



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

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DA 07-3885
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PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SOLICITS APPLICATIONS FOR THE 700 MHZ PUBLIC SAFETY BROADBAND LICENSE

On July 31, 2007, the Commission adopted a *Second Report and Order* revising the rules governing the upper 700 MHz band.¹ In the *Second Report and Order*, the Commission redesignated ten megahertz of public safety 700 MHz spectrum (763-768/793-798 MHz) for the purpose of establishing a nationwide, interoperable broadband public safety communications network. In this regard, the Commission established a single nationwide license for this spectrum – the Public Safety Broadband License. Further, it stated that it would assign this license to a single entity – the Public Safety Broadband Licensee.² The Commission noted that within 30 days of release of the *Second Report and Order*, the Public Safety and Homeland Security Bureau (PSHSB) would issue a public notice soliciting applications for the Public Safety Broadband Licensee, specifying the baseline criteria that the Public Safety Broadband Licensee must satisfy, and setting forth the procedures and requirements for submitting license applications.³

Applications for the Public Safety Broadband License must be submitted no later than **October 10, 2007**. Applicants should familiarize themselves with the Commission's rules pertaining to the Public Safety Broadband Licensee and the 700 MHz Public Safety/Private Partnership. The *Second Report and Order* can be found on the Commission's web page at <http://www.fcc.gov> or may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone (202) 488-5300, facsimile (202) 488-5563, or via e-mail at FCC@BCPIWEB.COM.

¹ 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 Communications Requirements Through the Year 2010, PS Docket No. 06-229, WT Docket No. 96-86, *Second Report and Order*, 22 FCC Rcd 15289 (2007) (*Second Report and Order*).

² *Id.* at ¶ 366.

³ *Id.* at ¶ 380.

Public Safety Broadband Licensee Eligibility Criteria

Sections 308(b) and 337 of the Communications Act,⁴ and Parts 1 and 90 of the Commission's Rules,⁵ generally govern the licensing and use of Public Safety frequencies in the 700 MHz band. The *Second Report and Order* established the following baseline criteria for the Public Safety Broadband Licensee eligibility:

- No commercial interest may be held in the Public Safety Broadband Licensee, and no commercial interest may participate in the management of the Public Safety Broadband Licensee.
- The Public Safety Broadband Licensee must be a non-profit organization.
- The Public Safety Broadband Licensee must be broadly representative of the public safety community.
- The Public Safety Broadband Licensee must satisfy certain organizational requirements – including board of directors membership – and include certain minimum provisions in its articles of incorporation and bylaws.⁶

To be eligible for consideration, an applicant must demonstrate that it satisfies each of these criteria, and that it is able to carry out all of the responsibilities assigned to the Public Safety Broadband Licensee as described in the *Second Report and Order*.⁷

Application Requirements and Procedures

Applications for the Public Safety Broadband License must be received by the Commission by **October 10, 2007** and must include the following information:

⁴ 47 U.S.C. §§ 308(b), 337.

⁵ 47 C.F.R. Parts 1, 90.

⁶ *Id.* at ¶¶ 373-375. The *Second Report and Order* requires that the Public Safety Broadband Licensee be governed by a voting board consisting of eleven members, one each from the nine organizations representative of public safety listed below, and two at-large members selected by the Public Safety and Homeland Security Bureau and the Wireless Telecommunications Bureau, jointly on delegated authority. The nine organizations that shall be represented on the board, with each organization represented by one voting board member, are: the Association of Public Safety Communications Officials (APCO); the National Emergency Number Association (NENA); the International Association of Chiefs of Police (IACP); the International Association of Fire Chiefs (IAFC); the National Sheriffs' Association; the International City/County Management Association (ICMA); the National Governor's Association (NGA); the National Public Safety Telecommunications Council (NPSTC); and the National Association of State Emergency Medical Services Officials (NASEMSO). *Id.* at ¶ 374.

⁷ *Id.* at ¶ 383. The *Second Report and Order* assigns substantial responsibilities to the Public Safety Broadband Licensee, including negotiating a Network Sharing Agreement with the winner of the Upper 700 MHz D Block licensee; general administration of access to the national public safety broadband network by individual public safety entities, including assessment of usage fees to recoup its expenses and related frequency coordination duties; and approving equipment and applications for use by public safety entities on the public safety broadband network. *Id.*

- A description of the entity applying for the Public Safety Broadband License, including detailed information on its founders and organizational structure.
- A statement explaining how the applicant satisfies the baseline eligibility criteria listed above.
- In light of the novel and significant responsibilities that will be essential to the success of the nationwide broadband network, a description of the applicant's qualifications to carry out the duties and responsibilities of the Public Safety Broadband Licensee (including, for example, experience with public safety radio operations, knowledge of the Commission's rules, ability to work cooperatively and impartially with all relevant parties, expertise in managing a large-scale, multifaceted initiative, and accounting and auditing capabilities).
- Written certifications from at least ten geographically diverse state and local governmental entities, with at least one certification from a state government entity and one from a local government entity. These certifications must verify that: (1) the certifying entity has authorized the applicant to use spectrum at 763-768 MHz and 793-798 MHz to provide the certifying entity with public safety services; and (2) the certifying entity's primary mission is the provision of public safety services.⁸
- All information set out in the Attachment to this Public Notice, entitled: "Additional Filing Instructions and Application Contents for Applications for the 700 MHz Public Safety Broadband License."

Filing Procedures. All applications filed pursuant to this Public Notice must reference DA 07-3885.

- Parties must file an original and three copies of each application. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Federal Communications Commission, Office of the Secretary, Attn: Chief, Public Safety and Homeland Security Bureau.
- The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, SW, Washington D.C. 20554.

Non-confidential submissions relating to DA 07-3885 may be obtained from Best Copy and Printing, Inc., in person at 445 12th St., S.W., Room CY-B402, Washington, DC 20554, via telephone at (202) 488-5300, via facsimile at (202) 488-5563, or via e-mail at FCC@BCPIWEB.COM. Non-confidential documents also will be available for public inspection and copying during regular business

⁸ *Id.* at ¶ 373.

hours in the FCC Reference Information Center, Room CY-A257, 445 12th St. S.W., Washington, DC 20554.

To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (TTY).

Questions regarding this Public Notice may be directed to Jeffrey S. Cohen, Senior Legal Counsel, Public Safety and Homeland Security Bureau, (202) 418-0799.

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ATTACHMENT

Additional Filing Instructions and Application Contents for Applications for the 700 MHz Public Safety Broadband License

General Filing Instructions

Information Current and Complete. Information filed with the FCC must be kept current and complete. The Applicant must notify the FCC regarding any substantial and significant changes in the information furnished in the application(s). See Section 1.65 of the Commission's rules, 47 CFR § 1.65.

Applicable Rules and Regulations. Applicants should obtain the relevant parts of the FCC's rules in 47 CFR. Copies of 47 CFR may be purchased from the Superintendent of Documents; Government Printing Office; Washington, DC 20402; (202) 512-1800. Refer also to the Government Printing Office's website at <http://www.access.gpo.gov>.

Incorporation by Reference. You may incorporate by reference documents, exhibits, or other lengthy showings already on file with the FCC only if the information previously filed is more than one 8 ½" by 11" page in length, and all information therein is current and accurate in all significant respects; the reference states specifically where the previously filed information can be found (i.e., station call sign and application file number, title of proceeding, docket number and legal citations), including exhibit and page references. Use the relevant item number followed by 'A'. Items that call for numbers, or which can be answered 'Y' or 'N' or other short answers must be answered directly without reference to a previous filing.

Application Contents

Applicant Identity and Location. Identify the applicant by name, provide its full mailing address, and indicate the applicant's legal entity type (such as individual, corporation, unincorporated association, trust, consortium, general partnership, limited liability company, limited liability partnership, limited partnership). Provide a fax number and e-mail address for the applicant, if available.

Contact Information. Provide the full name, complete address, and telephone number (including area code) of the person to whom the FCC should send correspondence. (The address must include street address or post office box number, city, state, and zip code.) Provide a fax number and e-mail address for the contact person, if available.

Alien Ownership Information. State whether the applicant is a foreign government or the representative of a foreign government.

Basic Qualification Information. State (1) whether the applicant or any party to its application has had any FCC station authorization, license, or construction permit denied by the Commission; (2) whether the applicant or any party to its application, or any party directly or indirectly controlling the applicant, has ever been convicted of a felony by any state or federal court; and (3) whether any court has finally adjudged the applicant or any party directly or indirectly controlling the applicant guilty of unlawfully monopolizing or attempting unlawfully to monopolize radio communication, directly or indirectly, through control of manufacture or sale of radio apparatus, exclusive traffic arrangement, or any other means of unfair methods of competition.

Additional Specific Information Required by the Commission's Rules. Provide all information pertaining to an application for the Public Safety Broadband License as required by the *Second Report and Order*, FCC 07-132 (rel. Aug. 10, 2007). The *Second Report and Order* can be found on the Commission's web page at <http://www.fcc.gov> or may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone (202) 488-5300, facsimile (202) 488-5563, or via e-mail at FCC@BCPIWEB.COM.

General Certification Statements. Applicants must certify that the following statements are true, complete, correct, and made in good faith:

- 1) The applicant waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with its application.
- 2) The applicant certifies that all statements made in its application and in any exhibits, attachments, or documents incorporated by reference are material, are part of the application, and are true, complete, correct, and made in good faith.
- 3) The applicant certifies that neither the applicant nor any other party to the application is subject to a denial of Federal benefits pursuant to § 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862, because of a conviction for possession or distribution of a controlled substance. This certification does not apply to applications filed in services exempted under § 1.2002(c) of the rules, 47 CFR 1.2002(c). See § 1.2002(b) of the rules, 47 CFR 1.2002(b), for the definition of "party to the application" as used in this certification.
- 4) The applicant certifies that it has reviewed the appropriate Commission rules defining eligibility to hold the requested license, and is eligible to hold the requested license.
- 5) The applicant certifies that it is not in default on any payment for Commission licenses and that it is not delinquent on any non-tax debt owed to any federal agency.

Signature. Applications and amendments thereto must be signed in accordance with the requirements of Part 1 of the Commission's rules, 47 CFR Part 1. The signor must be a person authorized to sign the application. On paper originals, neither rubber-stamped nor photocopied signatures are acceptable.