

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

In the Matter of	)	
	)	
Recommendations of the Technical Advisory Board for First Responder Interoperability	)	PS Docket No. 12-74
	)	
	)	

**ORDER OF TRANSMITTAL**

**Adopted: June 21, 2012**

**Released: June 21, 2012**

By the Commission: Commissioners Rosenworcel and Pai issuing separate statements.

1. By this Order, the Commission discharges its obligations under Section 6203(c)(3)(A) of the Middle Class Tax Relief and Job Creation Act of 2012 (Spectrum Act or Act)<sup>1</sup> and approves for transmittal to the First Responder Network Authority (FirstNet) the recommended minimum technical requirements that the Technical Advisory Board for First Responder Interoperability (Interoperability Board) submitted to the Commission on May 22, 2012.<sup>2</sup> Given that the FirstNet Board has not yet been constituted, the Report will be delivered to the Administrator of the National Telecommunications and Information Administration (NTIA) pending the formation of the FirstNet Board.<sup>3</sup>

2. The Spectrum Act, enacted February 22, 2012, establishes FirstNet to oversee the construction and operation of a nationwide public safety wireless broadband network as licensee of both the existing public safety broadband spectrum (763-769/793-799 MHz) and the spectrally adjacent D Block spectrum (758-763/788-793 MHz).<sup>4</sup> Among the responsibilities the Act assigns to the Commission is the establishment of an Interoperability Board charged with “develop[ing] recommended minimum technical requirements to ensure a nationwide level of interoperability for the nationwide public safety broadband network.”<sup>5</sup> The Spectrum Act required the Interoperability Board to complete its work and submit its recommendations to the Commission within ninety days of enactment of the statute.<sup>6</sup> The Interoperability Board timely submitted its recommendations on May 22, 2012, in its Interoperability Board Report.

<sup>1</sup> See Middle Class Tax Relief and Job Creation Act of 2012 § 6203(c)(3)(A), Pub. L. No. 112-96, 126 Stat. 156 (2012).

<sup>2</sup> The report is entitled “Recommended Minimum Technical Requirements to Ensure Nationwide Interoperability for the Nationwide Public Safety Broadband Network” (Interoperability Board Report or Report) and is appended hereto as Appendix A.

<sup>3</sup> FirstNet will be established as an “independent authority” within NTIA. See Spectrum Act § 6204(a). FirstNet is to be headed by a Board consisting of the Secretary of Homeland Security, the Attorney General of the United States, the Director of the Office of Management and Budget, and twelve individuals appointed by the Secretary of Commerce, one of whom the Secretary shall appoint as Chair, in accordance with the terms of the Spectrum Act. See Spectrum Act §§ 6204(b)-(d). The Act does not require that these twelve members of the FirstNet Board be appointed until 180 days after the date of the Act’s enactment (or August 20, 2012). See *id.* § 6204(c)(1). The Spectrum Act was enacted on February 22, 2012.

<sup>4</sup> See *id.* §§ 6201(a), 6206(b)(1).

<sup>5</sup> *Id.* § 6203(c)(1)(A). The Interoperability Board is not subject to the Federal Advisory Committee Act. See *id.* § 6203(e).

<sup>6</sup> *Id.* § 6203(c)(1).

3. Following the submission of the Report to the Commission, in order to facilitate a more complete record, the Report was made available to the public and placed in PS Docket 12-74. Thirteen parties filed comments on the Report.<sup>7</sup> The comments were generally supportive of the Interoperability Board's overall efforts, although some commenters offered suggestions for improving upon recommendations contained in the Report or proposed additional recommendations.<sup>8</sup> On June 6, the Interoperability Board notified Commission staff by email of a perceived ambiguity in one of its submitted recommendations. The email proposed revised language to resolve the ambiguity.<sup>9</sup> These submissions are available, along with other documents, for review in the docket.

4. Pursuant to Section 6203(c)(3)(A) of the Spectrum Act, we approve for transmittal to FirstNet of the Interoperability Board's final report and delegate authority to the Public Safety and Homeland Security Bureau to transmit the report to FirstNet.

5. Accordingly, IT IS ORDERED that pursuant to sections 1, 4(i), 301, 303, and 332 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 301, 303, and 332, and the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156 (2012), THIS ORDER OF TRANSMITTAL in PS Docket No. 12-74 is ADOPTED.

6. IT IS FURTHER ORDERED that the Public Safety and Homeland Security Bureau SHALL TRANSMIT this order of transmittal and the Interoperability Board report to the Assistant Secretary of Commerce for Communications and Information, National Telecommunications and Information Administration, U.S. Department of Commerce.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch  
Secretary

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<sup>7</sup> See Comments of Arkansas Interoperable Communications Executive Committee, PS Docket 12-74 (filed May 31, 2012); Comments of AT&T Services, PS Docket 12-74 (filed May 31, 2012); Comments of Bay Area Regional Communications System Authority, PS Docket 12-74 (filed May 31, 2012); Comments of Ericsson, PS Docket 12-74 (filed May 31, 2012); Comments of Fairfax Co., Va., PS Docket 12-74 (filed May 31, 2012); Comments of Global Communications Systems Research, Inc., PS Docket 12-74 (filed May 31, 2012); Comments of IPWireless, PS Docket 12-74 (filed May 31, 2012); Comments of Motorola Solutions, PS Docket 12-74 (filed May 31, 2012); Comments of Northrop Grumman, PS Docket 12-74 (filed May 31, 2012); Comments of the State of Minnesota, PS Docket 12-74 (filed May 31, 2012); Comments of the Utilities Telecom Council, PS Docket 12-74 (filed May 31, 2012); Comments of the Washington State Interoperability Executive Committee, PS Docket 12-74 (filed May 31, 2012); Comments of the Wyoming Department of Transportation, PS Docket 12-74 (filed May 31, 2012); Comments of Xanadoo, PS Docket 12-74 (filed May 31, 2012). Also, the Public Safety and Homeland Security Bureau provided the Interoperability Board with a staff analysis of public safety interoperability requirements at the Interoperability Board's request. See Public Safety and Homeland Security Bureau, Comment, PS Docket 12-74 (filed Apr. 6, 2012).

<sup>8</sup> See, e.g., Comments of Global Communications Systems Research, Inc.; Comments of IPWireless; Comments of the State of Minnesota; Comments of Northrop Grumman; Comments of Wyoming Department of Transportation.

<sup>9</sup> The Interoperability Board reproduced the substance of this email in a filing in PS Docket 12-74. See Technical Advisory Board for First Responder Interoperability Filing, PS Docket 12-74 (filed June 19, 2012). The filing is attached as Appendix B for FirstNet's information.