



State of Louisiana

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OFFICE OF THE GOVERNOR

Statewide Interoperable Communications System Executive Committee

Post Office Box 3677
Baton Rouge, LA 70821-3677

October 10, 2007

RE: Louisiana Waiver Request 06-150

Jeffrey S. Cohen
Senior Legal Counsel, Public Safety and Homeland Security Bureau
Federal Communications Commission

Dear Mr. Cohen:

SUBJECT: Response to the Commission's Request for Information

On August 30, 2007, Louisiana submitted Louisiana Waiver Request 06-150 to the Federal Communications Commission (Commission) in the matter of Service Rules for the 698-746, 747-762 and 777-792 MHz Bands. In this waiver, Louisiana requested to continue to deploy new equipment in the old narrowband channels after August 30, 2007 to operate in conjunction with Louisiana's already-licensed 700MHz system. In support of this Waiver Request, Louisiana has addressed the following Request for Information:

1. A description of how your deployment would meet the requirements of the Commission's general waiver rules contained in Sections 1.3 and 1.925.

Not allowing Louisiana to deploy equipment as planned would be inconsistent with the FCC's goal of improving public safety resources for the American public because it would delay deployment of additional base stations and user terminals necessary for Louisiana's statewide interoperable communications system to be functional as an effective means of providing critically needed communications. If Louisiana cannot add subscribers on channels that are already in operation and complete build out of the base station network, the existing system is virtually useless. Given the critical need for interoperable communication in Louisiana, the inability to fully utilize the planned system



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threatens the safety and lives of Louisiana's first responders and the health and property of the public they serve.

Additionally, Louisiana has already invested \$60 million and almost two years of planning and implementing a new public safety communications system in 700 MHz spectrum formerly allocated for public safety narrowband communications. Therefore,

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freezing deployment of the system at this stage would waste precious time, money and resources that Louisiana has spent building and deploying its statewide interoperable voice, data, and imagery system.

Furthermore, equity weighs in favor of granting Louisiana's Waiver Request. Louisiana has planned and designed its system based on a review of Commission rules and an expectation that such rules would remain unchanged without significant notice and a reasonable period of transition to public safety entities. The Commission instead gave Louisiana less than two weeks to either finish deploying an extensive, complicated system ahead of schedule or forfeit months, and even years of time, money and resources spent deploying this system. A freeze on equipment was not found anywhere in the proposed rules or arguably the Order and first clearly appeared in the public notice reminding public safety about the new rules. Louisiana did not anticipate such a harsh result. Given Louisiana's reasonable reliance on the Commission's previous plan and associated rules and the fact that Louisiana could not have fairly anticipated this new requirement, not only equity but also responsible public policy support that the Commission grant Louisiana a waiver of the new policy to permit deployment of new equipment under Louisiana's existing 700 MHz authorization.

2. Evidence of a signed contract with an equipment vendor that was in place prior to the adoption date of the order (i.e. before July 31, 2007). The contract must be one that is "final" in nature, meaning the last step in agreeing to purchase and take delivery of narrowband radios. Waiver applicants should provide a copy of the contract or, if lengthy, at least a copy of the signature pages and execution date.

See Enclosure 1, Purchase Order for 11 sites; Enclosure 2, Purchase Order for Mobile Trailers; and Enclosure 3, Baton Rouge LA Region 2- Signed Contract.

3. A description of any related area-wide deployment project concerning narrowband radio operations in the 700 MHz band. Also, the number of radios that were deployed in the field as of August 30th, how many radios were taken delivery of and were ready to be deployed in the field as of August 30th, and the remaining number of radios to be deployed under the contract/project. The waiver applicant should also provide a complete deployment schedule.

Louisiana is in the process of completing a vital communication system on the current 700 MHz narrowband spectrum under call sign [WPTZ793]. Under this call sign Louisiana is authorized frequencies [764-776 MHz]. As

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of August 30, 2007, Louisiana has 36 transmitter sites in operation in the 700 MH channels and five sites currently being installed. Installation of these five sites will be completed by December 2007. Louisiana has plans to add 30 more sites between now and the fourth quarter of 2008 and place an additional 10,000 public safety subscribers on this system by deploying new handset equipment. See Enclosure 4 for a complete deployment schedule.

	Deployed Equipment as of August 30, 2007	Equipment Delivered but not Deployed as of August 30, 2007	Remaining equipment to be deployed under project before December 31, 2008
Radios	15825	862	10,000
Towers Sites	36	5	30
Mobile Trailers	2	2	5

Deployment of 700 MHz Equipment

With hurricane survival a top priority for the radio system, the system has the ability to re-route traffic should towers be lost and allow affected dispatch centers to relocate elsewhere in the state without disruption of the system. The system also employs multiple layers of natural gas and diesel-fueled generators to ensure reliability in the event of natural or other disasters.

4. The amount of time needed to complete deployment pursuant to waiver (but not exceed January 2009). Also, the extent to which radios to be deployed after August 30th could be programmed to operate in the consolidated narrowband spectrum only and thus not require relocation.

Louisiana estimates complete deployment of all 700 MHz equipment by December 31, 2008. If the waiver is granted, radios would not be programmed in the consolidated narrowband spectrum until after this time.

Thank you for your consideration of Louisiana's Waiver Request. If additional information is required, please, contact me.

Respectfully,

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Enclosures: 4