

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

In the Matter of)	
)	
Harris Corporation)	PS Docket No. 06-229
Request for Declaratory Ruling:)	
Clarification of Language in Order)	DA 11-1059
Granting 700 MHz Public Safety)	
Broadband Waiver to the State of Texas)	

To: The Commission

REPLY COMMENTS OF HARRIS CORPORATION

These Reply Comments are submitted on behalf of Harris Corporation (“Harris”) before the Federal Communications Commission (“Commission”) in response to the Public Safety and Homeland Security Bureau’s (“PSHSB”) *Public Notice*¹ (“PN”) seeking comment on Harris’ *Request for Declaratory Ruling*² to clarify language in an *Order* granting 700 MHz Public Safety Broadband Waiver to the State of Texas (“*Texas Waiver Order*”).³ Harris appreciates the PSHSB’s focus on this matter and the Comments filed by each of the interested parties. As the Comments have made clear, only a competitive and multi-source procurement approach to network deployment will ensure that the Commission develops an interoperable, interchangeable public safety wireless broadband network (“PSWBN”).

Harris asked the PSHSB to clarify that it does not endorse any procurement model for building an interoperable PSWBN on a local, regional, statewide, or nationwide basis in the

¹ 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, *Public Notice*, PS Docket No. 06-229 (rel. June 15, 2011) (“PN”).

² *In re* Petitions for Waiver to Use the 700 MHz for Regional Public Safety Broadband Communications, *Petition for Clarification*, PS Docket No. 06-229 (May 26, 2011) (“*Harris Request*”).

³ *In re* Requests for Waiver of Various Petitioners to Allow the Establishment of 700 MHz Interoperability Public Safety Wireless Broadband Networks, *Order*, PS Docket No. 06-229 (rel. May 12, 2011) (“*Texas Waiver Order*”).

context of the *Texas Waiver Order*. Specifically, Harris requested that the PSHSB should clarify the *Texas Waiver Order* neither requires nor recommends a state or region use the same procurement model and vendor technologies as a local core network. In this specific instance, the Commission must make clear that future build out in the State of Texas need not be conducted through the same sole-source procurement model used or vendor selected by Harris County.

Harris strongly supports the Commission's actions to grant 700 MHz public safety broadband waivers to states when doing so accelerates network deployment, ensures true interoperability, and spurs competition. However, accelerated deployment, network interoperability, and competition will suffer without multi-sourcing procurement practices and if the PSHSB does not clarify language in the *Texas Waiver Order*. All public safety broadband devices and networks should be fully and effectively interchangeable regardless of brand or network location to truly achieve interoperability. The public safety community cannot benefit from commercial networks' economies of scale, increased innovation, and competitive vendor markets if the PSHSB encourages or mandates sole-sourced contracts or in any way discourages the use of multi-sourcing procurement models. Four out of the five parties who filed Comments in response to Harris' petition agree that interoperability efforts will be hampered, innovation will decrease, and costs will increase if the PSHSB does not clarify its language in the *Texas Waiver Order*.

Motorola's argument that clarification of the *Texas Waiver Order* is unnecessary is easily rebutted. First, Motorola points out that if the PSHSB granted Harris' request, no harm would result. Second, the fact that all but one of the interested parties agree that it is appropriate for the

PSHSB to clarify the language in the *Texas Waiver Order* demonstrates that the interpretation of PSHSB's inadvertent endorsement for certain procurement models is not a "strenuous" one.

Four of the five parties who filed Comments in response to Harris' petition – entities very diverse in nature – strongly agree that the PSHSB should grant Harris' petition.⁴ These four parties urge the PSHSB to clarify its language in the *Texas Waiver Order* for two primary reasons. First, the PSHSB must make clear that it does not embrace sole-sourcing procurement or in any way discourage multi-sourcing as the most effective path to interoperability. Second, the PSHSB should reaffirm its long-standing position that competition will accelerate the deployment of a nationwide, interoperable PSWBN.⁵

As Cassidian argues, the PSHSB should "clarify that the language in the *Texas Waiver Order* does not require or imply any procurement model in building an interoperable broadband public safety network."⁶ Even Motorola stated that "no particular harm" would result if the PSHSB clearly expressed that it does not endorse or require a particular procurement model for deployment of a PSWBN.⁷ Unlike Motorola, all of the other parties who filed Comments agree with Harris that the PSHSB should clarify its language in the *Texas Waiver Order* because the public safety community may infer that the Commission mandates a large region or state to use sole sourcing network.⁸

⁴ Compare Dallas/Fort Worth International Airport Comments at 4-7 ("Dallas/Fort Worth Airport"); Cassidian Communications, Inc. Comments at 2 ("Cassidian"); Sprint Nextel Corporation Comments at 2-4 ("Sprint"); Telecommunications Industry Association Comments at 2-3 ("TIA") with Motorola Solutions, Inc. Comments at 2 ("Motorola"). Motorola argues that it is unnecessary for the Commission to clarify the language in the *Texas Waiver Order*. See *infra* Part III for a discussion of Motorola's argument.

⁵ See Dallas/Fort Worth Airport at 4-7; Cassidian at 2; Sprint at 2-4; TIA at 2-3.

⁶ See Cassidian at 2.

⁷ See Motorola at 2.

⁸ See Dallas/Fort Worth Airport at 4-7; Cassidian at 2, Sprint at 2-4; TIA at 2-3.

The PSHSB stated it “expect[s] 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.”⁹ This statement could effectively compel the State of Texas, its 256 counties, and their neighboring jurisdictions to extend the sole-sourced contract between Harris County, Texas and Motorola Solutions throughout the state.¹⁰ Parties agree that the PSHSB’s intimation that public safety jurisdictions should employ sole-sourcing contracts was inadvertent.¹¹ Nonetheless, commenters request that the PSHSB assert that it does not endorse sole-sourced procurements and reiterate its desire for the public safety community to rely on competition, which, Harris notes, is best achieved through a multi-sourcing procurement process, in order to accelerate deployment of a nationwide, interchangeable, and interoperable PSWBN.¹²

Dallas/Fort Worth Airport argued that the PSHSB should grant Harris’ petition “to ensure that there is no impediment to equipment acquisition from a variety of manufacturers.”¹³ The airport proceeds to explain that the jurisdiction hopes to deploy a PSWBN soon after it receives competitive bids “from the widest variety of vendors possible.”¹⁴ Notably, the language at issue in the *Texas Waiver Order* directly impacts Dallas/Fort Worth Airport as a constituent jurisdiction of the State of Texas.¹⁵ Dallas/Fort Worth Airport may come to the conclusion that

⁹ *Texas Waiver Order* ¶ 16.

¹⁰ *See Sprint* at 2.

¹¹ *See Cassidian* at 2; *TIA* at 2.

¹² *See TIA* at 3; *Sprint* at 2-3; *Cassidian* at 2.

¹³ *Dallas/Fort Worth Airport* at 6.

¹⁴ *Id.*

¹⁵ *See generally id.*; *Texas Waiver Order* ¶ 16.

the Commission has limited its vendor selection, ability to multi-source, and, ultimately, its proposed network's features and interoperability through the language in the *Texas Waiver Order*.¹⁶

The Comments demonstrate that competition in public safety broadband equipment and services is vital to reach the Commission's goal to accelerate the deployment of a nationwide, interoperable PSWBN at a reasonable cost.¹⁷ Any implied endorsement of a sole-sourcing model over a multi-sourcing model would impede interoperability efforts while increasing costs associated with building and operating the network.¹⁸ Competition created through multi-sourcing allows the public safety community to take advantage of market-based principles like economies of scale, increased innovation, and a commitment to improve the network.¹⁹ Harris also agrees with Sprint that competition is important to promote efficient spectrum use and ensure network reliability, security, and privacy.²⁰ In sum, the key to developing the most effective interoperable, nationwide PSWBN is for the Commission to commit to a framework in which devices and networks are fully interchangeable regardless of brand or network location.

CONCLUSION

For the foregoing reasons, the PSHSB should grant Harris' request to clarify its language in the *Texas Waiver Order*.

Respectfully Submitted,

¹⁶ See Dallas/Fort Worth Airport at 6. See also TIA at 3; Sprint at 4.

¹⁷ See Dallas/Fort Worth Airport at 6-7; TIA at 3; Sprint at 2-4.

¹⁸ See TIA at 3; Sprint at 3-4.

¹⁹ See TIA at 3; Sprint at 3.

²⁰ See Sprint at 3.

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