

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

In the Matter of)
)
Petition by the State of New Jersey on the) PS Docket No. 06-229
Commission’s Rules Regarding a 700 MHz)
Nationwide Public Safety Interoperable)
Broadband Network)
)
)

PETITION

The State of New Jersey regards the establishment of a statewide interoperable public safety broadband network as a critical need for its first responders and is planning for the deployment of such a network as quickly as possible in the 700 MHz public safety broadband spectrum. Our statewide network would both meet the technical specifications the FCC has proposed for the shared commercial/public safety system and be capable of integration into any shared commercial/public safety network (the “Shared Wireless Broadband Network”) that may ultimately be established. As they are currently written, the Commission’s 700 MHz rules stand as an impediment to improving public safety communications in the State of New Jersey and petition the Commission to remove that impediment as quickly as possible.

Congress recently demonstrated its significant commitment to advancing the deployment of public safety broadband communications. In the American Recovery and Reinvestment Act of 2009, Congress made available over \$7 billion of Federal funds for broadband deployment, stating that one of its goals in doing so is to “improve access to, and use of, broadband service by public safety agencies.”¹ Consideration of the requested petition thus would be consistent with

¹ American Recovery and Reinvestment Act, Pub. L. No. 111-5, § 6001(b)(4) (2009).

Congress's recent action to expand public safety broadband communications and could do so through the use of funds available through the American Recovery and Reinvestment Act of 2009.

The State of New Jersey asks the Commission to act quickly on this request to allow first responders in New Jersey – and the public they serve – to quickly enjoy the benefits of public safety broadband services while the Commission and other stakeholders work through the issues remaining to be resolved in the pending proceeding considering a shared commercial/public safety approach in the 700 MHz band.

I. INTRODUCTION

In 1997, Congress directed that 24 MHz of spectrum in the Upper 700 MHz band be allocated for public safety communications. That spectrum is only now becoming available for public safety use as analog television transmission ends. Over the past few years, the Commission has worked to promote establishment of a 700 MHz Public-Private Partnership for interoperable public safety broadband communications throughout the United States, but achievement of this goal remains far off. In the meantime, state and local jurisdictions have been left without a path toward achieving interoperable public safety broadband communications.

Though the Commission has proposed revised rules that retain the Public-Private Partnership concept and set forth detailed technical and operational rules to govern the Shared Wireless Broadband Network,² it is unclear whether a future auction of the Upper 700 MHz D Block will be held, whether it would succeed, or whether it would result in nationwide coverage. Because of the delays and uncertainties in establishing the Shared Wireless Broadband Network, first responders in New Jersey and across the country have been left without access to state-of-

² See *Service Rules for the 698-746, 747-762 and 777-792 MHz Bands; Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band*, WT Docket No. 06-150 and PS Docket No. 06-229, *Third Further Notice of Proposed Rulemaking*, FCC 08-230 (rel. Sept. 25, 2008) (“*Third Further Notice*”).

the-art communications capabilities, and the American public is put at risk each day the initiation of public safety broadband services is delayed.

The Commission's current 700 MHz rules reserve to the Upper 700 MHz D Block licensee "the exclusive right to build and operate the Shared Wireless Broadband Network."³ The rules include two exceptions, which allow local public safety entities, with the approval of the Public Safety Broadband Licensee, to construct broadband networks at their own expense (1) in areas where the Upper 700 MHz D Block licensee has committed in a Network Sharing Agreement to build out a network by a certain (later) date, and (2) in areas where the Upper 700 MHz D Block licensee is not required by a Network Sharing Agreement to build out.

These exceptions presuppose the existence of a D Block licensee and a Network Sharing Agreement – conditions that do not exist. Absent a successful D Block auction and Public-Private agreement, the Commission's rules do not allow for the immediate deployment of broadband services that will benefit public safety and the public at large.⁴ Nonetheless, the State of New Jersey is eager to deploy a broadband Public Safety Wireless Network to support state and local police, firefighters and rescue/Emergency Medical Service workers, and possibly public works departments, educational institutions and hospitals. Use of the 700 MHz band would allow these and other state public safety agencies to achieve greater interoperability and cost effectiveness, and would increase the coverage area over which they could communicate because of the 700 MHz band's superior propagation characteristics. The State of New Jersey

³ 47 C.F.R. §§ 27.1330 & 90.1430(a).

⁴ The *Third Further Notice* acknowledges this fact and seeks comment on a proposal by Alcatel-Lucent under which the Commission would revise the early build-out rules to allow jurisdictions to deploy local networks that can be integrated into the regional or national network, with commercially reasonable compensation provided once they are integrated. See *Third Further Notice* at ¶¶ 294-304. The State of New Jersey believes that the Commission should modify its early deployment policy as suggested in the *Third Further Notice* in light of the reality that deployment of the Shared Wireless Broadband Network is likely far off.

therefore asks the Commission to act quickly on this request to ensure we can begin deployment as quickly as possible.

II. NEW JERSEY NEEDS BETTER PUBLIC SAFETY BROADBAND COMMUNICATIONS AND IS PREPARED TO DEVOTE RESOURCES TO DEPLOY AN INTEROPERABLE NETWORK IN THE 700 MHZ BAND.

In the State of New Jersey, there is a dire need for the broadband services that a newly-deployed 700 MHz public safety broadband system would supply. Deployment of such a network in New Jersey will enhance day-to-day, task force and mutual aid response through support of a full spectrum of interoperable IP multi-media applications.

A broadband public safety network in New Jersey will support applications that currently cannot be supported over existing narrowband or wideband wireless data technologies. Tasks that require the consumption of substantial time for communication between dispatchers and other officers on narrowband voice systems (*e.g.*, database lookups and dispatch messaging) could be off-loaded to broadband spectrum, significantly reducing narrowband channel load. In addition, allowing police officers, for example, to have remote access to databases (*e.g.*, DMV records), remote form entry and reporting and web access will enhance public safety by increasing officer efficiency, reducing paperwork and allow officers to spend more of their time on patrol.

Broadband networks will allow mission-critical information to be exchanged in real-time, anytime, anywhere. Distribution of images (floor plans, mug shots, incident stills), videos (surveillance feeds, on-scene video), messaging, access to incident management databases provide a common operating picture and access to information from the field, enhancing both incident response and first responder safety. Finally, broadband networks will allow for the secure, easy and interoperable sharing of information (voice, video and multi-media data) among members of a task force.

To realize these benefits, however, we need the Commission's authorization to operate our own network until it can be integrated into the larger shared network.

Our stand-alone network will meet all of the technical specifications the Commission has proposed to require for the Shared Wireless Broadband Network, and it will be capable of being integrated into any eventual shared network regardless of the technology chosen for that network. Because the public interest thus would be served we ask that the Commission act expeditiously on this request.

III. THE REQUEST WOULD SERVE THE PUBLIC INTEREST.

As noted above, deployment of a broadband network would improve the ability of New Jersey's first responders to protect the public and to stay safe in the performance of their duties. The public interest would thus be served by granting the State of New Jersey the right to deploy a 700 MHz public safety broadband network as soon as possible.

There is no dispute as to public safety entities' need both for reliable and cost-effective broadband services and for more interoperable communications capabilities, especially in light of the communications difficulties encountered in the aftermath of 9/11 and Hurricane Katrina. Furthermore, whether or not the Commission's 700 MHz D Block rule making proceeding produces new rules that attract one or more commercial D Block licensees, deployment of a nationwide shared commercial/public safety network is at least a few years away. Our first responders deserve to be able to utilize broadband technology to protect life and property immediately, and the Commission should allow state and local jurisdictions to fill this gap if they are willing to do so.

While the Commission works through difficult issues to find a way forward in the 700 MHz public safety spectrum proceeding, the public interest requires that local authorities like the State of New Jersey be allowed to deploy their own interoperable, broadband public safety

communications networks. New Jersey can ensure that any such network can be integrated into any eventual Shared Wireless Broadband Network, so the concept of a shared commercial/public safety network would not be compromised.

IV. CONCLUSION

The Commission would significantly advance the cause of public safety by allowing the State of New Jersey and others to deploy its own public safety broadband network that could operate until a Shared Wireless Broadband Network can be established. The State of New Jersey respectfully requests that the Commission promptly consider allowing New Jersey to begin deploying their own public safety broadband network utilizing the Upper 700 MHz D Block licensee as requested herein.

Respectfully submitted,



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