

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Service Rules for the 698-746, 747-762 and 777-792 MHz Bands)	WT Docket No. 06-150
)	
Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band)	PS Docket No. 06-229
)	
Amendment of Part 90 of the Commission's Rules)	WP Docket No. 07-100
)	
Petition for Clarification filed by the Harris Corporation)	

ORDER

Adopted: August 22, 2011

Released: August 22, 2011

By the Chief, Public Safety and Homeland Security Bureau:

1. On May 26, 2011, Harris Corporation (Harris) filed a Petition for Clarification¹ addressing the Bureau's May 12, 2011, Order granting the State of Texas a waiver to begin early deployment of a 700 MHz public safety wireless broadband network.² Harris asserts that the language of the *Texas Waiver Order* implies an endorsement of the procurement methods used by Harris County, Texas, a jurisdiction preparing for network deployment under the Texas waiver, in selecting a vendor to build out its network.³ In particular, Harris argues that the Bureau's statement that "we also expect that constituent jurisdictions will work with the state to minimize duplicative expenses and facilities where appropriate, in order to limit the need for multiple system identifiers or other impediments to interoperability" inadvertently "implies a statewide mandate to build a network with the same vendor-specific technologies included in a local core network."⁴ As a result, Harris contends that a state or region may feel compelled to "apply the same procurement practices and sourcing model – in this case a sole sourcing model – as

¹ Harris Corporation, Petition for Clarification, filed in PS Docket No. 06-229 (May 26, 2011) (Harris Petition); Public Safety and Homeland Security Bureau Seeks Comment on Petition for Declaratory Ruling Asking to Clarify Language in Order Granting 700 MHz Public Safety Broadband Waiver to the State of Texas, PS Docket No. 06-229, 26 FCC Rcd 8495 (PSHSB 2011).

² See Requests for Waiver of Various Petitioners to Allow the Establishment of 700 MHz Interoperable Public Safety Wireless Broadband Networks, PS Docket 06-229, *Order*, DA 11-863 (PSHSB 2011) (*Texas Waiver Order*).

³ Harris Petition at 1.

⁴ *Id.* at 4.

that used by a local entity.”⁵

2. Several commenters support Harris’s request. Cassidian believes that the Bureau “had no intention of suggesting any practice of sole sourcing public safety networks by other public safety entities” but urges the Bureau to “clarify that the language in the *Texas Waiver Order* does not require or imply any procurement model in building an interoperable public safety broadband network.”⁶ Similarly, the Telecommunications Industry Association (TIA) asks the Bureau “to make absolute that it does not endorse any procurement model in the process of building an interoperable wireless public safety broadband network, and to emphasize its focus on interoperability and its commitment to the deployment of such a network through a competitive and transparent process.”⁷

3. Dallas-Fort Worth International Airport (DFW), a jurisdiction within the State of Texas, recommends that the Commission clarify that early deployments should “be done in a manner to ensure that there is no impediment to equipment acquisition from a variety of manufacturers.”⁸ Similarly, Sprint Nextel requests that the Commission “seize this opportunity to reiterate its commitment to ensuring more expansive, innovative, and cost-effective deployment of the public safety broadband network through competition and open standards, as opposed to inefficient and anticompetitive sole-source procurement practices.”⁹

4. Conversely, Motorola Solutions (Motorola) states that there is “no need for the clarification requested” and that it “would require a very strained interpretation of the Texas Waiver Order for anyone to perceive that the Bureau is providing any recommendations in how state and local governments should select vendors for public safety broadband equipment and services.”¹⁰ Motorola further observes that “[Motorola], Harris County and the State of Texas are contractually obligated to comply with the FCC’s interoperability requirements adopted to date as well as ‘any and all future FCC rules and orders’ that are applicable to the contracted services.”¹¹ While Motorola asserts that it is “appropriate” for the Bureau to avoid providing guidance or recommendations to local officials with respect to procurement practices,¹² Motorola also agrees that there is “no particular harm in the Bureau stating the obvious: that it ‘does not endorse or require any procurement model in building an interoperable broadband public safety network.’”¹³

5. The Bureau does not believe that the language Harris cites implies an endorsement of a particular procurement strategy such as sole source procurement. Rather, the Bureau finds the statement to be a straightforward articulation of the expectation that states and constituent jurisdictions collaborate in a manner that promotes interoperability and cost efficiency. However, in the interest of eliminating any uncertainty, the Bureau clarifies that it does not require, endorse, or favor any specific form of local procurement and in particular does not endorse or require the State of Texas or any jurisdictions that deploy networks under its waiver to use a sole-source method for obtaining services or equipment for their networks.

⁵ *Id.*

⁶ Cassidian Comments at 2, PS Docket No. 06-229 (filed July 5, 2011).

⁷ TIA Comments at 2-3, PS Docket No. 06-229 (filed July 5, 2011).

⁸ DFW Comments at 6, WT Docket No. 06-150 (filed July 5, 2011).

⁹ Sprint Nextel Comments at 1, PS Docket No. 06-229 (filed July 5, 2011).

¹⁰ Motorola Solutions, Inc. Comments at 2, PS Docket No. 06-229 (filed July 5, 2011).

¹¹ *Id.* at 3.

¹² *Id.* at 2; Motorola Solutions, Inc. Reply Comments at 2, PS Docket No. 06-229 (filed July 15, 2011).

¹³ Motorola Reply Comments at 2.

6. Indeed, one of the most basic tenets of interoperability is the ability of an entity to construct a network using equipment from a variety of vendors that works together seamlessly. In this respect, a network operator should be able to procure cores, radio access network equipment, and devices, all from multiple vendors, without sacrificing functionality.

I. ORDERING CLAUSES

7. Accordingly, IT IS ORDERED that pursuant to Sections 1, 4(i), 301, 303, 332, and 337 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 301, 303, 332, and 337, and the *Waiver Order*, 25 FCC Rcd 5145 (2010), THIS ORDER in PS Docket No. 06-229 is ADOPTED.

8. This action is taken under delegated authority pursuant to Sections 0.191 and 0.392 of the Commission's rules, 47 C.F.R. §§ 0.191, 0.392.

FEDERAL COMMUNICATIONS COMMISSION

James Arden Barnett, Jr., Rear Admiral (Ret.)
Chief, Public Safety and Homeland Security Bureau