

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

In the Matter of)
Requests for Waiver of Various) PS Docket No. 06-229
Petitioners to Allow the Establishment)
of 700 MHz Interoperable Public Safety)
Wireless Broadband Networks)

ORDER

Adopted: March 16, 2012

Released: March 16, 2012

By the Chief, Public Safety and Homeland Security Bureau:

1. The Public Safety and Homeland Security Bureau (Bureau) has before it a request from the twenty-one 700 MHz public safety broadband waiver recipients (Waiver Recipients) to approve their selection of Science Applications International Corporation (SAIC) as the numbering administrator for the common public land mobile network identification number (PLMN ID) used by the Waiver Recipients in their network deployments in the public safety broadband spectrum (763-768/793-798 MHz).¹ By this order, we grant the Waiver Recipients' request and approve SAIC as the numbering administrator.

I. BACKGROUND

2. On January 9, 2012, we issued the PLMN ID Order directing the Waiver Recipients to use a common PLMN ID for their network deployments.² In that order, we further directed the Waiver Recipients to "employ a competent numbering administrator" to finalize and administer the scheme for use of the common PLMN ID.³ We required that the Waiver Recipients assign the numbering administrator, at minimum, the following responsibilities:

"(1) developing from the [Public Safety Communications Research Program] Draft Guidelines a network identification numbering scheme for Petitioners' deployments, taking into account the need to transition to a nationwide network; (2) assigning to each Petitioner network [Mobile Subscriber Identity Numbers] and other identification numbers, or ranges thereof, in a manner that comports with industry practice and that will allow expansion of the scheme to support the nationwide network; and (3) maintaining the scheme over time and instituting any changes necessary to ensure the long-term viability of Petitioners' deployments and to ease their integration into a nationwide network, or to accommodate the deployments of any future waiver recipients."⁴

¹ Public Safety Spectrum Trust Operator Advisory Committee Filing, PS Docket 06-229 (filed. Feb. 8, 2012) (Waiver Recipients Filing). Each of the twenty-one Waiver Recipients signed the filing. See id. at 3-5.

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 12-25 (PSHSB rel. Jan. 9, 2012) (PLMN ID Order).

³ Id. at 7 ¶ 17.

⁴ Id. at 8 ¶ 19.

We directed the Waiver Recipients to select the numbering administrator either through a competitive process or with the assistance of a federal agency. We also required that the administrator meet certain minimum qualifications:

“It cannot be an FCC licensee or any person or entity affiliated with any FCC licensee.

It cannot be or include any of the Petitioners or any person or entity affiliated with any of the Petitioners.

It must demonstrate that it has sufficient security credentials to process, maintain and secure public safety network identifiers and numbering blocks.

It must have at least five years of demonstrated experience in telecommunications process management, tools and development maintenance to:

- Develop and maintain the processes to distribute network identifiers in an efficient and timely basis.
- Develop, test and maintain the required tools, including databases, to accomplish network identification code assignment.
- Monitor and provide regular reports to the Petitioners on usage of numbering blocks.

It must possess at least five years of demonstrated experience in numbering schemes such as telephony, IP addressing, and 3GPP numbering, addressing and identification.”⁵

To accommodate the earliest deployments, we required the Waiver Recipients to submit their choice of numbering administrator to the Bureau for approval no later than February 8, 2012.⁶

3. On February 8, 2012, all twenty-one Waiver Recipients filed a joint request asking the Bureau to approve SAIC as the numbering administrator.⁷ The Waiver Recipients state that they selected SAIC through the assistance of the Department of Homeland Security’s Office of Emergency Communications (DHS OEC) and that DHS OEC “will bear the costs of SAIC’s services.”⁸ The Waiver Recipients confirm that they intend to assign SAIC “each of the responsibilities” required under the *PLMN ID Order*.⁹ In addition, they assert that SAIC meets “each of the minimum qualifications” set forth in the order, with two possible exceptions. With respect to the requirements that the administrator (1) not be an FCC licensee or affiliated with any FCC licensee and that it (2) not be affiliated with any of the Waiver Recipients,¹⁰ the Waiver Recipients explain that SAIC meets these qualifications “insofar as [they] can determine.” In light of their uncertainty, they request that the Bureau waive these requirements.¹¹

4. On February 22, 2012, the President signed into law the Middle Class Tax Relief and Job

⁵ *Id.* at 8 ¶ 18 (formatting and internal citations removed).

⁶ *Id.* at 8 ¶ 21.

⁷ See 700 MHz Public Safety Broadband Waiver Petitioners Filing, PS Docket 06-229 (filed Feb. 8, 2012) (Waiver Recipients Filing).

⁸ See *id.* at 1. DHS OEC confirms in a subsequent filing that it will use an existing contract with SAIC “to support SAIC’s provision of numbering administration services” to the Petitioners and that adequate funding has been identified to support such activities “for a period of at least one year.” Department of Homeland Security Office of Emergency Communications, Filing, PS Docket 06-229 at 1 (filed Feb. 14, 2012) (DHS OEC Filing).

⁹ Waiver Recipients Filing at 1.

¹⁰ *Id.* at 2; see also *PLMN ID Order* at 8 ¶ 18.

¹¹ Waiver Recipients Filing at 2.

Creation Act of 2012 (Spectrum Act), which sets forth a statutory plan for development of a nationwide interoperable public safety broadband network in the 700 MHz band.¹² In particular, the Spectrum Act directs the Commission to license the public safety broadband spectrum and the spectrally adjacent “D Block” spectrum to the National First Responder Network Authority (FirstNet).¹³ FirstNet is an independent authority within NTIA tasked with overseeing development of the network.¹⁴ The Spectrum Act further directs the Commission to “take all actions necessary to facilitate the transition” to FirstNet of the spectrum currently licensed to the PSST.¹⁵

II. DISCUSSION

5. As an initial matter, we find that our consideration of the request before us is consistent with our statutory obligation to “take all actions necessary to facilitate the transition” to the Spectrum Act licensing framework.¹⁶ The Spectrum Act requires the Commission to license the public safety broadband spectrum to FirstNet, but the Secretary of Commerce has 180 days from the date of enactment of the Spectrum Act to appoint the initial members of FirstNet’s Board.¹⁷ In the meantime, Waiver Recipients have begun to deploy network infrastructure under federal grants that carry with them strict deployment deadlines. The timely selection of a numbering administrator is necessary for these waiver recipients to deploy on schedule, which would serve the public interest by ensuring that federal funds are put to their intended use and that infrastructure already deployed is not stranded. Because the centralized tasks of numbering administration could be transferred to another entity with minimal disruption, we do not find that action on the Waiver Recipients’ request would in any way frustrate the transition of authority to FirstNet. Accordingly, we proceed with consideration of the Waiver Recipients’ request.

6. The process and criteria set forth in the *PLMN ID Order* for selecting a numbering administrator ensure that the selected administrator will be able to implement the use of a common PLMN ID quickly and effectively. As required by the order, the Waiver Recipients timely submitted their choice of numbering administrator for the Bureau’s approval. As discussed below, we find that the Waiver Recipients have demonstrated that SAIC meets the selection criteria established in the *PLMN ID Order*, except in one instance where we conclude that a waiver is appropriate. We also find DHS OEC’s “bear[ing] the costs” of numbering administration to be consistent with the *PLMN ID Order*, and we hereby waive any requirement that the Waiver Recipients directly bear the costs of these services.¹⁸

7. *Selection Process.* The *PLMN ID Order* requires selection of the numbering administrator either “through a competitive process or through the assistance of a federal agency.”¹⁹ The Waiver Recipients state, and DHS OEC confirms, that they have selected SAIC as their numbering administrator “through the assistance of [DHS OEC].”²⁰ DHS OEC explains that SAIC will provide these services under an existing federal government contracting vehicle.²¹ Accordingly, we find this

¹² Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156 (2012).

¹³ *Id.* § 6201(a).

¹⁴ *Id.* § 6202(a).

¹⁵ *Id.* § 6201(c).

¹⁶ *See id.*

¹⁷ *See id.* § 6204(c)(1). This 180-day period expires on August 20, 2012.

¹⁸ *See, e.g., PLMN ID Order* at 7 ¶ 17 (directing the Waiver Recipients “to employ” a numbering administrator).

¹⁹ *Id.* at 8 ¶ 18.

²⁰ Waiver Recipients Filing at 1; *see also* DHS OEC Filing at 1.

²¹ DHS OEC Filing at 1.

requirement is met.

8. *Assignment of Responsibilities to SAIC.* The Waiver Recipients confirm their intention to assign to SAIC “each of the responsibilities” that the *PLMN ID Order* requires them to assign to the numbering administrator.²² This will ensure that the PLMN ID numbering scheme is developed and administered in a coherent manner that comports with standard industry practice. Based on the Waiver Recipients’ assertion, we find this condition has been met, subject to the Waiver Recipients’ ongoing compliance with this requirement.

9. *SAIC Experience.* The Waiver Recipients state that SAIC has served as the Canadian Numbering Administrator since 1999, providing “telephony numbering administration service to the Canadian telecommunications industry.”²³ SAIC’s experience in Canada “includes the design, development, implementation, maintenance and backup strategies of multiple databases and websites (both secure and public)” as well as “the assignment of various telephony numbering resources” and “the production of various reports/web pages.”²⁴ Based on this cited experience, we find that SAIC possesses the minimum experience in “numbering schemes” and “telecommunications process management” required under the *PLMN ID Order*.²⁵

10. *SAIC Security Credentials.* According to the Waiver Recipients, SAIC “established and maintained the NASA IT Security Program and Response Center.” Since 2004, it has also “support[ed] the Centers for Disease Control (CDC) Public Health Information Network (PHIN).”²⁶ This latter operation “includes end-to-end payload PKI encryption and transport-layer SSL encryption” and support of “multiple credential types through configuration (X.509, SAML 2.0, Federated credentials, etc.) and non-repudiation.”²⁷ This range of experience suggests a high degree of sophistication in the management of secure and sensitive information. Based on this cited security experience, we find that SAIC possesses the requisite security credentials to serve as numbering administrator.²⁸

11. *Licenses or Affiliations.* The Waiver Recipients state that, “insofar as [they] can determine,” SAIC is not an FCC licensee, affiliated with any FCC licensee, or affiliated with any of the Waiver Recipients.²⁹ The Waiver Recipients explain that it is impracticable for them to “definitively determine” whether SAIC meets these qualifications because of the size and complexity of both SAIC and the government organizations that the Waiver Recipients represent.³⁰ Accordingly, they request that the Bureau waive these qualifications.³¹

12. By prohibiting the numbering administrator from holding FCC licenses or having other affiliations as described above, we sought to protect against conflicts of interest that might prevent the numbering authority from discharging its duties fairly. Although the Waiver Recipients are unable to demonstrate that SAIC meets these qualifications, we conclude that a waiver of these particular

²² Waiver Recipients Filing at 1; *see also PLMN ID Order* at 8 ¶ 18.

²³ Waiver Recipients Filing at 2.

²⁴ *Id.*

²⁵ *See PLMN ID Order* at 8 ¶ 18.

²⁶ Waiver Recipients Filing at 2.

²⁷ *Id.*

²⁸ *See PLMN ID Order* at 8 ¶ 18.

²⁹ Waiver Recipients Filing at 2.

³⁰ *Id.*

³¹ *Id.*

requirements is appropriate. First, while we have determined that SAIC holds Commission licenses, these licenses appear incidental to SAIC's operations as a large corporation and do not raise concerns about its fitness to serve as numbering administrator.³² Second, we have not found any evidence that SAIC is affiliated with other FCC licensees or with any of the Waiver Recipients such that SAIC's ability to act impartially would be in question. Accordingly, we find it in the public interest to waive these requirements to the extent necessary to permit SAIC to serve as the numbering administrator.³³ However, we direct each Waiver Recipient to notify the Bureau of any new information regarding SAIC's licenses or affiliations that might call into question its ability to serve as a fair and impartial administrator.

13. We remind the Waiver Recipients that under the *PLMN ID Order*, the numbering scheme must be completed by March 31, 2012. Each Waiver Recipient must verify compliance with this deadline in the "Deployment" section of its April 12, 2012 quarterly report and must provide notice in future quarterly reports of any significant modifications to the numbering scheme.³⁴ In addition, we remind the Waiver Recipients that they must seek approval from the Bureau before assigning any numbering administration functions to another entity.³⁵

14. *Transition to Authority.* As previously discussed, the Commission may find it necessary to transfer numbering administration functions to FirstNet or take other actions to "facilitate the transition" prescribed in the Spectrum Act.

III. ORDERING CLAUSES

15. 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, THIS ORDER in PS Docket No. 06-229 is ADOPTED.

16. IT IS FURTHER ORDERED that the Waiver Recipients' selection of Science Applications International Corporation (SAIC) to serve as the common numbering administrator is APPROVED.

17. 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, and the *Waiver Order*, 25 FCC Rcd 5145, 5161, 5164 ¶¶ 48, 55 (2010).

FEDERAL COMMUNICATIONS COMMISSION

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

³² For instance, a search of the Commission's Universal Licensing System (ULS) database reveals that SAIC holds a license for the use of radio frequencies "to coordinate maintenance and security operations" at an SAIC facility. See Universal Licensing System, File No. 0003577160 (Sept. 10, 2008) (Call Sign WQIX751).

³³ See 47 C.F.R. §§ 1.925(b)(3)(i-ii).

³⁴ See *PLMN ID Order* at 9 ¶ 21.

³⁵ See *id.*