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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

RM-11577

In the Matter of

Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band — ~~PS Docket 06-229~~

Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State, and Local Public Safety Communications Requirements Through the Year 2010 — ~~WT Docket~~ No. 96-86

Petition for Rulemaking

The State of Louisiana respectfully submits this Petition for Rulemaking to the Commission with regard to existing FCC rules outlined in FCC 90.535. The State requests that the Commission's rules for a mandatory transition deadline be modified from December 31, 2016 to a date of December 31, 2024. This request is based on three (3) primary points: 1) subscriber equipment capable of transmitting on the required spectrum is not currently available, 2) any equipment purchase today will be obsolete on December 31, 2016, thus shorting its lifecycle, and 3) the cost associated with purchasing soon-to-be obsolete equipment is not fiscally prudent and does not allow us to be good stewards of government funds.

Background

Louisiana faces a major challenge in developing an interoperable communications system within a landscape that is highly vulnerable to multiple weather events of catastrophic proportion. Further challenges include budget constraints and grant restrictions that limit our options.

For these reasons, the State of Louisiana created The Statewide Interoperability Executive Committee (SIEC) to establish and govern a P25 statewide shared communication system. This

system, which is named the Louisiana Wireless Information Network (LWIN), is based on the 700 MHz allocation of spectrum designated for use by Public Safety. The SIEC has made significant progress in advancing the state's communications capabilities via LWIN and strives for "...an environment that eliminates hurdles and encourages maximum use of the statewide network for local, tribal, regional and state first responders for all planned events and emergency incidents." (Louisiana's Statewide Communications Interoperability Plan (SCIP), Goal 5)

Currently, the system supports 43,329 users that executed 72,247,447 Push-to-Talk transmissions for the time period from July 1, 2008 to June 30, 2009. The LWIN system is currently comprised of 87 active sites, 13 sites in various stages of deployment, and an additional 17 sites currently in the planning stage for a total of 117. The SIEC expects to have all 117 sites operational by the end of the year which will give every parish in the State at least one active site, substantially increasing the ability of local governments and organizations to access LWIN.

Over the past four (4) years, the State of Louisiana has spent an unprecedented amount of funds in establishing LWIN. To date, a total of $122,153,785.00 has been expended by the State in the purchasing of infrastructure, subscriber units, professional services, and other costs dedicated to this effort. Through federal and local funding sources, it is expected that the LWIN System will grow over the next 5-10 years in excess of 65,000 state and local first responders with all the associated cost of infrastructure maintenance and improvements.

In order to encourage migration and usage from existing disparate systems to the LWIN system, the State continues to appropriate funding to cover 100% of the costs associated with LWIN administration, maintenance and operation. Local first responder agencies are not assessed fees to access LWIN. To date there are over 43,000 users on LWIN from State, Local, and volunteer agencies. These agencies have expended over $126,000,000 to purchase subscriber units to use on LWIN.

All procurements utilized by the State's dedicated funding for the LWIN will be for the purchase of 700/800 MHz digital compliant equipment. In addition, the Governor's Office of Homeland Security & Emergency Preparedness (GOSHEP), as the State Administrative Agency for the Federal Homeland Security Grant Program, strongly encourages local jurisdictions to invest new monies in 700/800 MHz digital compliant technology. Beyond FY 2009/2010, the personnel and

maintenance costs associated with administration and management of the LWIN System are expected to increase by 20% annually as more capacity and sites are added to the system.

Request

The State of Louisiana requests the Commission revisit one of its current rules addressing spectrum efficiency, specifically the mandatory transition date of December 31, 2016 from 12.5 KHz to 6.25 KHz associated with FCC 90.535. The State believes that this date will have considerable negative impact for all users of LWIN, and, if not changed, will create an undue hardship for all users of any Public Safety 700 MHz system, not just those within our state.

Our position has three (3) main lines of reasoning:

1) Subscriber equipment capable of transmitting on the required spectrum is not currently available. While some manufactures are currently marketing 700 MHz radios that will be *upgradeable* to the required channel efficiency of 6.25 KHz, none are currently available for delivery. This unavailability creates a situation where agencies *must* purchase equipment compliant with the 12.5 KHz channel efficiency, but this equipment will not operate after the transition date without a substantial re-investment for replacements or upgrades. Therefore, if the date of December 31, 2016 remains, an agency could conceivably be obligated to purchase the same radio twice within an eight (8) year period.

2) Any equipment purchase today will be obsolete on December 31, 2016, thus shortening its lifecycle. Due to difficulties in identifying funding mechanisms, it is not unusual for Public Safety agencies to plan on utilizing its equipment for more than 10 years. Even if a radio were purchased today, that same radio would be obsolete before this time frame and would be useless to the purchasing agency. Also, coupled with the previous case, any radio purchase today *does not* have the capacity for upgrade from 12.5 KHz to 6.25 KHz channel efficiency. Therefore, not only will any radio purchase today be obsolete prior to its expected lifecycle, but the option for less-costly upgrades does not exist. The only remaining option is to wait until 6.25 KHz upgradeable radios enter the market, shortening the radio's useful life even further.

3) The cost associated with purchasing soon-to-be obsolete equipment is not fiscally prudent and does not allow us to be good stewards of government funds. As noted in the previous case, the

700 MHz rules of the FCC require agencies to shorten the lifecycle of equipment to meet 6.25 KHz bandwidths per channel (or its equivalent) as outlined in FCC 90.535. The State of Louisiana feels that investments made today and in the recent past by organizations developing 700 MHz systems with scarce funding will require those organizations to prematurely discard this equipment. Furthermore, The State of Louisiana is concerned that the rules based on a transition date of December 31, 2016, will cause Public Safety agencies that have migrated to the 700 MHz band in the last several years a shortened period of time before they will have to replace equipment.

Based on the factors of a shortened lifecycle and scarce funding, any agency that devotes funds to 700 MHz equipment purchases may not be executing budgetary responsibilities in a prudent manner. Given the condition of most government agencies and shrinking budgets, monies must be spent judiciously. Organizations that purchase equipment knowing that they will have to completely replace (worst case / present situation) or upgrade (best case / possible sometime in the near future) the same equipment by 2017 will be hard-pressed to justify the investment.

Conclusion

With the ongoing work associated with 6.25 KHz channel efficiency within FCC 90.535, The State of Louisiana is confident that a 700 MHz 6.25 KHz or equivalent transition date of December 31, 2024 will not inhibit the development of Public Safety interoperability. Just within the State of Louisiana, the current 43,329 users will be subject to any change due to the transition. Combining state and federal funds, we have over $122 Million already invested in infrastructure and subscriber units and significantly more planned. Furthermore, local entities have likewise spent more than $126 Million for subscriber units with additional agencies joining LWIN every day. Overall, the total amount of committed funds is monumental. Unless the requested change is approved, The State of Louisiana fears that these users and committed funds will be at risk of becoming disadvantaged.

Based on the lines of reasoning that currently available equipment does not support 6.25 KHz channel efficiency; that the date of December 31, 2016, prematurely and artificially shortens the lifecycle of any purchase equipment; and that the cost of completely re-purchasing or upgrading any equipment within ten (10) years of purchase is fiscally irresponsible; The State of Louisiana

feels that the FCC needs to adjust the date of mandatory transition.

With new, 6.25 KHz or equivalent upgradeable equipment becoming available for purchase and implementation in the near future, The State of Louisiana proposes a migration period ending on December 31, 2024. The State feels that this date will allow Public Safety agencies the ability to realize the full potential of limited resources and will foster a more willingness of organizations to commit to the investments required in becoming a part of any 700 MHz system. This is especially true for the current users of the LWIN system and their investment in recent years. This will also provide sufficient time for existing subscriber units to meet the full capability of their expected lifecycle. It is therefore our appeal that you approve this request to adjust the 6.25 KHz channel efficiency or equivalent usage deadlines for 700 MHz General Use and State License narrowband spectrum. The State of Louisiana feels that the Commission's rules for a mandatory transition deadline should be modified from December 31, 2016 as outlined in FCC 90.535 to a date of December 31, 2024.

The State of Louisiana looks forward to working with the Commission on these and other important public safety issues as necessary.

Regards,

Brant Mitchell
SIEC Chairman