BOBBY JINDAL
GOVERNOR

State of Louisiana

Governor's Office of Homeland Security and Emergency Preparedness

MARK A. COOPER
DIRECTOR

June 8, 2010

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
9300 East Hampton Drive
Capitol Heights, MD 20743

RE: PS Docket No. 06-229
Request for Waiver by the Louisiana Statewide Interoperability Executive Committee to deploy a 700 MHz broadband network

Dear Ms. Dortch:

On behalf of the Louisiana Statewide Interoperability Executive Committee (SIEC), please find the original and four (4) copies of a Request for Waiver, submitted for filing in PS Docket No. 06-229. Please let me know if you have any questions or need further information.

Sincerely,

Brant Mitchell
Chairman, Statewide Interoperability Executive Committee
7667 Independence Blvd
Baton Rouge, LA 70806
225-925-7332
Brant.Mitchell@LA.gov

Enc: Request for Waiver

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

In the Matter of	)	
	)	
Petition by the Louisiana	)	
Statewide Interoperability Executive Committee	)	
For Waiver of the Commission's Rules Regarding a	)	
700 MHz Public Safety Interoperable Broadband Network	)	PS Docket No. 06-229
	)	
	)	

REQUEST FOR WAIVER

Pursuant to Section 1.925(b) of the Rules of the Federal Communications Commission[1] (the "Commission"), the Louisiana Statewide Interoperability Executive Committee (SIEC), respectfully requests that the Commission grant a waiver of its 700 MHz public safety early deployment rules to enable the construction and operation of a 700 MHz interoperable public safety broadband network. This request seeks a waiver(s) from the Commission that would allow the State of Louisiana to utilize the public safety broadband spectrum licensed to the Public Safety Spectrum Trust (763-768 MHz and 793-798 MHz).[2] The requested waiver will serve the public interest by improving communication capabilities for first responders through the deployment of broadband public safety communications in conjunction with a statewide wireless system already operating. This improved system, in turn, would have the capability of functioning as an integral part of the nationwide interoperable public safety broadband system envisioned by the Commission.

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. This vulnerability imposes design requirements on our communications networks that create budget challenges.

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[1] 47 C.F.R. § 1.925(b).

[2] Should Congress reallocate the adjacent D block spectrum (758-763/788-793 MHz) from commercial to public safety use, the SIEC will submit a subsequent waiver request as needed to expand operation into that spectrum.

For these reasons, the State of Louisiana created the SIEC to establish and govern a P25 statewide shared communication system to leverage the resources available and provide interoperability across the multiple jurisdictions in the state.. This system, which is named the Louisiana Wireless Information Network (LWIN), is based on the 700 MHz narrowband spectrum allocation 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."

The SIEC has been charged with establishing infrastructure, governance, standard operating procedures, technology, training, and exercises to support a statewide system accessible to all state and local first responders, with capacity and capability to transmit voice, data, image, and video information across the spectrum from daily usage to a surge during an unknown catastrophic event. The progress made on governance, 700 MHz narrowband sites and infrastructure can all now be leveraged to help support deployment of a broadband interoperable network as well. Emerging technologies, and particularly IP-based solutions, are critical components to the planed LWIN expansion to transport not only voice, but data and imagery as well.

Currently, the LWIN system supports 50,509 users that executed 75,468,956 Push-to-Talk transmissions for the time period from March 1, 2009 to February 28, 2010. The LWIN system is currently comprised of 94 active sites, 11 sites in various stages of deployment, and an additional 15 sites currently in the planning stage for a total of 120. The SIEC expects to have all 120 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 five (5) years, the State of Louisiana has dedicated an unprecedented amount of funds in establishing the interoperable LWIN system. To date, a total of $122,153,785 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. These agencies have purchased 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 (SAA) for the Federal Homeland Security Grant Program, strongly encourages local jurisdictions to invest new monies in 700/800 MHz digital compliant technology. Beyond FY 2010/2011, 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. Given a grant of the requested waiver, the State of Louisiana can leverage much of the investment made for infrastructure sites, backhaul, backup power, etc. on the LWIN system also to support broadband data and video transmission capabilities, further improving public safety communications.

REQUEST

As noted above, the State of Louisiana is in the final build-out phase of establishing a statewide, interoperable mission critical communications network with the primary function of transmitting voice for all state and local first responders. The next phase of LWIN is to increase the capabilities of the network to include an interoperable public safety broadband network and, pending approval of the instant request for waiver, will begin the deployment of such a network as quickly as possible in the 700 MHz public safety broadband spectrum. The proposed broadband addition to LWIN would allow first responders in the State to quickly utilize the benefits of public safety broadband services while the Commission and other stakeholders work through issues in pending proceedings regarding a shared commercial/public safety approach in the 700 MHz band.

LWIN broadband network additions would meet all the specifications proposed for the public safety system and be capable of interoperating with any shared commercial/public safety network (the "Shared Wireless Broadband Network") that may ultimately be established by the Commission. As an entity within the State of Louisiana with a purpose to protect the safety of life, health, or property, as well as fulfilling the remaining requirements of Section 337(f), we meet all eligibility requirements. Furthermore, the SIEC support staff is provided by the Office of Interoperability under the auspice of Louisiana's Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP). As such, the requirement that transfer leases must be submitted for approval by the Public Safety and Homeland Security Bureau can also be satisfied.

As they are currently written, the Commission's 700 MHz rules do not permit early deployment by the State at this time. Furthermore, the completion of a 700 MHz Public/Private Partnership for interoperable public safety broadband communications throughout the United States remains an elusive target. As a result, states like Louisiana lack a clear path to achieving interoperable public safety broadband

communications, which is further exacerbated by the potential issues associated with the proposed auction of the Upper 700 MHz D Block.

Congress made available over $7 billion of Federal funds for broadband deployment through the passage of the American Recovery and Reinvestment Act of 2009. One of the goals of this program is to "improve access to, and use of broadband service by public safety agencies."[3] Approval of the requested waiver would be consistent this goal of expanding broadband services in the public safety arena.

Moreover, Louisiana faces a major challenge in developing interoperable broadband systems throughout the State due to population densities and large rural areas. As a result, government involvement is essential to the early build out and deployment of a 700 MHz broadband public safety system to meet the critical needs of public safety users in these rural regions. With the expanding role of public safety in protecting life and property and guarding of homeland security, there is an ever-increasing need for public safety to have access to state-of-the-art wireless communications. Broadband access has come to play an ever greater role in the daily lives of citizens, businesses, and government to the point where access to broadband applications are essential to getting things done.

Unfortunately, this need for broadband access does not automatically allocate the rights to the spectrum resources required. Use of the 700 MHz spectrum licensed to the PSST for the LWIN broadband addition would allow for expanded coverage given the enhanced reach and penetration of the 700MHz spectrum and would maximize the beneficial impact of broadband access for local police, fire, emergency medical services, and other critical system users. It would also allow the State to deploy a statewide wireless broadband data network to expedite high-speed mobile data IP connectivity to the state's existing network, satisfying the interests of public safety responders.

A statewide broadband network will support applications that are too bandwidth intensive for existing narrowband data technologies. Certain time-intensive tasks such as database lookups and dispatch messaging could be offloaded to the broadband network, freeing up needed capacity on the narrowband voice systems. Officer efficiency would be enhanced by the ability to access databases as well as to access and complete forms while deployed in their respective jurisdictions, including duties performed while officers are on routine patrol, or on-scene deployments at a crime scene, fire scene, or the site of any natural or man-made disaster.

REQUIREMENTS

The LWIN broadband addition will satisfy all of the technical requirements the FCC and/or the Public Safety Spectrum Trust (PSST) may adopt for the national network. The State's network will be designed

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and built to be fully interoperable with the future national network and authorized users of the national network will be allowed access to Louisiana's local portion of the network. As the FCC has required other waiver grantees to do, the State agrees to deploy interoperable Long Term Evolution (LTE) technology that has been endorsed by the public safety community and also offers commercial economies of scale. Accordingly, approval of Louisiana's waiver will further the goal of constructing an interoperable public safety wireless broadband network nationwide.

The State of Louisiana ardently concurs with the Commission's position that substantive operational rights, privileges, and responsibilities in the public safety broadband spectrum within our jurisdiction would be necessary to sufficiently justify investment of public funds and effort. Concurrently, the State acknowledges that the PSST will seek appropriate retention of control over the spectrum commensurate with its status as the national public safety broadband licensee. The State also recognizes our obligations to submit plans to ensure technical consistency and interoperability, is conducting these activities at own risk, and understands that any deployments will be subject to the possible integration into a nationwide network and compliance with future technical requirements adopted by ERIC or the Commission.

Regarding requirements for intra-state interoperability and using existing mechanisms to minimize complex issues, the SIEC is perfect vehicle for such a project. The SIEC will be able to serve as a single interface with the PSST to coordinate all inherent interfaces and facilitate equipment development and purchase. Furthermore, the State of Louisiana has already co-created the Gulf Coast Interoperable Communications Cooperative (GCICC), a tri-state consortium (Louisiana, Mississippi, and Alabama), to create agreements and resolve interoperability issues across state boundaries. Just recently, the State of Louisiana took the lead in creating an interoperable wireless communications network for responders of the Deepwater Horizon Oil Spill along the entire Gulf Coast, stretching from the Texas Southeast border to Pensacola, Florida.

The State of Louisiana recognizes there are many other requirements, both technical and procedural. The SIEC commits to working with the PSST and the Commission in order to properly plan, install, operate, and maintain a statewide broadband network capable of integrating into a national network. The State will fully commit to working within the bounds set and abide by all requirements as outlined in any official document. The State of Louisiana remains dedicated to providing interoperable communications to all first responders and will achieve its goals accordingly.

Conclusion

The State of Louisiana respectfully requests that the Commission approve our request for a waiver of its 700 MHz public safety early deployment rules to enable the LWIN addition of broadband network

capabilities in the 763-768/793-798 MHz spectrum. If approved, this waiver will serve both the public and statewide first responders by improving interoperable communications capabilities and have the capability of functioning as an integral part of the nationwide interoperable public safety broadband system envisioned by the Commission.

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Regarding requirements for intra-state interoperability and using existing mechanisms to minimize complex issues, the SIEC is perfect vehicle for such a project. The SIEC will be able to serve as a single interface with the PSST to coordinate all inherent interfaces and facilitate equipment development and purchase. Furthermore, the State of Louisiana has already co-created the Gulf Coast Interoperable Communications Cooperative (GCICC), a tri-state consortium (Louisiana, Mississippi, and Alabama), to create agreements and resolve interoperability issues across state boundaries. Just recently, the State of Louisiana took the lead in creating an interoperable wireless communications network for responders of the Deepwater Horizon Oil Spill along the entire Gulf Coast, stretching from the Texas Southeast border to Pensacola, Florida.

The State of Louisiana recognizes there are many other requirements, both technical and procedural. The SIEC commits to working with the PSST and the Commission in order to properly plan, install, operate, and maintain a statewide broadband network capable of integrating into a national network. The State will fully commit to working within the bounds set and abide by all requirements as outlined in any official document. The State of Louisiana remains dedicated to providing interoperable communications to all first responders and will achieve its goals accordingly.

Conclusion

The State of Louisiana respectfully requests that the Commission approve our request for a waiver of its 700 MHz public safety early deployment rules to enable the LWIN addition of broadband network

capabilities in the 763-768/793-798 MHz spectrum. If approved, this waiver will serve both the public and statewide first responders by improving interoperable communications capabilities and have the capability of functioning as an integral part of the nationwide interoperable public safety broadband system envisioned by the Commission.

Regards,

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June 8, 2010

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

In the Matter of	)	
	)	
Petition by the Louisiana	)	
Statewide Interoperability Executive Committee	)	
For Waiver of the Commission's Rules Regarding a	)	
700 MHz Public Safety Interoperable Broadband Network	)	PS Docket No. 06-229
	)	
	)	

REQUEST FOR WAIVER

Pursuant to Section 1.925(b) of the Rules of the Federal Communications Commission[1] (the "Commission"), the Louisiana Statewide Interoperability Executive Committee (SIEC), respectfully requests that the Commission grant a waiver of its 700 MHz public safety early deployment rules to enable the construction and operation of a 700 MHz interoperable public safety broadband network. This request seeks a waiver(s) from the Commission that would allow the State of Louisiana to utilize the public safety broadband spectrum licensed to the Public Safety Spectrum Trust (763-768 MHz and 793-798 MHz).[2] The requested waiver will serve the public interest by improving communication capabilities for first responders through the deployment of broadband public safety communications in conjunction with a statewide wireless system already operating. This improved system, in turn, would have the capability of functioning as an integral part of the nationwide interoperable public safety broadband system envisioned by the Commission.

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. This vulnerability imposes design requirements on our communications networks that create budget challenges.

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[1] 47 C.F.R. § 1.925(b).

[2] Should Congress reallocate the adjacent D block spectrum (758-763/788-793 MHz) from commercial to public safety use, the SIEC will submit a subsequent waiver request as needed to expand operation into that spectrum.

For these reasons, the State of Louisiana created the SIEC to establish and govern a P25 statewide shared communication system to leverage the resources available and provide interoperability across the multiple jurisdictions in the state.. This system, which is named the Louisiana Wireless Information Network (LWIN), is based on the 700 MHz narrowband spectrum allocation 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."

The SIEC has been charged with establishing infrastructure, governance, standard operating procedures, technology, training, and exercises to support a statewide system accessible to all state and local first responders, with capacity and capability to transmit voice, data, image, and video information across the spectrum from daily usage to a surge during an unknown catastrophic event. The progress made on governance, 700 MHz narrowband sites and infrastructure can all now be leveraged to help support deployment of a broadband interoperable network as well. Emerging technologies, and particularly IP-based solutions, are critical components to the planed LWIN expansion to transport not only voice, but data and imagery as well.

Currently, the LWIN system supports 50,509 users that executed 75,468,956 Push-to-Talk transmissions for the time period from March 1, 2009 to February 28, 2010. The LWIN system is currently comprised of 94 active sites, 11 sites in various stages of deployment, and an additional 15 sites currently in the planning stage for a total of 120. The SIEC expects to have all 120 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 five (5) years, the State of Louisiana has dedicated an unprecedented amount of funds in establishing the interoperable LWIN system. To date, a total of $122,153,785 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. These agencies have purchased 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 (SAA) for the Federal Homeland Security Grant Program, strongly encourages local jurisdictions to invest new monies in 700/800 MHz digital compliant technology. Beyond FY 2010/2011, 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. Given a grant of the requested waiver, the State of Louisiana can leverage much of the investment made for infrastructure sites, backhaul, backup power, etc. on the LWIN system also to support broadband data and video transmission capabilities, further improving public safety communications.

REQUEST

As noted above, the State of Louisiana is in the final build-out phase of establishing a statewide, interoperable mission critical communications network with the primary function of transmitting voice for all state and local first responders. The next phase of LWIN is to increase the capabilities of the network to include an interoperable public safety broadband network and, pending approval of the instant request for waiver, will begin the deployment of such a network as quickly as possible in the 700 MHz public safety broadband spectrum. The proposed broadband addition to LWIN would allow first responders in the State to quickly utilize the benefits of public safety broadband services while the Commission and other stakeholders work through issues in pending proceedings regarding a shared commercial/public safety approach in the 700 MHz band.

LWIN broadband network additions would meet all the specifications proposed for the public safety system and be capable of interoperating with any shared commercial/public safety network (the "Shared Wireless Broadband Network") that may ultimately be established by the Commission. As an entity within the State of Louisiana with a purpose to protect the safety of life, health, or property, as well as fulfilling the remaining requirements of Section 337(f), we meet all eligibility requirements. Furthermore, the SIEC support staff is provided by the Office of Interoperability under the auspice of Louisiana's Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP). As such, the requirement that transfer leases must be submitted for approval by the Public Safety and Homeland Security Bureau can also be satisfied.

As they are currently written, the Commission's 700 MHz rules do not permit early deployment by the State at this time. Furthermore, the completion of a 700 MHz Public/Private Partnership for interoperable public safety broadband communications throughout the United States remains an elusive target. As a result, states like Louisiana lack a clear path to achieving interoperable public safety broadband

communications, which is further exacerbated by the potential issues associated with the proposed auction of the Upper 700 MHz D Block.

Congress made available over $7 billion of Federal funds for broadband deployment through the passage of the American Recovery and Reinvestment Act of 2009. One of the goals of this program is to "improve access to, and use of broadband service by public safety agencies."[3] Approval of the requested waiver would be consistent this goal of expanding broadband services in the public safety arena.

Moreover, Louisiana faces a major challenge in developing interoperable broadband systems throughout the State due to population densities and large rural areas. As a result, government involvement is essential to the early build out and deployment of a 700 MHz broadband public safety system to meet the critical needs of public safety users in these rural regions. With the expanding role of public safety in protecting life and property and guarding of homeland security, there is an ever-increasing need for public safety to have access to state-of-the-art wireless communications. Broadband access has come to play an ever greater role in the daily lives of citizens, businesses, and government to the point where access to broadband applications are essential to getting things done.

Unfortunately, this need for broadband access does not automatically allocate the rights to the spectrum resources required. Use of the 700 MHz spectrum licensed to the PSST for the LWIN broadband addition would allow for expanded coverage given the enhanced reach and penetration of the 700MHz spectrum and would maximize the beneficial impact of broadband access for local police, fire, emergency medical services, and other critical system users. It would also allow the State to deploy a statewide wireless broadband data network to expedite high-speed mobile data IP connectivity to the state's existing network, satisfying the interests of public safety responders.

A statewide broadband network will support applications that are too bandwidth intensive for existing narrowband data technologies. Certain time-intensive tasks such as database lookups and dispatch messaging could be offloaded to the broadband network, freeing up needed capacity on the narrowband voice systems. Officer efficiency would be enhanced by the ability to access databases as well as to access and complete forms while deployed in their respective jurisdictions, including duties performed while officers are on routine patrol, or on-scene deployments at a crime scene, fire scene, or the site of any natural or man-made disaster.

REQUIREMENTS

The LWIN broadband addition will satisfy all of the technical requirements the FCC and/or the Public Safety Spectrum Trust (PSST) may adopt for the national network. The State's network will be designed

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

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