

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

In the Matter of)	
)	
Service Rules for the 763-768 and 793-798 MHz Bands)	WT Docket No. 06-150
)	
Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band)	PS Docket No. 06-229
)	
)	

**Request for Waiver of the Commission's Rules to Deploy a Standards Based 700 MHz
Public Safety Interoperable Broadband Network**

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June 25, 2010	Director
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REQUEST FOR WAIVER

Pursuant to Section 1.925(b) of the Commission's rules, the Georgia Broadband Alliance on behalf of the jurisdictions represented in the demonstrations projects identified herein and the State of Georgia (the "Georgia Alliance" or "Georgia") respectfully requests that the Federal Communications Commission ("FCC" or the "Commission") grant a waiver of its 700 MHz public safety early deployment rules to enable the construction and operation of 700 MHz interoperable public safety broadband networks. The requested waiver is consistent with the policy goals the Commission is seeking to achieve in its 700 MHz rulemaking and the granting of 21 public safety petitions by the Commission in its recent *Waiver Order*¹ providing for early deployment of public safety broadband networks in the 700 MHz Band Class 14. The requested waiver will serve the public interest by providing jurisdictions in the Georgia Alliance with existing and planning fiber optic infrastructure to develop public safety demonstration projects incorporating standards based wireless technology to set the example for how the development of these advanced networks can support interoperable public safety solutions and applications and can improve and enhance the capabilities of public safety entities to serve and protect their communities and the citizens of the U.S. The Georgia Alliance has identified public safety interoperable broadband services as a priority and is prepared to make the capital investment necessary to deploy fiber optic based broadband wireless networks as quickly as possible to utilize the 700 MHz public safety broadband spectrum.

¹ See Requests for Waiver of Various Petitioners to Allow the Establishment of 700 MHz Interoperable Public Safety Wireless Broadband Networks, PS Docket 06-229, *Order*, FCC 10-xx (rel. May 12, 2010) ("*Waiver Order*") (granting waivers for: Adams County, CO, Alabama, Boston, MA, Northern California Consortium (Oakland, San Francisco, and San Jose), Charlotte, NC, Chesapeake, VA, District of Columbia, Hawaii and Counties of Maui, Hawaii, Kauai, and City and County of Honolulu, Iowa, Los Angeles County, Mesa, AZ and TOPAZ Regional Wireless Cooperative Mississippi, New Jersey, New Mexico, New York City, New York State, Oregon, Pembroke Pines, FL, San Antonio, TX, Seattle, WA, Wisconsin Consortium (Calumet, Outagamie and Winnebago Counties)).

As set forth below, the Georgia Alliance networks will meet the technical specifications the FCC has proposed in the *Waiver Order* and will be integrated into the interoperable National Public Safety Broadband Network. The Georgia Alliance requests that the Commission act expeditiously on this request for waiver, as it is consistent with Commission's *Waiver Order*.² With existing and planned network infrastructure in place, grant of the waiver will enable rapid public safety broadband deployments in Band Class 14 in the 700 MHz band.

I. INTRODUCTION

The Commission has taken significant steps to advance nationwide interoperable public safety broadband communications. As Auction 73 did not result in a successful bidder for the Upper 700 MHz D Block license, an alternative approach is required to accomplish the stated objective of providing public safety agencies and support elements with standards based infrastructure, applications, and devices via fiber optic to wireless broadband networks to allow them to more efficiently fulfill their duties to protect the lives and property of U.S. citizens. Through the development of the Georgia Alliance demonstration projects, public safety agencies will benefit from in-vehicle, in-vessel, in-aircraft and fixed systems advanced applications as well as other communications and sensor technologies and integrated applications for real time communications and to obtain information and situational awareness for incident commanders and public safety officials.

The Commission has recognized that existing inoperable commercial and public safety technologies are inadequate to transport the information required to provide the degree of support capability required by the Nation's public safety community. The Georgia Alliance

² *See Id.* at ¶ 68 (stating [H]owever, we anticipate that the Bureau will act on future waiver requests quickly and consistent with our decision here.).

needs this critical 700 MHz spectrum and stands ready to commit the resources to put to use and deploy interoperable fiber-to-wireless public safety broadband systems that will be integrated into a nationwide public safety broadband solution, as is consistent with the *Waiver Order*.³, thereby allowing early deployments “to take advantage of the current and imminent development of 4G technology by commercial providers, which will provide the technological basis for deployment in the 700 MHz band beginning later this year.”⁴

In its *Second Report & Order*, the Commission acknowledged the importance of balancing two important goals as it crafted the 700 MHz public safety broadband policy: (1) establishing standards based network platform specifications aligned with those adopted by the private sector to develop nationwide interoperable public safety broadband communications; and (2) provide spectrum with sufficient capacity and throughput potential for the development of broadband networks aligned with the established standards to enable jurisdictions with available resources to deploy public safety broadband systems to demonstrate the benefits to public safety agencies and the communities that they serve.⁵ Through the passage of its May 12, 2010, Order, the Commission has clarified that jurisdictions may begin early deployments so long as they meet the technical requirements for 700 MHz public safety systems and a commitment is made to facilitate roaming and interoperability with the National Public Safety Broadband Network.⁶

³ *Id.* at ¶ 40.

⁴ *Id.* at ¶ 10.

⁵ *Service Rules for the 698-746, 747-762 and 777-792 MHz Bands*, Report and Order, 22 FCC Rcd 15289 (2007) (“*Second Report & Order*”).

⁶ *Waiver Order* at ¶ 10

II. THE GEORGIA ALLIANCE SEEKS TO ESTABLISH ADVANCED PUBLIC SAFETY BROADBAND COMMUNICATIONS AND PROVIDE NEW AND UTILIZE EXISTING RESOURCES TO DEPLOY AN INTEROPERABLE STANDARDS BASED 700 MHZ BROADBAND NETWORKS

A. Overview

Communities represented in the Georgia Alliance are very fortunate to have the opportunity to benefit from the development of fiber optic and fiber-to-wireless infrastructure. These same communities stand to further benefit from utilizing 700 MHz public safety spectrum held by the Public Safety Spectrum Trust. The qualified governmental entities of the Georgia Alliance seek to utilize their existing and planned resources to enhance the capability of public safety agencies in their respective jurisdictions through the leasing of this 700 MHz spectrum and development of the public safety demonstration projects.

To enhance the capability of fiber optic infrastructure currently existing and being developed in these jurisdictions in Georgia, access to 700 MHz public safety spectrum to establish a fiber to wireless broadband network to provide the associated services would enable the Georgia Alliance to create an interoperable distributed network of public safety agencies with the ability to leverage multiple technologies and solutions in use by multiple agencies and distribute that information to command and control centers located statewide and nationally.

Establishing a standards-based IP centric fiber-to-wireless broadband data infrastructure to address interoperability is at the very core of the Georgia Alliance public safety efforts as it represents a significant challenge affecting all levels of public safety support. The Georgia Alliance demonstration projects will establish showcase examples of communications interoperability to enhance the effectiveness of public safety services. The basic approach is founded upon establishing a fiber-to-wireless data network which incorporates integrated solutions to accommodate the use of existing systems which can be upgraded over time.

The members of the Georgia Alliance are well positioned and prepared to deploy public safety broadband networks utilizing the 700 MHz band. Deployment of such networks in Georgia will enhance day-to-day, task force and mutual aid response through support of a full spectrum of interoperable IP multimedia applications. A broadband public safety network in Georgia will support applications that currently cannot be supported over existing narrowband or wideband wireless data technologies. For example, tasks that require the consumption of substantial time to communicate between dispatchers and other officers on narrowband voice systems could be more efficiently managed through the public safety broadband spectrum, significantly reducing narrowband channel load. In addition, allowing police officers, for example, to have remote access to databases, remote form entry, and reporting and web access will enhance public safety by increasing officer efficiencies while reducing paperwork and will allow officers to spend more of their time on patrol.

Mission-critical information will be exchanged in real-time, anytime, anywhere through public safety broadband networks. Distribution of video, images, messaging, and access to incident management databases will provide a common operating picture and access to information from the field, enhancing both incident response and first responder safety. Public safety broadband networks will allow for the secure and interoperable sharing of voice, video, and multimedia data information among members of public safety agencies.

To realize these benefits, the Georgia Alliance requires the Commission to authorize it to operate their own internal networks. In the future, these networks will be integrated into the larger National Public Safety Broadband Network. Given the waiver, the Georgia Alliance believes that the mobile broadband networks can be deployed within 2 years from the waiver issue date. The public interest would be served if the Commission grants the waiver requested herein, therefore, we request that favorable action be taken on this request to allow the following

public safety demonstration projects to proceed.

B. The Henry County Public Safety Project

The Henry County Public Safety Project is being supported by the development of a 180 mile fiber optic based broadband network in Henry County, Georgia. A grant application for the project has been submitted to the National Telecommunications and Information Administration (“NTIA”). The Henry County Public Safety Project represents a tremendous opportunity to demonstrate the potential of this 700 MHz public safety initiative due to: (a) its proximity to a major airport (Hartsfield) and city (Atlanta); (b) the full cooperation and progressive support of the various local public safety agencies; (c) the support of all government agencies within the county including Henry County, the City of Hampton, the City of McDonough, the City of Locust Grove, the City of Stockbridge, the Henry County School Board, the Henry County Development Authority, the Henry County Chamber of Commerce, the Henry County Water and Sewage Authority, and the Henry County Hospital Authority; (d) the county being bisected by a major interstate (I-75); (e) being the location of FAA’s command and control center for the eastern U.S.; and (f) being the location of the Atlanta Motor Speedway to serve as an example of public safety support at a major event venue.

C. The West Georgia Public Safety Project

The West Georgia Broadband Public Safety Project in Troup County, Georgia and the City of LaGrange, Georgia is supported by the development of a 132-mile fiber optic based broadband network being developed by Diverse Power. The fiber-optic system supporting the West Georgia Public Safety Project will interconnect with existing networks in Columbus, Georgia and West Point, Georgia and will facilitate the provisioning of Long Term Evolution (“LTE”) based broadband access in Troup, Harris, Heard, Meriwether, Muscogee, and Coweta counties. The West Georgia Public Safety Project represents a tremendous opportunity to

demonstrate the potential of this 700 MHz public safety initiative due to: (a) the initial county jurisdiction southwest of Atlanta being bisected by a major interstate (I-85); (b) its ability to address public safety needs in rural America through bringing advanced network capabilities, services, and solutions to public safety agencies in unserved and underserved rural markets; (c) its ability to enhance the public safety elements of other fiber optic based broadband networks being deployed in rural markets; and (d) could improve the economic viability of service provisioning opportunities in unserved and underserved rural markets.

D. The North Georgia Public Safety Project

The North Georgia Broadband Public Safety Project in Habersham County and the City of Clarkesville is supported by the development of a 260-mile fiber optic based broadband network being developed by the North Georgia Network Cooperative, Inc. The project is being funded by a NTIA Round 1 federal stimulus grant and funds provided by the State of Georgia. The North Georgia Network Cooperative fiber-optic system will interconnect with existing networks in Atlanta and North Carolina and make broadband access available in Dawson, Forsyth, Habersham, Lumpkin, Rabun, Towns, Union, and White counties. The North Georgia Public Safety Project represents a tremendous opportunity to demonstrate the potential of this 700 MHz public safety initiative due to: (a) its ability to address public safety needs in rural America through bringing advanced network capabilities, services, and solutions to public safety agencies in unserved and underserved rural markets; (b) its ability to enhance the public safety elements of other fiber optic based broadband networks being deployed in rural markets; and (c) could improve the economic viability of service provisioning opportunities in unserved and underserved rural markets.

IV. THE REQUESTED WAIVER IS IN THE PUBLIC INTEREST AND SHOULD BE GRANTED.

The public interest will be served by allowing the Georgia Alliance to engage in the early deployment of broadband technologies in support of public safety agencies and homeland security. The Commission's rules require that to obtain a waiver, a petitioner must demonstrate either that (1) the underlying purpose of the rule(s) would not be served or would be frustrated by application to the present case, and that a grant of the waiver would be in the public interest, or (2) in view of unique or unusual factual circumstances of the instant case, application of the rule(s) would be inequitable, unduly burdensome, or contrary to the public interest, or the applicant has no reasonable alternative.⁷

Under either of these standards, the requested waiver allowing the Georgia Alliance to deploy public safety broadband networks in advance of the National Public Safety Broadband Network is justified.

A. The Members of the Georgia Alliance Will Provide an Interoperable Broadband Network to Public Safety Agencies Upon the Grant of the Waiver.

Natural and manmade events in recent years have made it clear that public safety entities need broadband interoperable communications capabilities. The Georgia Alliance is willing to commit resources to allow public safety agencies to utilize broadband technology to protect life and property in their communities.

The need for the deployment of broadband technologies remains critical. To serve

⁷ 47 C.F.R. § 1.925(b)(3). Waiver applicants face a high hurdle and must plead with particularity the facts and circumstances that warrant a waiver. *WAIT Radio v. FCC*, 413 F.2d 1153, 1157 (D.C. Cir. 1969) (*WAIT Radio*), *aff'd*, 459 F.2d 1203 (1973), *cert. denied*, 409 U.S. 1027 (1972).

the public interest requires that local jurisdictions be permitted to deploy their own interoperable, broadband public safety communications networks, as was recently granted to the 21 jurisdictions in the *Waiver Order*.

B. The Interoperable Fiber-to-Wireless Broadband Network Will Satisfy the Technical Specifications Proposed by the Commission in the *Waiver Order*.

LTE is a commercial open standard technology which is currently being deployed in the commercial portions of the 700 MHz band by commercial wireless operators. The Georgia Alliance supports the Commission the Public Safety Spectrum Trust (“PSST”) in their selection of LTE as the common air interface technology for use in the public safety 700 MHz band. This will establish the foundation network for achieving nationwide interoperability. The Georgia Alliance intends to deploy standards based LTE networks to support public safety operations. These LTE systems will be deployed to operate on a paired assignment of 5 MHz wide channels in the public safety broadband block between 793-798 MHz for mobile transmission and 763-768 MHz for base station transmission. At a minimum, the equipment operating in the band will be compliant with Band Class 14 as specified in the 3GPP Release 8 standards. Moreover, at a minimum, the Georgia Alliance LTE systems deployed in the Public Safety Broadband Block will initially support the applications specified in the *Waiver Order*: (1) Internet access, (2) VPN access to any authorized site and to home networks, (3) a status or information “homepage,” (4) access to responders under the Incident Command System, and (5) field-based server applications.⁸ In addition, Georgia agrees with the Commission, public safety, equipment manufacturers and commercial wireless service providers that roaming must be a

⁸ *Waiver Order* at ¶ 46.

“fundamental requirement.”⁹ Thus, the Georgia Alliance will support roaming to all 700 MHz Band Class 14 public safety operators and support roaming to future regional, state, and Tribal public safety operators as specified in the *Waiver Order*.¹⁰ Finally, the Georgia Alliance agrees to adhere to the technical criteria that the Emergency Response Interoperability Center establishes via Commission rules.

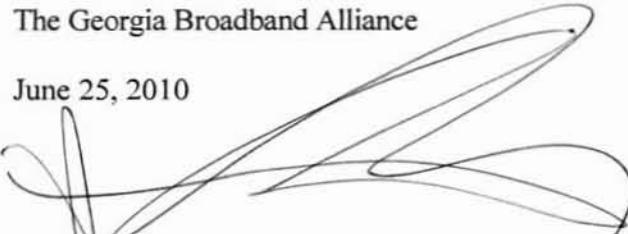
V. CONCLUSION

The Commission would significantly advance the cause of public safety by allowing the Georgia Alliance to deploy its own public safety broadband network in Band Class 14 that would operate until a National Public Safety Broadband Network is established in the 700 MHz band. The Georgia Alliance stands ready to begin deployment of life-saving broadband services and respectfully requests that the Commission promptly allow it to begin by granting the waiver as requested herein.

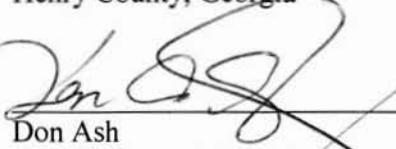
Respectfully submitted,

The Georgia Broadband Alliance

June 25, 2010



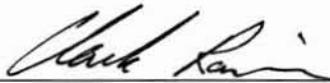
James "Butch" Sanders
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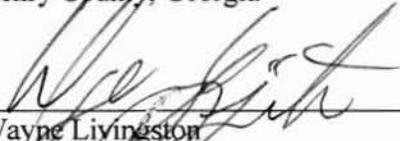
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⁹ *Id.* at ¶45.

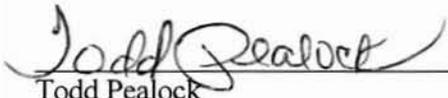
¹⁰ *Id.*



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