

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

In the Matter of)
)
Request by the Counties of King, Pierce,)
Snohomish and Thurston, the Cities of Seattle and)
Tacoma, the Eastside Public Safety)
Communications Association, Valley) PS Docket No. 06-229
Communications and the State of Washington for)
Waiver of the Commission’s Rules to Deploy a)
700 MHz Public Safety Interoperable Broadband)
Network That Can Be Integrated into the Public-)
Private Partnership)

REQUEST FOR WAIVER

Pursuant to Section 1.925(b) of the Commission’s rules, the **Counties of King, Snohomish, Pierce and Thurston, the Cities of Seattle and Tacoma, the Eastside Public Safety Communications Association (EPSCA), Valley Communications (ValleyCom) and the State of Washington, (the “Seattle Urban Area Partners”)** respectfully request that the Federal Communications Commission (“FCC/Commission”) grant a waiver of its 700 MHz public safety early deployment rules to enable the planning and future construction and operation of a 700 MHz interoperable public safety broadband network in the geographical area of King, Pierce, Snohomish and Thurston Counties of the State of Washington. The requested waiver will serve the public interest by allowing improvement in communications for first responders today without sacrificing any of the policy goals the Commission is seeking to achieve in its 700 MHz rulemaking.

The Seattle Urban Area Partners have identified public safety interoperable broadband services as a priority and are actively working together to determine how to improve our voice

and data communications interoperability in the four-county geographical area, building upon the existing voice networks and using the 700 MHz public safety broadband spectrum. As demonstrated below, our stand-alone network will meet the technical specifications the FCC has proposed in the *Third Further Notice*¹ and the September 4, 2009 National Public Safety Telecommunications Council (“NPSTC”) 700 MHz Broadband Task Force Report and Recommendations (“NPSTC Recommendations”)² and can be integrated into a future nationwide interoperable public safety broadband network. The Seattle Urban Area Partners ask the Commission to act quickly on this request for waiver. Grant of the waiver will enable rapid public safety broadband deployment, while the network contemplated in the above-captioned proceeding remains years from deployment.

I. INTRODUCTION

Over the last few years, the Commission has taken significant steps to advance nationwide interoperable public safety broadband communications. Despite these efforts, Auction 73 did not result in a winning bidder for the Upper 700 MHz D Block license. Yet there is an urgent need to provide wireless broadband to our first responders. The City of Seattle has committed the resources to put this critical 700 MHz spectrum to use and deploy interoperable public safety broadband systems that could later be integrated into a nationwide public safety broadband solution. The remaining agencies of the Seattle Urban Area Partners are committing the planning resources necessary to put this critical 700 MHz spectrum to use for interoperable public safety broadband systems in the region.

¹ 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*”).

² See NPSTC 700 MHz Broadband Task Force Report and Recommendations, (Sept. 4, 2009) (“NPSTC Recommendations”).

Today there is overwhelming unanimity among all public safety agencies and associations that the technology of choice should be LTE, which is an open standard technology that has been adopted by the major global commercial mobile service providers for deployment in the United States within the next year. In addition, APCO International, the National Emergency Numbering Association, the Public Safety Spectrum Trust (“PSST”), and NPSTC have all publicly endorsed LTE for use in the public safety 700 MHz spectrum space. Likewise, the overwhelming majority of the filed petitions for waiver that the Commission has received that also seek the authority to deploy public safety broadband systems on a local or regional basis in the 700 MHz public safety broadband spectrum have declared that LTE is the technology of choice.³ The Commission, in its order of May 11, 2010, granting waivers to 21 jurisdictions, recognized LTE as the technology of choice. The Seattle Urban Area Partners will work with the PSST and other cities, counties and regions which have been granted a waiver under that order or are granted waivers in future FCC actions to deploy wireless broadband technologies capable of interoperating together.

In the *Second Report & Order*, the Commission recognized the need to balance two important goals as it crafted the 700 MHz public safety broadband policy: (1) foster a public-private solution to develop nationwide interoperable public safety broadband communications; and (2) enable jurisdictions with available resources to deploy public safety broadband systems on an accelerated basis in some circumstances.⁴ As to the second goal, though the Commission granted the D Block licensee the “exclusive right” to build out the 700 MHz commercial/public

³ *Public Safety and Homeland Security Bureau Seeks Comment on Petitions for Waiver to Deploy 700 MHz Public Safety Broadband Networks*, Public Notice, PS Docket No. 06-229, DA 09-1819, ¶ 1 (rel. Aug. 14, 2009) (“*Public Notice*”).

⁴ *Service Rules for the 698-746, 747-762 and 777-792 MHz Bands*, Report and Order, 22 FCC Rcd 15289 (2007) (“*Second Report & Order*”).

safety broadband network (the “Shared Wireless Broadband Network”),⁵ it created two exceptions to this policy: (1) public safety entities were permitted to undertake an earlier build-out than would be provided for in the Network Sharing Agreement (“NSA”), with the public safety entities entitled to compensation up to the amount the D Block licensee would have incurred if had it constructed the network itself; and (2) public safety could build their own broadband networks in areas not included in the NSA.⁶ Thus, the current early deployment options are premised on D Block licensing and adoption of the NSA. With no D Block licensee and no NSA, and in any event with deployment years away, today there is no clear path for public safety entities in need of broadband solutions.

To that end, the Commission should clarify that jurisdictions may begin further early deployments so long as they meet the technical requirements for 700 MHz public safety systems and a commitment is made to facilitate, along with the eventual D Block licensee in its region, migration to the national Public Safety Broadband Network.

Finally, as part of the U.S. Government’s stimulus package, Congress has acted to partially address potential funding by adopting a \$4.7 billion broadband grant program, the new Broadband Technology Opportunities Program (“BTOP”) directs National Telecommunications and Information Administration to issue grants for the purpose of, among others, improving access to, and use of, broadband service by public safety agencies.⁷ Many, if not most, of the 21 entities granted conditional waivers in the May 12, 2010, order, have applied for grant funding under BTOP. The City of Seattle, one of the Seattle Urban Area Partners, has applied for such funding. Consistent with Congressional intent related to public safety and BTOP, the

⁵ *Id.* at ¶ 470.

⁶ *Id.* at ¶¶ 471-84.

⁷ *See* American Recovery and Reinvestment Act, Pub. L. No. 111-5, § 6001(b)(4) (2009).

Commission should act to make the necessary spectrum available in the entire four county region requested in this order beyond the geographical limits of the City of Seattle so that first responders throughout our region will be able take advantage of public safety broadband services while the Commission and other stakeholders work through the issues remaining to be resolved in the pending 700 MHz rule making proceeding. The simple waiver requested herein will accomplish this.

II. BACKGROUND

A. The Seattle Urban Area (of King, Pierce, Snohomish and Thurston Counties)

The four-county Region has a population of 3,600,000, or over one-half the population of Washington State, and an area of almost 7,000 square miles. The Region is very diverse geographically. All four counties have large urban and suburban areas. Six of Washington State's ten largest cities are located within the Region⁸. The State Capital, the City of Olympia, is within the region. The geography ranges from sea level at Puget Sound to the top of the Cascade Mountain range, including Mount Rainier at over 14,000 feet high. There are farming, timber-growing, recreational and forest preserve areas. This geographical diversity presents special challenges to public safety communications.

The Region is prone to natural disasters. Damage from flooding exceeds damage by all other natural hazards in Washington State.⁹ Parts of the Region experience significant flooding almost yearly. The presence of recreational/forest preserve areas results in several search and rescue missions each week as well as the need to regularly battle forest fires. More than 1,000

⁸ *Washington Statewide Communications Interoperability Plan*, p. 17.

⁹ *Washington Statewide Communications Interoperability Plan*, pp. 24-25.

earthquakes occur in Washington each year. A dozen or more are felt, and, although significant damage is rare, major earthquakes of magnitude 8 or larger can occur.¹⁰

The Region is subject to other homeland security risks due to its proximity to an international border, the presence of two major international trading seaports (Port of Seattle and Port of Tacoma), the presence of the main Interstate Highway on the West Coast (I-5), and the presence of a major international airport, SeaTac. International trade is vital to Washington State; much of this trade flows through Seattle Urban Area ports. Major corporations are headquartered or have massive operations in the Region, including Boeing, Microsoft, Amazon.com, Russell Investments and Starbucks. The Region is home to (or nearby to) a significant military presence, with naval ports in Bremerton and Everett, Joint Base Lewis-McChord and Whidbey Island Naval Air Station.

All of these assets increase the Region's vulnerability to disasters and terrorist attack and underscore the need for secure, reliable, regional interoperable public safety communications.

B. Public Safety Wireless Communications

The region of the Seattle Urban Area Partners is comprised of King, Pierce, Snohomish and Thurston Counties in the central and southern Puget Sound area of Washington State. This Region includes the Cities of Seattle, Tacoma, Bellevue, Olympia and Everett, and the Ports of Seattle and Tacoma. A number of Washington State agencies also operate and respond to critical incidents throughout this region including the Washington State Patrol (WSP), Military

¹⁰ *Washington Statewide Communications Interoperability Plan*, p. 24. at: <http://siec.wa.gov/plan/files/SCIP.pdf>

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Department, Emergency Management Division, and the State Department of Natural Resources also operate and respond to critical incidents throughout the Region..

Jurisdictions in this region operate four compatible Motorola SmartZone Version 4.1 voice radio networks, and/or conventional VHF public safety voice radio networks. These jurisdictions have leveraged local tax funds, property levies and grant funds to construct and continuously upgrade these networks. These jurisdictions have linked their networks together, and further interconnected with the public safety networks supporting the Washington State Patrol (WSP) and the Integrated Wireless Network (IWN) which supports multiple Federal law enforcement and emergency management agencies in the Region. Some jurisdictions have constructed and operate these networks as individual governments. In other cases, these jurisdictions have established joint operating agencies to manage the networks. The cooperating agencies are:

- King County Regional Communications Board, composed of all the local government jurisdictions/agencies within King County, including:
 - City of Seattle
 - Eastside Public Safety Communications Agency (EPSCA)
 - King County government
 - Valley Communications (ValleyCom)
- Metropolitan Emergency Communications System: Cities of Tacoma/Puyallup
- Pierce County
- Port of Seattle
- Snohomish Emergency Radio System (SERS) operating a public safety network throughout Snohomish County

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- Thurston County Department of Communications (CAPCOM)
- Washington State Patrol

There are approximately 28,000 radios in use by local and state government responders in the Region.

Recognizing the impending end-of-life of the Motorola SmartZone Version 4.1 systems, and the need for high-speed wireless broadband networking, these cooperating agencies and jurisdictions (other than Thurston County) have established a Regional Radio Executive Policy Committee (RREPC) comprised of elected and senior officials of the Seattle Urban Area to address the needs for future Public Safety Communications in the Region.

In summary, the Region is already taking significant steps toward planning, designing, and deploying a future network that avoids foreseeable problems, improves coverage, enhances reliability, improves operability and interoperability, and also makes advanced services, such as broadband data, available to responders throughout the Region.

The Seattle Urban Area Partners are already working together in the design and construction of the initial broadband wireless network which the City of Seattle intends to construct under its conditional waiver granted in the FCC's May 12, 2010, order. If the Commission grants the waiver requested in this petition, the Seattle Urban Area Partners will work to extend the network from its initial deployment inside the City of Seattle into the wider region for use by other jurisdictions, State agencies and first responders throughout the Seattle Urban Area.

C. Spectrum Challenges

Despite this high level of public safety challenges and consequent need for spectrum, the Region has less spectrum available for public safety use than do most other areas. This is

Seattle Urban Area Partners Request for Waiver of FCC Rules to Construct 700 MHz Network primarily due to the Region's proximity to Canada. By United States and Canada Sharing Agreement G and FCC rules, the available public safety spectrum must be shared with Canada for all networks operating within 140 kilometers of the Canadian border. This 140 kilometer line encompasses all of Snohomish County and most of King County.

Granting the requested waiver would make 10 MHz of spectrum available for the Region to continue moving toward the deployment of an interoperable wireless broadband public safety Network. A broadband wireless Network could be built if the Region could use the 10 MHz of spectrum it is requesting¹¹, but not without it. This 10 MHz should be a sufficient amount, initially, to enable the Region to begin deploying and using a Network. Use of the 700 MHz public safety broadband spectrum is a critical need for the Region. Therefore, the Seattle Urban Area Partners are seeking this waiver as defined more specifically below.

III. THE SEATTLE URBAN AREA PARTNERS NEED BETTER PUBLIC SAFETY BROADBAND COMMUNICATIONS AND IS PREPARED TO DEVOTE RESOURCES TO DEPLOY AN INTEROPERABLE NETWORK IN THE 700 MHZ BAND.

In the Seattle Urban Area, there is a dire need for the broadband services that a newly-deployed 700 MHz public safety broadband system would supply:

- The Police and Fire Departments in the Seattle Urban Area are forced to do without true broadband wireless communications and fund prohibitively high recurring monthly charges for commercial wireless services. Because of the lack of the needed Public Safety oriented broadband wireless connectivity, first responders do not have immediate access to all the data they need to keep the public safe. This information would be readily available to officers in the field if broadband data access was available.
- The first responders in the Seattle Urban Area lack connectivity to wireless broadband service which supports public safety as a priority above all other users, and with the ability to pre-empt other lower priority users during public safety

¹¹ Even if the waiver request is granted, the Network could be built more cheaply and be run more efficiently if additional spectrum were available to us. In addition, additional spectrum would make it easier for us to migrate from existing systems to the Network.

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emergencies and disasters. Priority and pre-emption are not available from commercial wireless services.

- The public safety support services in the Seattle Urban Area, including the publicly owned electrical utilities, our water/wastewater/solid waste utilities, and our transportation departments lack the mobile broadband wireless connectivity necessary to support first responders both during daily emergency incidents but also during the major disasters cited in II-A above.
- With broadband wireless communications resources available to the responders in the Seattle Urban Area:
 - Police officers would know quickly and silently that the vehicle they are stopping is stolen, know that the individual they are interviewing is wanted or dangerous, be able to conduct photo lineups of suspects while still at the crime scene, and be able to access web-enabled surveillance cameras in public facilities to gain intelligence critical to the safe resolution of blockaded or hostage incidents;
 - Firefighters would know which routes were blocked due to construction or accidents, which hydrants are out of service, and what hazardous conditions exist as soon as the data is updated by Police, Water Departments and Building Inspectors;
 - Medics would be able to stream patient's vitals and video of the patient to the Emergency Rooms, where the doctors would be able to better and more quickly diagnose and issue orders for treatment while the ambulance is en-route to the hospital; and
 - Emergency Managers would be able to receive real-time data and video from incident sites, teleconference with the Incident Commanders, quickly share critical information, and mobilize essential resources to ensure the swift and safe resolution of the emergency situation.
 - Utility workers could preserve the public safety by quickly restoring electricity, water and transportation services after emergency incidents.
 - Work between first responders and the utilities and transportation departments can be quickly and easily coordinated during emergency incidents as these field workers share a common operating picture through maps, video and plans.

The City of Seattle and certain of the other partners are funded and prepared to deploy a public safety broadband network in the 700 MHz band in the near-term future (*i.e.*, before a shared commercial/public safety network could be established). Deployment of such a network in the Seattle Urban Area will enhance day-to-day, task force and mutual aid response through support of a full spectrum of interoperable IP multi-media applications, including:

- Streaming video (surveillance, remote monitoring)

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- Digital Imaging
- Automatic Vehicle Location
- Computer Aided Dispatching
- Email
- Mapping/GIS
- Remote Database Access
- Report Management System Access
- Text Messaging
- Telemetry/Remote Diagnostics
- Web Access
- Computer Aided Design plans access for utility workers
- Hazardous materials information access
- Building plans access for first and second responders

A broadband public safety network in the Seattle Urban Area will support applications that currently cannot be supported over existing narrowband or wideband wireless data technologies. Tasks that require the consumption of substantial time to communicate 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.*, Washington State Department of Licensing, warrants, missing persons and stolen vehicle databases, etc.), remote form entry and reporting and web access will enhance public safety by increasing officer efficiency, reducing paperwork and allowing 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. 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. Finally, next generation 911 capabilities are being tested in the Seattle Urban Area. NG911 will allow the public to send text, video and images to 911 centers, but, without a broadband wireless network, those 911 centers lack the ability to forward such media to public safety field units.

To realize these benefits, however, the Region needs the Commission's authorization to operate our own network until it can be integrated into a larger national interoperable network. We are starting design in 2010 under the conditional waiver granted to the City of Seattle. We are working together with the City of Seattle to issue an RFP to establish contracts to procure LTE networking equipment for use within the geographical area of Seattle. We believe pilot implementations would begin in 2011 and be completed shortly thereafter, depending upon the availability of network equipment and subscriber units. Thus, the public interest would be served if the Commission grants the waiver requested herein, thereby allowing us to potentially extend the City of Seattle's planned network to the broader Seattle Urban Area. Therefore we request favorable action on this request be taken expeditiously.

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

The public interest will be served by allowing the Seattle Urban Area Partners to engage in early deployment. To obtain a waiver of the Commission's rules, 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.¹²

Under either of these standards, the requested waiver allowing the Seattle Urban Area Partners to deploy a public safety broadband network in advance of the contemplated Shared Wireless Broadband Network is justified.

A. Grant of the Waiver Will Enable the Seattle Urban Area Partners to Deploy an Interoperable Broadband Network to Serve First Responders, Without Undermining the Commission’s 700 MHz Public-Private Partnership.

The tragic events of September 11, 2001 and Hurricane Katrina made clear that public safety entities need more interoperable communications capabilities. Regardless of whether the recently proposed rules may succeed in attracting one or more commercial D Block licensees, the reality is that the deployment of a nationwide network from which local public safety entities can obtain broadband services is likely years away. The Seattle Urban Area Partners are willing to plan, seek funding and commit resources to bridge this gap so that its first responders can utilize broadband technology to protect life and property immediately.

In Washington, DC, the National Capital Region public safety broadband network demonstrates that public safety entities can make use of this valuable 700 MHz spectrum today in advance of a Public/Private Partnership deployment. The Seattle Urban Area Partners should be afforded a similar opportunity.

The Commission has granted a conditional waiver of its rules to the City of Seattle and 20 other cities, regions and states. We request this new waiver be granted to the Seattle Urban Area Partners to potentially extend the City of Seattle’s planned network throughout the urban

¹² 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).

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B. The Network Will Be Robust and Will Satisfy All of the Technical Specifications Proposed by the Commission in the *Third Further Notice*.

The Seattle Urban Area Partners support the selection of LTE as the wireless broadband common air interface technology for use in the public safety 700 MHz band. The City of Seattle, working with the other partners, is planning deployment of a LTE network to support public safety operations. This LTE system 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. The equipment operating band will be compliant with Band Class 14 as specified in the 3GPP standards. LTE is a commercial open standard technology which will be deployed by commercial wireless operators in the commercial portions of the 700 MHz band in early 2010.

LTE deployed in the Public Safety Broadband Block would meet the technical specifications proposed by the Commission in its *Third Further Notice*, as well as the NPSTC recommended requirements identified in the NPSTC Recommendations.¹³ In particular:

- *Capacity, Throughput, and Quality of Service.* With user peak data rates of 31.7 Mbps (downlink) and 9.1 Mbps (uplink) when deployed on 2x5 MHz channels and quality of service support for real-time and non-real-time IP-based applications, LTE will support all the applications listed in Table 1 of proposed Section 27.1305 of the Commission's rules. Networks will be designed with effective cell edge data rates exceeding those listed in Table 2 of proposed Section 27.1305. In addition, the systems will provide QoS mechanisms and priority levels consistent with LTE standards.
- *Security and Encryption.* LTE is highly secure in view of its use of a variety of robust authorization and authentication mechanisms employing standard encryption techniques for both media and signaling traffic. IPsec is supported. The system will comply with commercial best practices.

¹³ See NPSTC Recommendations *supra* at 2.

- *Availability, Robustness, and Hardening.* Public Safety LTE networks will be designed for robustness and reliability. Using LTE, public safety networks exceeding 99.6% availability metric excluding radio signal coverage and scheduled maintenance downtime can be deployed. Furthermore, network equipment can be deployed at existing public safety Land Mobile Radio sites, which have been typically hardened to meet the needs of mission-critical public safety communications.

Over the past several months, public safety, equipment manufacturers and commercial wireless service providers under the auspices of the NPSTC's Broadband Task Force have worked to develop minimum recommendations for LTE-based systems, to ensure roaming and interoperability among the Petitioners who plan to build ahead of the national network. The Seattle Urban Area Partners believe the NPSTC Broadband Task Force recommendations are useful guidelines for achieving roaming and interoperability.¹⁴

The Seattle Urban Area Partners will work with the PSST and other cities, counties or regions who are granted similar waivers to choose compatible technologies to achieve the FCC's goal of a national interoperable public safety wireless broadband network.

V. GOVERNANCE, RESPONSIBILITY FOR COMPLIANCE

The Seattle Urban Area has several different existing formal and informal governance organizations to operate our current radio and wireless networks, as shown in Section II-B above. No single formal organization presently represents all the Partners in the geographical area of this waiver request. Therefore we request the Commission, if it determines a waiver of its rules

¹⁴ *See Id.* at 2. In developing its set of technical recommendations, the task force took into account the roaming scenarios that would be encountered by state and local jurisdictions seeking to deploy 700 MHz LTE systems via a waiver, including: roaming between 700 MHz public safety LTE networks, roaming between private 700 MHz public safety LTE and D block shared LTE network, roaming between 700 MHz public safety LTE networks to commercial 700 MHz LTE networks, and roaming between 700 MHz public safety LTE networks to commercial and private broadband networks (3GPP and non-3GPP) in other bands.

The NPSTC Recommendations provide a sound set of requirements and technical implementation guidelines to support interoperability among public safety agencies deploying LTE-based systems via a waiver. The technical implementation guidelines take into account the evolution of LTE technology, as well as public safety users' immediate-term application needs. The report's proposed recommendation for a public safety broadband roaming exchange is a sensible and pragmatic approach to support inter-regional roaming.

is in order for construction of this network, grant that waiver to the City of Seattle, and allow for future transfer of responsibility from the City to a regional governance structure, when constituted. The City of Seattle, as a current waiver recipient and BTOP applicant, intends to construct a network within its geographical area. Therefore it must comply with all the requirements of the Commission's May 12, 2010, order granting a conditional waiver. The City would continue to comply with that order on behalf of a new waiver granted to the larger Seattle Urban Area until the appropriate governance for the regional network is constituted.

VI. CONCLUSION

The Commission would significantly advance the cause of public safety by allowing the Seattle Urban Area Partners to deploy our own 700 MHz LTE public safety broadband network capable of migrating towards a nationally interoperable wireless broadband network. The Seattle Urban Area Partners stand ready to begin deploying life-saving broadband services, and respectfully requests that the Commission promptly allow it to begin by granting the waiver as requested herein.

Respectfully submitted,



**WILLIAM M. SCHRIER
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August 5, 2010

Attachments:

- **CAPCOM: Vote of Unanimous Support by Thurston County Department of Communications Administration Board, CAPCOM**
- **EPSCA: Resolution 10-1, a Resolution of the Governing Board of the Eastside Public Safety Communications Agency supporting a regional 700 MHz Waiver Request**
- **King County: Letter of Support from the King County Interim Chief Information Officer on behalf of the County Government**
- **Pierce County: Request by Pierce County Executive to join a Regional 700 MHz Waiver Request**
- **Snohomish County: Resolution No. 10-01 adopted by the Governing Board of the Snohomish County Emergency Radio System (SERS) joining a Regional 700 MHz Waiver Request**
- **Tacoma: Request by City of Tacoma to join a Regional 700 MHz Waiver Request**
- **State of Washington: Letter signed by SIEC Co-Chairs, Chief of The Washington State Patrol and Chief Information Officer joining a Regional 700 MHz Waiver Request**
- **ValleyCom: Resolution No. 104 joining and supporting a Regional 700 MHz Waiver Request**

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REQUEST FOR WAIVER

Whereas the City of Seattle has sought and obtained a waiver of the Federal Communications Commission's rules to enable construction and operation of a 700 MHz public safety broadband network within the City; and

Whereas agencies other than the City of Seattle which presently operate public safety voice communications networks in the Puget Sound Region have indicated a desire to expand the waiver granted to the City of Seattle to a larger geographic area, thereby enabling construction and operation of a 700 MHz public safety broadband network in a multi-county area in the Puget Sound Region; and

Whereas, the FCC, in paragraph 50 of the order granting a waiver of its rules to 21 petitioning jurisdictions, stated that it prefers networks be constructed in geographic areas much larger than individual cities, up to and including statewide deployments,

Now, therefore, pursuant to a unanimous vote of the Thurston County Department of Communications Administration Board, CAPCOM, Thurston County, Washington, hereby joins the City of Seattle and the other agencies in the State of Washington in respectfully requesting that the Federal Communications Commission ("FCC/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 in King County as a portion of a larger network to interoperate with and serve the first responders and residents of the Seattle Urban Area, the South Puget Sound Region (Thurston) and such other jurisdictions which join this consolidated request. The requested waiver will serve the public interest by improving communications for first responders today and is in keeping of the CAPCOM Strategic Plan to explore strategies to transition to 700 MHz systems from VHF without sacrificing any of the policy goals the Commission is seeking to achieve in its 700 MHz rulemaking.

Respectfully submitted,


**Skip Houser, Administration Board Chairman
Thurston County Department of Communications, CAPCOM**

RESOLUTION NO. 10-01

A Resolution of the Governing Board of the Eastside Public Safety Communications Agency supporting a regional 700 MHz Waiver Request, and identifying accompanying issues.

WHEREAS the Governing Board of the Eastside Public Safety Communications Agency ("EPSCA") has received a request one city within the King, Pierce and Snohomish County Region, the City of Seattle, that EPSCA join in a Waiver Request filed with the Federal Communications Commission ("FCC") to construct a broadband wireless data network using spectrum in the 700 MHz band.

WHEREAS, EPSCA is aware that other major cities such as Boston, New York, Washington D.C., Los Angeles and San Francisco have filed similar Waiver Requests with the FCC.

WHEREAS, the EPSCA Governing Board anticipates it will undertake a consulting effort to more specifically define the requirements necessary to implement the system that would utilize the 700 MHz band spectrum allowed to be utilized if a Waiver were granted and the costs of that system as well as the funding sources for those costs.

WHEREAS, the EPSCA Governing Board believes that other regional communication parties should also consider participating in a joint Waiver Request so that the King, Pierce and Snohomish County Region is more broadly represented in the Waiver Request. A regional consulting effort will soon be underway to determine the future technology needs and design for the region and that consulting effort will allow the regional communications community to be prepared to focus on a public safety broadband wireless data network.

WHEREAS, the EPSCA Governing Board, after review of the information that is currently available to it with respect to the implications of joining a Waiver Request filed with the FCC to release 700 MHz spectrum, it will support and join in the City of Seattle Waiver Request but believes it is in its best interest as well as the other regional emergency communications parties to have a more regional Waiver Request filed with the FCC.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Board of EPSCA that EPSCA will join in the City of Seattle Waiver Request to construct a broadband wireless data network using spectrum in the 700 MHz band and the EPSCA Governing Board encourages the other regional emergency communications parties in King, Pierce and Snohomish Counties to also join in the Waiver Request.

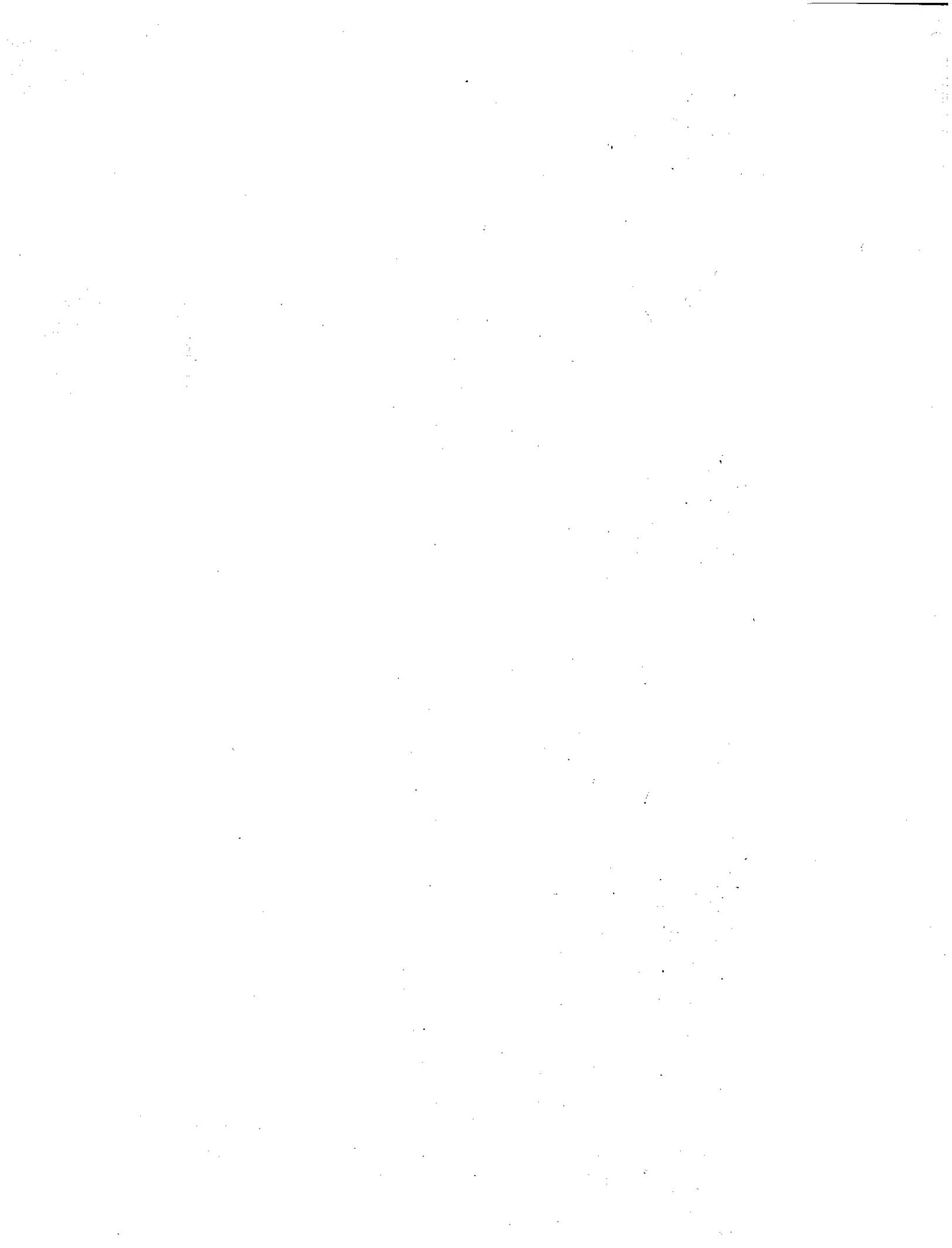
BE IT FURTHER RESOLVED, by the Governing Board of EPSCA that EPSCA participation a regional broadband wireless data network using spectrum in the 700 MHz band, will require the following issues to be addressed:

1. Funding. There has not been a funding source identified to implement EPSCA participation in the regional network.
2. Technology. Determining the technology standard has yet to be finalized.
3. Build Out. Developing a timeframe for implementation of the build out of the network has not been completed.

ADOPTED by the **GOVERNING BOARD OF THE EASTSIDE PUBLIC SAFETY COMMUNICATIONS AGENCY**, this 19th day of April, 2010.

EASTSIDE PUBLIC SAFETY COMMUNICATIONS AGENCY

By: 
Leon Kos, Executive Chair





King County

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July 22, 2010

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445 12th Street, SW

Washington, D.C. 20554

Re: PS Docket No. 06-229; In the Matter of Request by the Counties of King, Pierce, Snohomish and Thurston, the Cities of Seattle and Tacoma, the Eastside Public Safety Communications Association, and Valley Communications for Waiver of the Commission's Rules to Deploy a 700 MHz Public Safety Interoperable Broadband Network That Can Be Integrated into the Public-Private Partnership

By this letter, King County, Washington, hereby joins in the "Request by the Counties of King, Pierce, Snohomish and Thurston, the Cities of Seattle and Tacoma, the Eastside Public Safety Communications Association, and Valley Communications for Waiver of the Commission's Rules to Deploy a 700 MHz Public Safety Interoperable Broadband Network That Can Be Integrated into the Public-Private Partnership" submitted by the City of Seattle, Washington (Seattle).

As noted in the waiver request (Request), the Counties of King, Snohomish, Pierce, our cities, public safety agencies, and wireless public safety emergency radio agencies have a long history of cooperation and coordination. We seek to build on and expand our work together through this joint application while not inhibiting Seattle's ability to move ahead in a manner consistent with the best interest of the public and of our wireless public safety emergency communication system users in the region.

King County, Washington, and other agencies presently operate public safety voice communication networks in the Region. King County, the City of Seattle, the City of Tacoma, the Eastside Public Safety Communications Agency, the King County Suburban Cities Association, Pierce County, the Port of Seattle, the Snoqualmie Tribe, the Valley Communications Center, and the Washington State Patrol formed the Radio Executive Policy Committee (REPC) in 2008. The REPC adopted the following Charter Statement on July 2, 2008:

The Committee will develop a mutually agreeable and mutually beneficial plan to migrate from the region's current public safety communications networks to a set of integrated networks that meet local and regional needs, and also, to act as a single, region-wide network. Members will also publicly support the implementation of the agreed-upon plan and commit that all future upgrades of their networks will be built consistently with any such plan.

The REPC also determined that the Region's next generation wireless emergency public safety communications network should provide broadband data service.

REPC members have funded a consultant to more specifically, define the requirements necessary to implement the system that would utilize the 700 MHz band spectrum allowed to be utilized if a Waiver were granted, as well as the costs of that system.

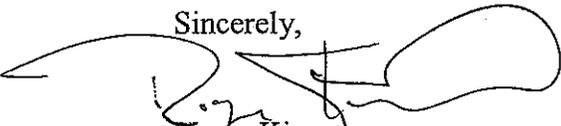
King County understands that the FCC is in the process of establishing conditions for use of the 700 MHz public safety spectrum. King County agrees to abide by such conditions in effect at the time it participates in the construction and operation of a wireless network utilizing the Waiver spectrum.

King County, after reviewing the information currently available to it, believes it is in its best interest, as well as the best interests of the Region, to have a Regional Waiver to enable the Region to potentially construct and operate a broadband data network to provide service to a geographic area larger than just the City of Seattle. To this end, we ask that the Waiver be granted either; a) to the City of Seattle, with the condition that it be transferred without additional cost to the Regional governance authority when that authority is established; or, b) to the applicants jointly.

Therefore, King County joins the City of Seattle and the other regional communication parties in requesting that the Federal Communications Commission grant us a joint Regional Waiver to allow us to establish a 700 MHz interoperable public safety wireless broadband network in conjunction with our partner jurisdictions, with the understanding that King County's participation in a Regional broadband wireless data network using public safety spectrum in the 700 MHz band will require the following issues to first be agreed upon:

1. Funding. King County has not identified a funding source to implement King County's participation in a Regional network.
2. Network Specifications. The Region has not determined key specifications, such as coverage and data speeds, for a regional broadband network.
3. Build Out. The Region has not developed a timeframe for implementation of the build out of the network.
4. Governance. The Region has not agreed on a governance structure for a Regional network and no current public safety or communications governance body includes the four-county area.

Sincerely,



Roger Kirouac

Interim County Chief Information Officer

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

In the Matter of)
)
Request by City of Seattle and certain other) PS Docket No. 06-229
jurisdictions in the Puget Sound Region for Waiver)
of the Commission's Rules to Deploy a 700 MHz)
Public Safety Interoperable Broadband Network)
That Can Be Integrated into the Public-Private)
Partnership)

REQUEST FOR WAIVER

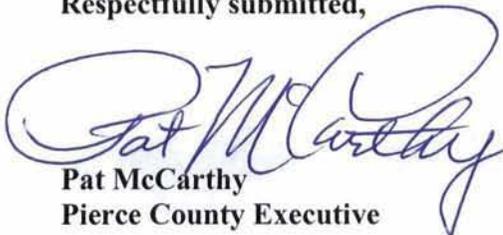
Whereas the City of Seattle has sought and obtained a waiver of the Federal Communications Commission's rules to enable construction and operation of a 700 MHz public safety broadband network within the City; and

Whereas agencies other than the City of Seattle which presently operate public safety voice communications networks in the Central Puget Sound Region have indicated a desire to expand the waiver granted to the City of Seattle to a larger geographic area, thereby enabling construction and operation of a 700 MHz public safety broadband network in a multi-county area in the Central Puget Sound Region; and

Whereas, the FCC, in paragraph 50 of the order granting a waiver of its rules to 21 petitioning jurisdictions, stated that it prefers networks be constructed in geographic areas much larger than individual cities, up to and including statewide deployments,

Now, therefore, pursuant to Section 1.925(b) of the Commission's rules, Pierce County, Washington, hereby joins the City of Seattle and the other agencies in the State of Washington in respectfully requesting that the Federal Communications Commission ("FCC/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 in Pierce County as a portion of a larger network to interoperate with and serve the first responders and residents of the Seattle Urban Area (King, Snohomish and Pierce Counties as designated by the Department of Homeland Security) and such other jurisdictions which join this consolidated request. The requested waiver will serve the public interest by improving communications for first responders today without sacrificing any of the policy goals the Commission is seeking to achieve in its 700 MHz rulemaking.

Respectfully submitted,


Pat McCarthy
Pierce County Executive

RESOLUTION NO. 10-01

A Resolution of the Governing Board of the Snohomish County Emergency Radio System supporting a regional 700 MHz Waiver Request, and identifying accompanying issues.

WHEREAS the Governing Board of the Snohomish County Emergency Radio System ("SERS") has received a request one city within the King, Pierce and Snohomish County Region, the City of Seattle, that SERS join in a Waiver Request filed with the Federal Communications Commission ("FCC") to construct a broadband wireless data network using spectrum in the 700 MHz band.

WHEREAS, SERS is aware that other major cities such as Boston, New York, Washington D.C., Los Angeles and San Francisco have filed similar Waiver Requests with the FCC.

WHEREAS, the SERS Governing Board anticipates it will undertake a consulting effort to more specifically define the requirements necessary to implement the system that would utilize the 700 MHz band spectrum allowed to be utilized if a Waiver were granted and the costs of that system as well as the funding sources for those costs.

WHEREAS, the SERS Governing Board believes that other regional communication parties should also consider participating in a joint Waiver Request so that the King, Pierce and Snohomish County Region is more broadly represented in the Waiver Request. A regional consulting effort will soon be underway to determine the future technology needs and design for the region and that consulting effort will allow the regional communications community to be prepared to focus on a public safety broadband wireless data network.

WHEREAS, the SERS Governing Board, after review of the information that is currently available to it with respect to the implications of joining a Waiver Request filed with the FCC to release 700 MHz spectrum, it will support and join in the City of Seattle Waiver Request but believes it is in its best interest as well as the other regional emergency communications parties to have a more regional Waiver Request filed with the FCC.

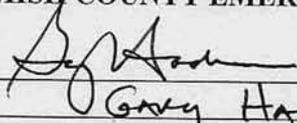
NOW, THEREFORE, BE IT RESOLVED, by the Governing Board of SERS that SERS will join in the City of Seattle Waiver Request to construct a broadband wireless data network using spectrum in the 700 MHz band and the SERS Governing Board encourages the other regional emergency communications parties in King, Pierce and Snohomish Counties to also join in the Waiver Request.

BE IT FURTHER RESOLVED, by the Governing Board of SERS that SERS participation a regional broadband wireless data network using spectrum in the 700 MHz band, will require the following issues to be addressed:

1. Funding. There has not been a funding source identified to implement SERS participation in the regional network.
2. Technology. Determining the technology standard has yet to be finalized.
3. Build Out. Developing a timeframe for implementation of the build out of the network has not been completed.

ADOPTED by the **GOVERNING BOARD OF THE SNOHOMISH COUNTY EMERGENCY RADIO SYSTEM**, this 2nd day of February, 2010.

SNOHOMISH COUNTY EMERGENCY RADIO SYSTEM

By: 
GARY HAKEVSON, President

ATTEST:


Secretary

Approved As To Form:


SERS Attorney



City of Tacoma
City Manager

June 8, 2010

Bill Schrier, Chief Technology Officer
City of Seattle
720 2nd Avenue, Ste 3000
Seattle, WA 98104

RE: Letter of Support for Seattle 700MHz

Dear Mr. Schrier,

It is my understanding that the City of Seattle has received authority from the FCC to construct a "Long Term Evolution" (LTE) 700 MHz wireless broadband network for use by public safety and potentially general government within Seattle's city limits. We believe that this spectrum is critical to the future of interoperable public safety communications in the central Puget Sound Region.

The City of Tacoma hereby joins with the City of Seattle and the other agencies in the State of Washington in requesting that the Federal Communications Commission grant an amendment to Seattle's 700 MHz waiver. This amendment will enable the construction and operation of a 700 MHz interoperable LTE public safety broadband network in Tacoma's operational areas as a portion of a larger network to interoperate with and serve the first responders and residents of the central Puget Sound Region (King, Snohomish and Pierce Counties as designated by the Department of Homeland Security) and such other jurisdictions which join this consolidated request. This amended waiver will serve the public interest by improving communications for first responders in the region.

Tacoma staff is ready to work with Seattle staff to assist in the preparation of an amended waiver request, plan our portion of the network, and help develop regional governance.

Sincerely,

Eric A. Anderson
City Manager

cc: Rey Arellano, Deputy City Manager & CIO
Chief Ron Stephens, Tacoma Fire Dept.
Chief Don Ramsdell, Tacoma Police Dept.
Michelle Lewis-Hodges, IT Director
Steve Taylor, Networks and Communications Manager



STATE OF WASHINGTON

July 27, 2010

Bill Schrier, Chief Technology Officer
City of Seattle
720 2nd Avenue, Ste 3000
Seattle, WA 98104

Dear Mr. Schrier:

Thank you for notifying the State Interoperability Executive Committee (SIEC) that the City of Seattle sought and obtained a waiver of the Federal Communications Commission (FCC) rules to enable construction and operation of a 700 MHz public safety broadband network within the city. We believe this spectrum is critical to the future of interoperable public safety communication in the central Puget Sound Region and to the State of Washington.

The State of Washington, as represented by the Co-Chairs of SIEC, Washington State Patrol, and the Department of Information Services, hereby join the City of Seattle and the other jurisdictions that comprise the Seattle Urban Area Partners, in requesting the FCC grant an amendment to City of Seattle's 700 MHz waiver. This amendment will enable the construction and operation of a 700 MHz interoperable Long Term Evolution (LTE) public safety broadband network in a critical geographic region of the state. It contributes to a larger network that will be interoperable and serve the first responders and residents of the central Puget Sound Region including Snohomish, King, Pierce, and Thurston Counties. An amended waiver will serve the public interest by improving communication for first responders in the region.

State agency staff is ready to work with City of Seattle staff to assist in the preparation of an amended waiver request, plan the state connections to the network, and assist with the development of regional governance.

Sincerely,

Lowell Porter, Co- Chair
State Interoperability Executive Committee

Jim Broman, Co- Chair
State Interoperability Executive Committee

John Batiste, Chief
Washington State Patrol

Tony Tortorice, Director
Department of Information Services

**VALLEY COMMUNICATIONS CENTER
RESOLUTION NO. 104**

A Resolution of the Administration Board of Valley
Communications Center supporting a regional 700
MHz Federal Communications Commission Waiver
Request, and identifying accompanying issues.

WHEREAS the Administration Board of the Valley Communications Center (“VCC”) has received a request by a city within the King, Pierce and Snohomish County Region, the City of Seattle, that VCC join in a Waiver Request to be filed with the Federal Communications Commission (“FCC”) to construct a broadband wireless data network using spectrum in the 700 MHz frequency band.

WHEREAS, VCC is aware that other major cities such as Boston, New York, Washington D.C., Los Angeles and San Francisco have filed similar Waiver Requests with the FCC; and

WHEREAS, the VCC Administration Board anticipates VCC will continue to participate in a consulting effort led by the Regional Executive Policy Committee (“REPC”) to more specifically define the requirements necessary to implement the system which would utilize the 700 MHz band spectrum allowed to be utilized if a Waiver were granted and the costs of that system as well as the funding sources for those costs; and

WHEREAS, the VCC Administration Board believes other regional communication parties should also consider participating in a joint Waiver Request so the King, Pierce and Snohomish County Region is more broadly represented in the Waiver Request. A regional consulting effort is underway by the REPC to determine the future technology needs and design for the region and that consulting effort will allow the regional communications community to be prepared to focus on a public safety broadband wireless data network; and,

WHEREAS, the VCC Administration Board, has considered the information currently available to it with respect to the implications of joining a regional Waiver Request filed with the FCC to release 700 MHz spectrum; and

NOW, THEREFORE, BE IT RESOLVED, by the Administration Board of VCC that VCC will join and support the City of Seattle and other jurisdictions in the region in a new Waiver Request in order to construct a broadband data network using Long Term Evolution (LTE) and related standards as specified by the Emergency Response Interoperability Center (ERIC) of the FCC to construct a multi-jurisdictional / regional system using spectrum in the 700 MHz band.

BE IT FURTHER RESOLVED, by the Administration Board of VCC that VCC participation a regional broadband wireless data network using spectrum in the 700 MHz band, will require the following issues to be addressed:

1. Funding: A funding source has not been identified to implement VCC participation in a regional network.
2. Build Out: An acceptable timeframe for the implementation of the network has not been completed.

ADOPTED by the **ADMINISTRATION BOARD OF VALLEY COMMUNICATIONS CENTER**, this 18th day of June, 2010.

By: 
Mayor Suzette Cooke, Administration Board Chair

ATTEST:


Eric Robertson, Board Secretary