



**National Wireless
Communications Council**

April 16, 2025

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
45 L Street, N.E.
Washington, D.C. 20554

**Re: WP Docket No. 07-100
RM-12002
Ex Parte Comments**

Dear Ms. Dortch:

The National Wireless Communications Council (“NWCC”) is a non-profit association of organizations representing the vast majority of public safety, business, industrial, transportation, and private commercial radio users, as well as a diverse group of land mobile service providers and equipment manufacturers.^{1 2} NWCC members represent many public safety licensees in the 4940-4990 MHz band (“4.9 GHz”) and radio shops that support them and can confirm they are fully engaged in the work needed to provide the Federal Communications Commission (“FCC”) with the granular licensing data called for in the December 9, 2024 Public Notice in this proceeding issued by the Public Safety and Homeland Security Bureau and the Wireless Telecommunications Bureau (collectively, “Bureaus”).³ However, it is increasingly apparent that despite their good faith efforts a

¹ NWCC membership includes the following organizations: American Association of State Highway and Transportation Officials (“AASHTO”); American Automobile Association (“AAA”); American Petroleum Institute (“API”); Association of American Railroads (“AAR”); Association of Public-Safety Communications Officials-International, Inc. (“APCO”); Aviation Spectrum Resources, Inc. (“ASRI”); Enterprise Wireless Alliance (“EWA”); Forest Industries Telecommunications (“FIT”); Forestry-Conservation Communications Association (“FCCA”); Government Wireless Technology & Communications Association (“GWTCA”); International Association of Fire Chiefs (“IAFC”); International Municipal Signal Association (“IMSA”); MRFAC, Inc. (“MRFAC”); Telecommunications Industry Association (“TIA”); The Monitoring Association (“TMA”); Utilities Technology Council (“UTC”); and Wireless Infrastructure Association (“WIA”).

² APCO and IAFC oppose NWCC’s 4.9 GHz data collection extension request.

³ *The Public Safety and Homeland Security Bureau and the Wireless Telecommunications Bureau Establish Deadline for 4.9 GHz Public Safety Licensees to Provide Granular Licensing Data*, WP Docket No. 07-100, Public Notice, DA 24-1137 (rel. Dec. 9, 2024) (“Public Notice”).

significant number of 4.9 GHz licensees will be unable to file that data by the June 9, 2025, deadline established in the Public Notice.

For this reason, the NWCC requests that the deadline be extended six months, until December 9, 2025. If the deadline is not extended, those public safety licensees will need to submit waiver requests that will require individual consideration by FCC staff and/or will fall out of compliance with FCC requirements and risk enforcement action by the FCC. Conversely, a six-month extension will not delay the other steps the FCC must take to begin implementing its decisions in the Eighth Report and Order in this proceeding.⁴ The Bureaus can proceed with establishing the procedures by which a selection committee can be chosen to select the 4.9 GHz Band Manager, determining the number of selection committee members, identifying the criteria by which the Band Manager should be selected, and establishing appropriate procedures and oversight for that selection process.⁵ It is unclear which if any of those procedures will be established while the Eighth Report and Order remains subject to Court review,⁶ but it is unlikely that even these steps in the Band Manager selection process will be completed before December 9, 2025.

Whatever the outcome of the Court proceeding, the NWCC recognizes the need to collect accurate data about the status of 4.9 GHz facilities operating pursuant to geographic authorizations. However, the task has proven considerably more challenging than anticipated. Many of these geographic licenses were issued more than twenty years ago without any expectation that granular license data would be mandated, so records are frequently incomplete. 4.9 GHz licensees and the service shops that support them are working in the field and with whatever records are available to collect the data, but many have determined that the process will take additional time. And it is imperative that the data submitted in ULS be accurate and complete. Only licensed data will define where spectrum is in use by public safety agencies and therefore not available for use by the First Responder Network Authority (“FirstNet”) pursuant to the lease the Band Manager is to enter into with FirstNet.⁷ Omissions or inaccuracies in the license data will create the potential for interference between critical public safety operations in the band and whatever use is to be made of it by FirstNet. That result would be contrary to the FCC’s effort to see that the 4.9 GHz band is “efficiently and intensely utilized in support of public safety missions nationwide.”⁸ 4.9 GHz licensees deserve a reasonable opportunity to collect

⁴ *Amendment of Part 90 of the Commission’s Rules*, WP Docket No. 07-100, Eighth Report and Order, FCC 24-114, at 35-36, paras. 53-55 (rel. Oct. 22, 2024) (“Eighth Report and Order”).

⁵ Eighth Report and Order at ¶ 52.

⁶ *Coalition for Emergency Response and Critical Infrastructure v. FCC*, Docket No. 24-1364, filed November 27, 2024 (DC Cir.); *Public Safety Spectrum Alliance, et al. v. FCC*, Docket No. 24-1363, docketed November 26, 2024 (DC Cir.); *National Sheriff’s Association et al. v. FCC*, No. 25-1028, filed January 17, 2025 (DC Cir.).

⁷ Eighth Report and Order at ¶ 1.

⁸ *Ibid.*

Marlene H. Dortch

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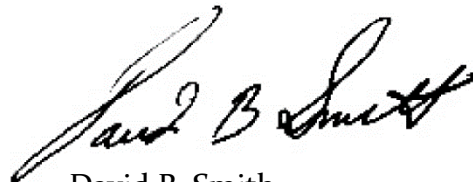
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the data requested by the FCC, particularly since the requested extension will not delay or compromise the implementation of FCC policy decisions in the Eighth Report and Order.

The NWCC also supports the Petition for Rulemaking filed by the Association of Public-Safety Communications Officials International, Inc. (“APCO”) requesting the FCC to revise FCC Rule Section 90.1215 to facilitate 5G deployments in the 4.9 GHz band.⁹ The Petition states that updating these rules to align with 3GPP standards is consistent with the FCC’s desire to enable public safety licensees to integrate more advanced technologies into their operations.¹⁰ The NWCC believes public safety entities should have access to advanced technology, including commercial technology, that better enables them to fulfill their critical functions and thus supports the Petition.

Sincerely,

National Wireless Communications Council

A handwritten signature in black ink, appearing to read "David B. Smith". The signature is fluid and cursive, with a large initial "D" and "S".

David B. Smith

President

13221 Woodland Park Road, Suite 410

Herndon, Virginia 20171

⁹ The Association of Public-Safety Communications Officials International, Inc., Petition for Rulemaking, WP Docket No. 07-100, RM-12002 (filed Feb. 4, 2025) (“Petition”).

¹⁰ Petition at 3.