

The Communicator

A Publication of Motorola Inc. –CGISS Spectrum Strategy Team

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800 MHz RE-BANDING ORDER PUBLISHED IN FEDERAL REGISTER DEADLINES ESTABLISHED

The text of the Report & Order in the 800 MHz re-banding docket was published in the Federal Register on November 22, 2004. Federal Register publication triggered several deadlines:

- December 22 – Petitions for Reconsideration of the decision are due
- January 21, 2005 – New 800 MHz Interference Rules go into effect
- February 7, 2005 – Nextel must either accept or reject the conditions in the Order
- February 7, 2005 – Nextel and SouthernLinc must reach an agreement on spectrum usage in the southeastern US
- March 7, 2005 – Nextel must obtain \$2.5 billion letter of credit and make other financial certifications to the FCC

Also published in the Federal Register on November 22, was the Public Notice seeking comment on the ex parte filings made by various parties since the FCC released the text of the re-banding decision in August. Comments are due December 2. There will be no Reply Comments.

VERIZON ANNOUNCES DECISION TO FOREGO LEGAL ACTION IN 800 MHz INTERFERENCE DOCKET

Early in November, Verizon Wireless and Nextel came to an agreement in which Verizon agreed not to launch a court challenge to the FCC's re-banding decision in return for Nextel's agreement to drop a lawsuit against Verizon's use of the term "push to talk" or "PTT."

Verizon had been one of the loudest critics of the Consensus Plan charging that Nextel wasn't paying enough for the 1.9 GHz band it wanted in exchange for relinquishing spectrum at 800 MHz. In the FCC's Re-banding decision, the 1.9 GHz spectrum was valued at \$4.8 billion. After FCC established a value for the spectrum that Nextel is vacating, estimated costs to relocate 1.9 GHz incumbents and to reconfigure Nextel's own systems it determined that Nextel would be required to obtain an irrevocable letter of credit for \$2.5 billion. To guard against unjust enrichment, any of that \$2.5 billion not used to fund the 800 MHz re-banding, will be deposited in the Federal Treasury.

Verizon's decision to forego legal action eliminates one of the major unknowns related to this proceeding.

800 MHz RE-BANDING TRANSITION ADMINISTRATOR (TA) RECEIVES EXTENSION OF DEADLINE TO RELEASE RE-BANDING PRIORITIZATION SCHEDULE

The 800 MHz Transition Administrator (TA), The BearingPoint Group, was granted a 60 day extension of the deadline at which it must provide the FCC with the re-banding prioritization schedule, originally due November 29, 2004.

Among the reasons stated in the request, Bearing Point wished the additional time to conduct an outreach to the public safety entities to better understand the issues related to re-banding. Bearing Point is developing a website on which to share information and plans to individually contact the NPSPAC Regional Planning Chairs.

The new deadline for the re-banding prioritization schedule is January 31, 2005.

FCC'S GOVERNMENT ACCOUNTABILITY OFFICE RELEASES DECISION ON LEGALITY OF FCC'S DECISION IN 800 MHz INTERFERENCE DOCKET

The United States' Government Accountability Office (GAO) completed its review of the Commission's decision in the 800 MHz Interference Docket and determined that the agency was within the scope of its authority when it decided to transfer 10 MHz of spectrum at 1.9 GHz to Nextel as replacement spectrum for channels being vacated by the telecommunications company in the 800 MHz band. Opponents had charged that the FCC was required to auction the 1.9 GHz band and deposit the proceeds in the federal treasury.

The GAO found that the FCC did have the authority to modify Nextel's licenses to include the 1.9 GHz band and that, while it had the authority to auction mutually exclusive spectrum, it also had the obligation to use methods to avoid mutual exclusivity in licensing proceedings. In addition, the GAO agreed with the FCC's determination that the public interest factors – resolving interference to public safety systems – were compelling enough to warrant the action.

4.9 GHz BAND TECHNICAL RULES AMENDED

On November 9, 2004, the FCC modified the emission mask for 4.9 GHz equipment in accordance with input from the National Public Safety Telecommunications Council (NPSTC) and Motorola. The FCC

decision finalizes the technical rules for 4.9 GHz, removing regulatory uncertainty so that equipment can be developed and deployed in the band.

The FCC also declined to adopt an interoperability standard at this time or to mandate 4.9 GHz Regional Planning as NPSTC had requested.

The original emission mask FCC adopted in May 2003 was somewhat tighter than anyone had recommended. In July 2003, NPSTC petitioned the FCC to loosen the mask to make it easier to leverage commercial off-the-shelf (COTS) technology used in adjacent 5 GHz unlicensed bands for use in the 4.9 GHz public safety band.

Motorola agreed that it would be beneficial to leverage technology from the adjacent 5 GHz unlicensed bands and apply it in more reliable dedicated public safety spectrum. Motorola also agreed with NPSTC that the mask could be loosened somewhat for lower power 4.9 devices and recommended that a tight mask similar to the one FCC had originally adopted should be applied to higher power 4.9 products to help minimize adjacent channel interference.

The key difference between the Motorola and NPSTC recommendations was the power level at which the tighter mask would be invoked. Motorola recommended a lower power transition point than NPSTC to provide a greater margin against potential adjacent channel interference.

Motorola and NPSTC worked together to reach a consensus and the emission mask decision adopted by the FCC closely tracks the Motorola and NPSTC recommendations made in October 2004. The mask was relaxed for lower power devices (e.g., LAN cards) and a slightly modified but tight mask is still required for higher power devices. The transition point between “low power” and “high power is dependent on bandwidth -- for a 20 MHz wide channel the transition occurs at a power level of 100 milliwatts (one tenth of a watt). Regardless of channel size, the transition point is a fraction of a watt. While Motorola had preferred an even lower transition point for additional margin, the modified rules are very workable to provide users with reliable operations in the new 4.9 GHz band.

As Motorola and NPSTC both recommended, the FCC rules allow higher antenna gain for fixed and temporary fixed 4.9 GHz stations (e.g., permanent or deployable hotspots) when the tighter mask is used. Agencies using equipment with the tighter mask may therefore see cost savings since a higher antenna gain generally translates to greater coverage per site.

The full text of the decision can be downloaded at <http://wireless.fcc.gov/publicsafety>. Click on “The 4.9 GHz Band Transferred from Federal Government Use; Granted the NPSTC Petition in Part by Adopting New 4.9 GHz Emission Masks” under “New Releases.”

700 MHz REGIONAL PLANNING UPDATE

Access by public safety to the 700 MHz band is affected by four factors – FCC’s adoption of the Interoperability standard (which was completed in January, 2001), TV broadcast incumbency (which differs by market), the development of a national 700 MHz plan (finalized at the May 10-11, 2001 NCC Meeting), and the development of each individual 700 MHz regional plan.

Until the Regions have developed their plans and had those plans approved by the FCC, no licenses (other than state-wide licenses on the 2.4 MHz state allocation at 700 MHz) can be granted at 700 MHz. The NCC Implementation Subcommittee Regional Planning documents can be found on the NPSTC website at www.npstc.org/documents/html. Fifty-one of the fifty-five Regions have either held or set the date for their first meeting. Four Regions have selected conveners but not yet set a date for the first planning meeting. Region Five’s (Southern California) Plan was approved April 30, 2004.

Each month, *“The Communicator”* will list the status of the 700 MHz Regional planning process. If you have any information about 700 MHz RPC planning activities that are not on this list, or have a customer

who is interested in getting his or her 700 MHz Region started, please contact the editor – Bette Rinehart at 717-334-0654. Assistance is available for initiation of the Regional Planning process including presentation of an educational piece about the 700 MHz band and details about broadcast incumbency in the region. The regions in **bold type** are **new to the report**. Regions in *italics* have a *Plan pending with the FCC*.

| <u>Region</u> | <u>Status</u> | <u>Next Meeting</u> | <u>Chair/Convener</u> |
|---------------------------|------------------------------|---------------------|---|
| 1 (Alabama) | First Meeting 1/24/02 | TBD | Eric Linsley, Chair |
| 2 (Alaska) | First Meeting 5/22/03 | TBD | Dean Strid, Chair |
| 3 (Arizona) | First Meeting 4/11/01 | TBD | Curt Knight, Chair |
| 4 (Arkansas) | First Meeting 2/24/04 | TBD | Carl Jacobs, Chair |
| 5 (Southern California) | Plan Approved April 30, 2004 | | Dave Buchanan, Chair |
| 6 (N. California) | First Meeting 5/16/02 | December 7, 2004 | Bill DeCamp, Chair |
| 7 (Colorado) | First Meeting 4/20/01 | December 16, 2004 | Emery Reynolds, Chair |
| 8 (Metro New York) | First Meeting 1/23/02 | November 3, 2004 | Peter Meade, Chair |
| 9 (Florida) | First Meeting 1/17/01 | TBD | Ray Carlson, Chair |
| 10 (Georgia) | First Meeting 1/24/02 | TDB | Wray Hall, Chair |
| 11 (Hawaii) | First Meeting 09/18/02 | November 5, 2004 | Robert Hlivak, Chair |
| 12 (Idaho) | First Meeting 5/22/02 | TDB | Bart Hamilton, Chair |
| 13 (Illinois) | First Meeting 3/4/01 | November 9, 2004 | T. J. Ward, Chair |
| 14 (Indiana) | First Meeting 11/14/01 | TBD | Anthony Stantz, Chair |
| 15 (Iowa) | First Meeting 5/29/02 | December 14, 2004 | Richard Hester, Chair |
| 16 (Kansas) | First Meeting 10/13/02 | October 20, 2004 | Edwin Geer, Chair; Ken Justice, Co-Chair |
| 17 (Kentucky) | First Meeting 2/15/02 | TBD | Bob Stevens, Chair |
| 18 (Louisiana) | First meeting 8/31/01 | TBD | William Vincent, Chair |
| 19 (New England) | First Meeting 12/7/00 | December 1, 2004 | George Pohorilak, Chair |
| 20 (Maryland) | First meeting 6/22/01 | TBD | Ed Ryan, Chair |
| 21 (Michigan) | First Meeting May, 2000 | November 16, 2004 | Joe Turner, Chair |
| 22 (Minnesota) | First Meeting 1/08/01 | January 11, 2005 | Steve Pott, Chair |
| 23 (Mississippi) | First Meeting 1/09/02 | TBD | Richard Wilson, Chair |
| 24 (<i>Missouri</i>) | <i>Plan Returned by FCC</i> | December 8, 2004 | Steven Devine, Chair |
| 25 (Montana) | First Meeting 7/17/02 | TBD | Dan Hawkins, Chair |
| 26 (Nebraska) | First Meeting 8/8/02 | TBD | Mike Jeffres, Chair |
| 27 (Nevada) | First Meeting 1/22/03 | TBD | James Wilson, Chair |
| 28 (Eastern PA) | First Meeting 6/24/04 | TBD | Richard Reynolds (Chair) |
| 29 (New Mexico) | Appointed Convener | TBD | Julian Zamora (Convener) |
| 30 (Eastern NY) | First Meeting 12/2/03 | TBD | David Cook, Chair |
| 31 (North Carolina) | First Meeting 11/17/03 | TBD | Michael Hodgson ,Chair |
| 32 (North Dakota) | Appointed Convener | TBD | Rick Hessinger, (Conv.) |
| 33 (Ohio) | First Meeting 2/28/01 | November 3, 2004 | Paul Mayer, Chair |
| 34 (Oklahoma) | First Meeting 11/19/03 | TBD | H. Stephen Williamson, Chair |
| 35 (Oregon) | First Meeting 1/16/02 | December 1, 2004 | Sally Jones, Chair |
| 36 (W. PA) | Appointed Convener | First Meeting TBD | Rich Matason, Convener |
| 37 (South Carolina) | First Meeting 7/17/02 | TBD | William Winn, Chair |
| 38 (South Dakota) | Appointed Convener | First Meeting TBD | Todd Dravlund (Conv) |
| 39 (Tennessee) | First Meeting 5/8/01 | December 7, 2004 | John Johnson, Chair |
| 40 (Northern Texas) | First Meeting 6/26/02 | TBD | Dan Scrivner, Chair |
| 41 (Utah) | First Meeting 11/21/03 | TBD | Steve Proctor (Chair) |
| 42 (Virginia) | First Meeting 10/2/01 | TBD | Tom Hanson, Chair |
| 43 (Washington) | First Meeting 11/14/00 | December 15, 2004 | Kevin Kearns, Chair |
| 44 (West Virginia) | Appointed Convener | TBD | Tom Woods (Convener) |
| 45 (Wisconsin) | First Meeting 5/1/03 | TBD | Karen Carlson, Chair |
| 46 (Wyoming) | First Meeting 2/15/01 | November 15, 2004 | Kent Drummond, Chair |
| 49 (Central Texas) | First Meeting 10/29/01 | TBD | Ron Mayworm, Chair |
| 50 (W. Texas) | First Meeting 7/15/04 | TBD | Jack Crandall, Chair |

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|-----------------------|-----------------------|-----|---------------------|
| 51 (Houston) | First Meeting 11/8/00 | TBD | Ron Gillory, Chair |
| 52 (N. Texas) | First Meeting 7/30/03 | TBD | Bob Sanders, Chair |
| 53 (South Texas) | First Meeting 12/6/01 | TBD | Victor Perez, Chair |
| 54 (Chicago) | First Meeting 10/00 | TBD | Bill Carter, Chair |
| 55 (New York-Buffalo) | First Meeting 5/20/02 | TBD | Louis Oshier, Chair |