasi-state Agency responsible for delivery of public safety communication services to 91 separate agencies of state and local government. We currently have over 500 transmitters located on 43 separate transmitter sites serving 10,000 individual users. Our services are provided to police, fire, EMS, corrections, transportation, public works, natural resources, ambulance companies and other public safety users. During the recent 2002 Olympic games we added additional network to support 7000 radios for the management of the Games. This system processed 8.5 million calls during the 17-day Games event and was responsible for mission critical and routine traffic. UCAN has been a model for the National Public Safety Planning Advisory Committee (NPSPAC) efforts, which were established in the 1980's. We share spectrum, services, costs, transmitter facilities and services across political and organizational boundaries. We firmly believe that this system is the cooperative network the Commission had in mind when it allocated the (NSPAC) spectrum. This network has achieved the wide area interagency interoperability, which is desired in public safety services. Our service, as funding becomes available, will develop into a statewide network. The investment in this network by the state and local partners exceeds 43 million dollars.

BACKGROUND

4. In 1993 the Congress asked the Commission to analyze the spectrum requirements to support public safety communications thru 2012. In 1995 the commission submitted a report recommending further study. The Commission and the National Telecommunications and Information Administration (NTIA) chartered the Public Safety Wireless Advisory Committee (PSWAC) to investigate the status of local, state, and federal

- public safety communications and provide recommendations for meeting those needs.
5. The PSWAC submitted a final report recommended allocation of an additional 97.5 MHz to meet the current and future needs of the public safety communication providers across the country thru the year 2010.
 6. The following year the Congress passed the Balanced Budget Act of 1997 and directed the Commission to allocate 24 MHz of spectrum in the 700 bands for public safety use.
 7. Even though attempts have been made to meet the needs as outlined in the PSWAC report, the overall goal of spectrum allocations has still fallen short.
 8. In 2001 Nextel Corporation presented a White Paper to the FCC proposing dramatic changes in the 800 MHz band with one of the end results being a significant increase in the spectrum available to public safety.
 9. With the current spectrum allocations have interference issues, which are causing issues on channels interleaved with Nextel Channels and in NPSPAC Channels adjacent to the cellular bands. UCAN has experienced this first hand with the recent implementation of the radio system used for the 2002 Olympic Games. Cooperative efforts between the public safety providers and the commercial users of the bands mitigated the issues during the Games however the issues are a daily occurrence, which must be dealt with. There are no results or common ground for mitigating the problems of interference. While some commercial providers will work issues, others take a “its not our problem stance”.

DISCUSSION OF ISSUES

10. **Band Restructuring:** While UCAN understands the need to meet current and future needs for not only public safety but also other users of the spectrum, great care must be taken in making wholesale plans to realign the band. Several plans have been put forth. From the perspective of UCAN, the following are the most important issues, which much is addressed. First, the modification of any band plans must make every effort to eliminate the debilitating interference experienced by public safety users. Second, any changes must provide a long-term solution, which will leave public safety with the spectrum needed and documented in the PSWAC Report. Third, the Commission must continue to resolve issues with the interleaved channels and interference until such time as the band has been restructured. The commission should be responsible for the hard decisions necessary to allow public safety the ability to protect lives and property with out interference in radio operations. Public safety users who are forced to move MUST be made whole for the cost of the move. To expect those who are operating on wide area systems which have required huge investments in infrastructure and radio equipment to bear the cost of moving is unconceivable. Taxpayer dollars are short; radio systems are in most cases the lowest item in the “food chain” to receive funding. We have designed and built systems, which were to use spectrum as allocated by the Commission. To come back to the users and say,

“sorry we have to move you” when it was the commission’s responsibility to allocate spectrum will not meet with favorable responses. There needs to be a funding source which will make these users whole. That will include the cost of re-licensing, reprogramming, new equipment and the labor and material to make the move.

11. Additional Spectrum for Public Safety: While the Commission has made efforts to allocate additional spectrum to public safety users (24 MHz in the 700 band, 4.9 Ghz for short distance broadband applications, interoperability channels in the 150 and 450 bands, the fact of the matter is there is still an large block of spectrum which needs to be identified from the PSWAC Report. Some where in this decision process the additional spectrum must be identified and set aside to service public safety.
12. Incumbent relocation: UCAN agrees that the reorganization plan adopted for the 800 MHz spectrums should cause as minimum disruption as possible. This should include placing public safety where equipment already can be redeployed or reprogrammed without costly changes in hardware. This should be the overall goal considering the possibility of having to move any incumbents.
13. Relocation of Conventional SMR and B/ILT: UCAN will support any proposal that will provide critical Infrastructure industries such as water, electricity, and other basic services relied upon by public safety the adequate spectrum they require.
14. Reimbursement of Costs: UCAN believes that state and local government incumbents have built systems on spectrum allocated by the Commission, which was set aside for public safety priority use. We now have a number of problems with that allocation. This is not the problem of Public Safety. In order to facilitate any potential moves in these area public safety agencies must be made whole for the cost they have invested. Those costs include equipment, licensing, engineering, and replacement of equipment. Whatever the replacement band plans would be should include interference-free communications spectrum, which can guarantee the protection of life and safety. While not advocating a specific plan, the Nextel plan seems to be the most forthright by at least advocating that they would provide funding. This may be the time that changes be made by Congress which would allow auction revenue to be used to process the conversion.
15. Primary/Secondary Status: UCAN is not in favor of secondary status because we believe that if will not serve to relieve the interference problems. This could leave secondary status users without recourse.
16. Implementation Schedule: UCAN believes that remedying the interference issues has a high priority. Development of a band plan may be a relatively quick process. However, of a plan might take a longer period because there has to be time to allow manufactures and users sufficient time to gear up, retuning and re-licensing equipment will take time (thru the coordination and licensing process), and there has to be a defined funding plan in place to make the switch occur. Also, systems which operate on wider channels must be

able to continue operations on those channel widths, until such time as to migrate to narrower band equipment is economical.

17. Standards and operating parameters. UCAN believes the adoption of technology neutral standards will do nothing but benefit the users, the manufacturers, and allow public safety agencies and manufacturers to develop features and equipment. This includes a receiver standard. Prior to the Olympic games, UCAN retrofitted 5000 radios with a manufacturer-supplied modification to tighten receiver standards. This was a time consuming expensive and a difficult process. It helped but did not solve all the issues. Receivers need to be part of the standards process.

CONCLUSION

18. UCAN expresses gratitude to the Commission for the opportunity to provide comments addressing the reorganizing the 800 MHz band. We also commend others who have spent time and resources to do the same. As a provider of public safety services, having just completed the 2002 Winter Olympic Games we are well aware of a wide area communications system provides those who protect life and property. Eight and a half million calls in 17 days proved it. Our final recommendation is that the Commission is that they act quickly and decisively, develop and accept standards from the appropriate standards bodies, and implement changes on a timed programmed approach.

Respectfully submitted,

Steven H. Proctor
Executive Director, The Utah Communications Agency Network

