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July 9, 2014

VIA ELECTRONIC FILING
Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

Re: WP Docket No. 07-100
PS Docket No. 06-229
WT Docket No. 06-150

Ex Parte Letter

Dear Ms. Dortch:

On April 28, 2014, the National Public Safety Telecommunications Council ("NPSTC") filed an *ex parte* letter in the above-identified proceedings ("NPSTC Letter"). The NPSTC Letter addresses filings received in response to the Federal Communications Commission ("FCC" or "Commission") Public Notice[1] inviting comment on NPSTC's 4.9 GHz National Plan Recommendations filed on October 24, 2013.[2] Specifically, the NPSTC Letter responded to comments filed by Regional Planning Committee 8 ("RPC8"), the City of New York, and the Joint Comments of King County and the City of Seattle ("King County/Seattle").[3] The Enterprise Wireless Alliance ("EWA" or Alliance") believes that clarification of the NPSTC Letter is needed to avoid uncertainty within both the Critical Infrastructure Industry ("CII") and the Public Safety ("PS") communities regarding NPSTC's position in one critical aspect of its National Plan Recommendations.

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[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, 28 FCC Rcd 14865 (2013) ("Public Notice").

[2] 4.9 GHz National Plan Recommendations, Final Report, filed by National Public Safety Telecommunications Council in a letter from Ralph A. Haller, Chair, NPSTC, to Marlene H. Dortch, Secretary, Federal Communications Commission, dated October 24, 2013 ("NPSTC Report").

[3] RPC8 Comments filed Nov. 22, 2013; King County/Seattle (Marlin Blizinsky) Comments filed Nov. 27, 2013; and City of New York Reply Comments filed Dec. 13, 2013.

The Alliance has been an active participant in this proceeding in which the FCC has proposed to modify certain rules governing the 4.9 GHz band.[4] In its Comments in response to the Public Notice, EWA explained that, "At NPSTC's request, EWA served as Co-Chair of the 4.9 GHz working group's 'Critical Infrastructure Use and Conditions Task Team' ("CII Task Team") that included representatives from other CII industry associations."[5] The Alliance and other members of the CII Task Team, while not in agreement with all aspects of the NPSTC Report, believed the public interest was well-served by the recommendation that there be shared, co-primary use of two 5 MHz channels by PS agencies and CII entities.[6] That recommendation was fundamental to CII support for the NPSTC Report.

The Comments filed by RPC8 and King County/Seattle expressed their concern that the national plan for the 4.9 GHz band described in the NPSTC Report would negatively impact their existing operations in the band. As characterized in the NPSTC Letter, "Local control and regional planning appear to be at the root of the concerns expressed by [both parties]."[7]

The NPSTC Letter responded to these concerns by noting that Section 10 of the NPSTC Report "recommends all regions have an opportunity to file amended plans to account for local needs."[8] It further recommended that the FCC could open a window during which regions that wished to modify existing plans and ones that had not previously developed a plan for the 4.9 GHz band could do so, while regions that did not submit a plan could be governed by the National Plan. [9]

EWA takes no position on how existing 4.9 GHz operations in those two areas should be addressed by the FCC or by NPSTC. In its Reply Comments on the Public Notice, the Alliance recognized the issue and stated: "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."[10] However, it wishes to confirm that, more generally, the opportunity for plan revisions and development of new plans suggested by NPSTC will be bounded by the parameters described in Section 10 of the NPSTC Report:

> The Regional plans would be able to make changes to this national plan in the following areas:
>
> 1. Additional channel aggregation.
> 2. An additional channel designated for specialized use such as Air to Ground or for robotic control and communications.

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[4] In the Matter of Amendment of Part 90 of the Commission's Rules; Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band; Service Rules for the 698-746, 747-762 and 777-792 MHz Bands; WP Docket No. 07-100, PS Docket No. 06-229, WT Docket No. 06-150, *Fourth Report and Order and Fifth Notice of Proposed Rulemaking*, 27 FCC Rcd 6577 (2012).
[5] EWA Comments filed Nov. 22, 2013 at 1-2.
[6] NPSTC Report at 11.
[7] NPSTC Letter at 4.
[8] NPSTC Letter at 5.
[9] *Id* at 6.
[10] EWA Reply Comments filed Dec. 13, 2013 at 2.

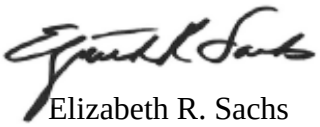
3. Place limits on the use of PTP links in urban areas or more stringent antenna or other technical parameters to allow greater reuse of the channels within the region.
4. Allow higher ERP for longer path lengths in rural areas or allow use of non--line of sight paths in rural areas.[11]

Specifically, EWA assumes, but wishes to confirm, that all regional plans, with the possible exception of those applicable to RPC8 and King County/Seattle, will be required to include the shared, co-primary use of two 5 MHz channels by PS agencies and CII entities. Any deviation from that fundamental element of the NPSTC Report would require the Alliance and presumably other CII entities to revisit their support for the national plan described in that document.

This letter is being filed electronically, in accordance with Section 1.1206(b) of the Commission's Rules, 47 C.F.R. § 1.1206(b), for inclusion in the record in these proceedings.

Kindly refer any questions or correspondence regarding this matter to the undersigned.

Very truly yours,



Elizabeth R. Sachs

cc: Scot Stone, WTB (via email)
David Furth, PSHSB (via email)
Thomas Eng, PSHSB (via email)
Ralph Haller, NPSTC (via email)

[11] NPSTC Report at 13.

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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.

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