



# PUBLIC NOTICE

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DA 09-2369

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**COMMENT SOUGHT ON PUBLIC SAFETY ISSUES RELATED TO BROADBAND  
DEPLOYMENT IN RURAL AND TRIBAL AREAS AND BROADBAND COMMUNICATIONS  
TO AND FROM PERSONS WITH DISABILITIES  
NBP Public Notice # 14**

**PLEADING CYCLE ESTABLISHED**

**GN Docket Nos. 09-47, 09-51, 09-137**

**Comment Date: December 1, 2009**

In the course of the Commission's development of a National Broadband Plan,<sup>1</sup> the Commission has invited comment on the role of broadband in public safety.<sup>2</sup> However, we recognize<sup>3</sup>—and some commenters note<sup>4</sup>—that broadband may face different challenges and serve different needs in more rural and tribal areas than in other parts of the country. Accordingly, we seek targeted comment regarding broadband deployment for public safety in rural and tribal areas. In addition, we recognize that promoting broadband accessibility for persons with disabilities involves unique considerations,<sup>5</sup> and we

<sup>1</sup> See American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, 123 Stat. 115 (2009) (Recovery Act).

<sup>2</sup> See, e.g., National Broadband Plan Workshops: Public Safety and Homeland Security (Aug. 25, 2009) (Public Safety Workshop) (transcript available at [http://www.broadband.gov/docs/ws\\_14\\_public\\_safety.pdf](http://www.broadband.gov/docs/ws_14_public_safety.pdf)) (Public Safety Workshop Transcript).

<sup>3</sup> See, e.g., *Comment Sought on Broadband Deployment and Adoption on Tribal Lands*, GN Docket Nos. 09-47, 09-51, 09-137, NBP Public Notice #5, DA 09-2093 (rel. Sept. 23, 2009), available at [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DA-09-2093A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-09-2093A1.pdf); MICHAEL J. COPPS, ACTING CHMN., FCC, BRINGING BROADBAND TO RURAL AMERICA: REPORT ON A RURAL BROADBAND STRATEGY (May 22, 2009) (RURAL BROADBAND REPORT), attached to *Acting Chairman Copps Releases Report on Rural Broadband Strategy*, GN Docket No. 09-29, Public Notice, DA 09-1211 (rel. May 29, 2009).

<sup>4</sup> See, e.g., Ralph Haller, National Public Safety Telecommunications Council, Remarks at the Public Safety Workshop, Public Safety Workshop Transcript 35 (presentation available at [http://www.broadband.gov/docs/ws\\_pshs/pshs\\_haller.pdf](http://www.broadband.gov/docs/ws_pshs/pshs_haller.pdf)); Harlin McEwen, Public Safety Spectrum Trust, Remarks at the Public Safety Workshop, Public Safety Workshop Transcript 81 (presentation available at [http://www.broadband.gov/docs/ws\\_pshs/pshs\\_mcewen.pdf](http://www.broadband.gov/docs/ws_pshs/pshs_mcewen.pdf)).

<sup>5</sup> See, e.g., National Broadband Plan Workshops: Broadband Opportunities for Individuals With Disabilities (Aug. 20, 2009) (transcript available at [http://www.broadband.gov/docs/ws\\_12\\_opportunities\\_dis.pdf](http://www.broadband.gov/docs/ws_12_opportunities_dis.pdf)); National Broadband Plan Workshops: Broadband Accessibility for People With Disabilities II: Barriers, Opportunities and Policy Recommendations (Oct. 20, 2009).

therefore seek targeted comment regarding public safety broadband communications to and from persons with disabilities.

#### Public Safety Broadband Deployment in Rural and Tribal Areas

1. Are adequate broadband services available for public safety use in rural and tribal areas?
2. What broadband applications and services are most important to public safety agencies operating in rural and tribal areas?
3. Are there an adequate number of high-capacity (wireline or wireless) broadband connections linking together critical public safety facilities (*e.g.*, police stations, fire departments, PSAPs, emergency operations centers, hospitals) in rural and tribal areas?
4. How can the Commission ensure that rural and tribal areas are built-out as part of a nationwide 700 MHz wireless public safety broadband network? What incentives can be provided?
5. How can the Commission ensure that, as other national public safety initiatives (*e.g.*, NG911) go forward requiring wireline or wireless broadband facilities, the requirements of rural and tribal areas are met?
6. Are there synergies in the broadband backbone architecture of the nationwide 700 MHz wireless public safety network with other needs for wireline broadband facilities in rural and tribal areas?
7. Should commercial providers be required to provide public safety users with priority access to commercial broadband wireless and wireline facilities to the extent they are deployed within rural and tribal regions?
8. How would the spectrum demands of rural or tribal public safety broadband networks differ from those of networks operating in more densely populated areas? What can be done to ensure that the spectrum demands of rural and tribal public safety broadband networks are met, and that such networks are readily capable of being upgraded or expanded to support the many bandwidth-intensive, technologically advanced broadband applications and services that public safety users may adopt in the future?
9. Can unlicensed technologies, such as Wi-Fi, or licensed-light services, such as in the 3650 MHz band, play a role in public safety broadband deployment in rural or tribal areas? How might these technologies and services be made interoperable via the Internet or gateways with 4G technologies such as LTE or WiMAX deployed elsewhere? Can these technologies meet the security needs and provide other features that are required for public safety communications?
10. Would different technical restrictions (such as higher permitted transmitter power levels, and higher permitted cell sites) be appropriate for network deployment in rural or tribal areas? Under what conditions should these different restrictions apply and what should they be? We note that commercial wireless systems are already permitted to use somewhat higher power in rural areas. Also, what can be done to improve two-way wireless communications in rural or remote areas, where finding a return path for communications back to the transmitter may be difficult for operators of low-power, low-altitude handsets?
11. Should rural and tribal public safety entities be permitted to enter into partnerships to share spectrum or infrastructure, such as with federal agencies, commercial providers, or critical

infrastructure providers? How should the Commission's control rules and precedent be applied to such partnerships, or be modified to accommodate such partnerships, and how should network access (*i.e.*, for public safety communications) be prioritized?

12. Are there any means for rural or tribal public safety agencies to obtain access to commercially-licensed spectrum or associated infrastructure? Are there opportunities to acquire spectrum through secondary market transactions (*e.g.*, the partition or disaggregation of licenses or spectrum leasing) or other arrangements with commercial licensees? Are there existing or planned municipal wireless networks in rural or tribal areas that may be leveraged for public safety use?
13. To what extent are rural and tribal Public Safety Answering Points (PSAPs) able to access broadband applications and services, and what can be done to improve that access? Are there unique economic and social issues or concerns that affect choice of technology or services as deployed?
14. What issues are unique to public safety broadband deployments in tribal areas, whether or not rural? For example, are there jurisdictional issues that complicate efforts to deploy broadband to these areas?
15. What role can deployments in the 4.9 GHz band play in augmenting public safety broadband communications in rural or tribal areas, particularly during emergencies or other large-scale events? What needs to be done to ensure that deployment of 4.9 GHz technologies occurs in rural and tribal areas?
16. To what extent can satellite broadband technologies fulfill the communications needs—including the need for mission critical voice—of rural and tribal public safety entities? From the user's perspective, are there drawbacks to significant reliance on satellite-based technologies for broadband capabilities? Are there any barriers to the use of such technologies that need to be resolved? If so, what are they and how can they be addressed?
17. Are there existing programs, administered through the FCC or other agencies (*e.g.*, Department of Agriculture's Rural Utilities Service), that could spur deployment for public safety broadband communications in rural or tribal areas? What can be done to improve these programs?
18. What sources of funding for rural and tribal public safety broadband deployments are available? Are there novel funding mechanisms that should be explored?

#### Public Safety Communications to and From Persons With Disabilities

1. We also seek comment on whether, how and what broadband applications can help first responders communicate with people with disabilities. Currently, for example, video remote interpreting allows facilitated person-to-person communications through sign language interpreters who are located off-site of the emergency. Can this application be used in an emergency context? Are there barriers to doing so, and if so, what are those barriers, and what are some possible solutions to overcoming those barriers?
2. What are the other applications that would assist people with disabilities in an emergency situation? In a situation in which the first responder could not understand a person with a severe speech disability, for example, could broadband conferencing, through video, text, and/or audio,

be used to enable the first responder to communicate with the help of a person trained in understanding people with speech disabilities? Are there barriers to doing so, and if so, what are those barriers, and what are some possible solutions to overcoming those barriers?

This matter shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules. See 47 C.F.R. §§ 1.1200, 1.1206. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one- or two-sentence description of the views and arguments presented generally is required. See 47 C.F.R. § 1.1206(b). Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission’s rules, 47 C.F.R. § 1.1206(b).

**All comments should refer to GN Docket Nos. 09-47, 09-51, and 09-137. Please title comments responsive to this Notice as “Comments—NBP Public Notice # 14.” Further, we strongly encourage parties to develop responses to this Notice that adhere to the organization and structure of the questions in this Notice.**

Comments may be filed using (1) the Commission’s Electronic Comment Filing System (ECFS), (2) the Federal Government’s eRulemaking Portal, or (3) by filing paper copies. Comments can be filed through the Commission’s ECFS filing interface located at the following Internet address: <http://www.fcc.gov/cgb/ecfs/>. Comments can also be filed via the Federal eRulemaking Portal: <http://www.regulations.gov>. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. Parties who choose to file by paper must file an original and four copies of each filing.

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 Commission’s Secretary, Office of the Secretary, Federal Communications Commission.

- The Commission’s contractor will receive hand-delivered or messenger-delivered paper filings for the Commission’s Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 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 mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554.

People with Disabilities: 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](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at (202) 418-0530, (202) 418-0432 (TTY).

For further information about this Public Notice, please contact Randy Clarke at (202) 418-1500.