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PUBLIC SAFETY AND WIRELESS DEPLOYMENT: 700 MHZ Broadband Broadband/Narrowband; 800 MHz Rebanding; RF Radiation Safeguards

IMLA 2013 Annual Conference

Telecommunications & Franchise Section Workshop

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PRESENTED BY

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Of Counsel

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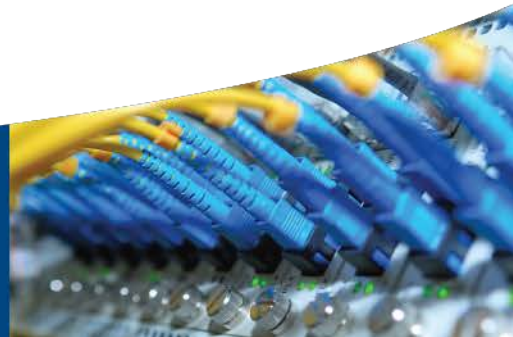


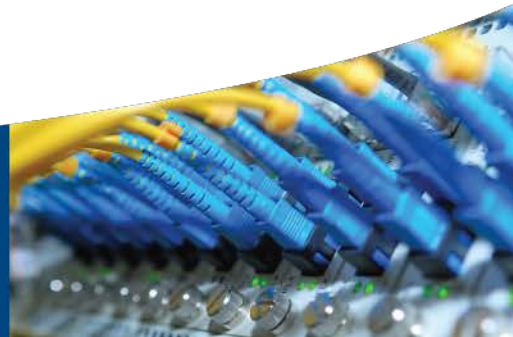
700 MHz Broadband

- Single national public safety license: FCC, 2007; Congress, 2012 (P.L. 112-96, Title VI)
- Chief concern: interoperability
- FirstNet established within NTIA/DOC
  - To lease spectrum to state/regional operators
  - Under FCC-created interoperability standards
  - Using existing facilities and commercial partnerships where possible
- As of mid-August, 2 leases; others likely soon



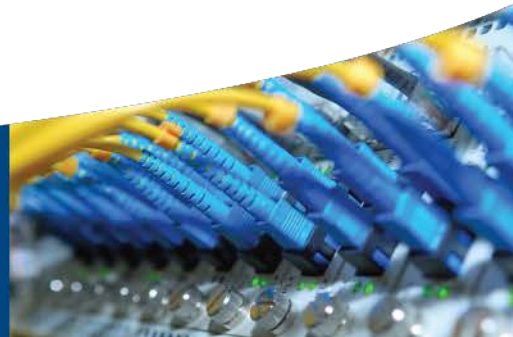
700 MHz Broadband (cont'd)

- Large tasks remaining:
  - Choice of system architecture
  - Evaluating RFP responses
  - Selecting core and access network contractors
  - Completion of FirstNet staffing
    - Bill D'Agostino, Jr., General Manager
    - T J Kennedy, Deputy GM
    - Edward Parkinson, Government Affairs Director
    - Randolph Lyon, Chief Financial Officer



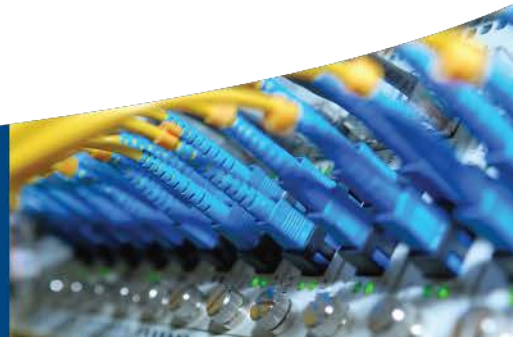
700 MHz Broadband (cont'd)

- Contentious issues:
  - Charges by Board Member Paul Fitzgerald
  - States' choice: opt-in or not?
  - Fate of BTOP grants pre-dating FirstNet
  - FCC's role as regulator of FirstNet
- Spectrum auction and financial uncertainties
- System "apps" – new liabilities?



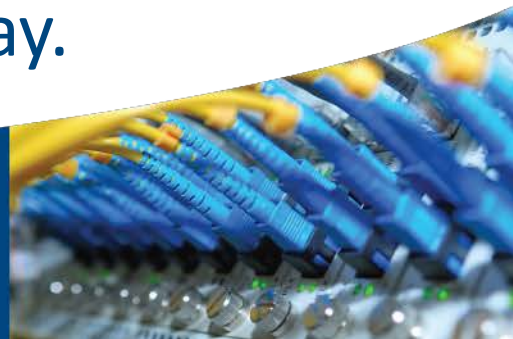
700 MHz Narrowband

- 2016 deadline to reduce channel widths
- Destination for T-Band evacuees
- Who pays for move of “old” narrowband to “new?”
- Narrowband voice and broadband data incompatible, for now



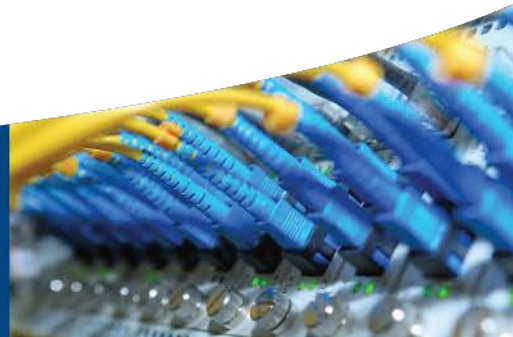
800 MHz rebanding

- Ten years ago, Nextel offered to pay for spectrum shuffle that would segregate public safety channels from commercial uses – in exchange for 10 MHz of spectrum.
- Aim was to eliminate or mitigate interference between incompatible architectures
- Process was to be finished in 2008, but treaty negotiations with Canada and Mexico – plus unexpected complexities – caused delay.



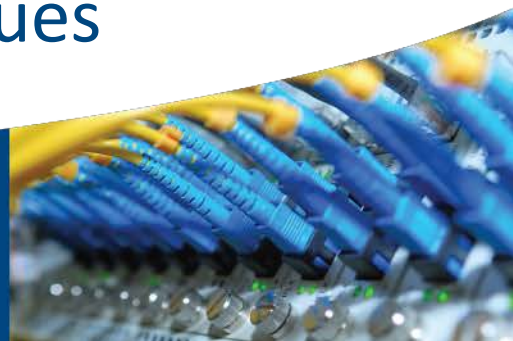
800 MHz rebanding (cont'd)

- Licensees and Nextel have differed over "reasonable" moving expense and "comparability" of rebanded systems.
- While interior and Canadian border are nearly finished, Mexican border just beginning.
- Nextel hopes to avoid protracted negotiations by offering fixed prices per radio.
- And by reducing the expense documentation now required to close out contracts.



RF radiation safeguards

- Wireless communication is essential to modern fire, police and emergency medical services
- But some scientists, and many citizens, are concerned that the sheer ubiquity of wireless technology is harming us in ways not fully understood
- Under NEPA, the FCC for nearly 30 years has regulated transmitter emissions on the basis of their potential to overheat human tissues



RF radiation safeguards (cont'd)

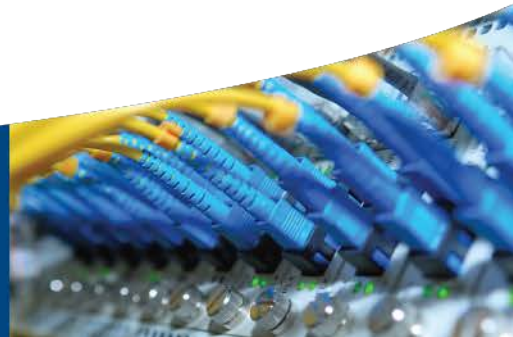
- Recently, the FCC opened an inquiry into the thermal basis for existing rules
- And asked how they could be better enforced
- Initial comments are due September 3rd, replies November 1st
- Local governments reviewing wireless siting applications often are caught between
  - Industry response to consumer demand, and
  - Citizen fears of RF effects, especially on children



RF radiation safeguards (cont'd)

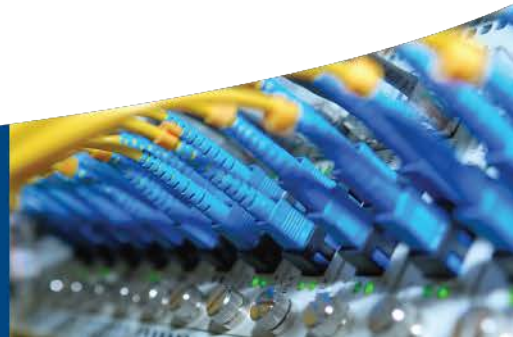
- Zoning boards experiencing this crossfire should not hesitate to comment on reply if they missed the September deadline
- As of mid-August 2013:
  - More than 400 comments since June of 2012, most individual rather than corporate
  - Key institutional comments on 9-3-13 not yet filed at time these slides composed
- From 8/5/13 FCC letter to LA schools superintendent:

  "Since the FCC is not a health and safety agency itself, we must defer to other organizations and agencies with respect to interpreting the biological research necessary to assess the health impact of RF emissions, and to determine what levels are safe. In 1996, the Commission adopted its current guidelines for human exposure to RF energy based on recommendations from the Environmental Protection Agency (EPA), the Food and Drug Administration (FDA), and other federal health and safety agencies."



RF radiation safeguards (cont'd)

- When the issues are fully joined by replies in November, we'll have a better idea of how far municipalities can go in seeking compliance without inhibiting wireless services



Thank you for attending.

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