

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

In the Matter of:

Request by Chester County, PA for)
Waiver of the Commission's Rules to)
Allow Establishment of a 700 MHz) PS Docket No. 06-229
Interoperable Mobile Public Safety)
Broadband Network)

REQUEST FOR WAIVER

Pursuant to Section 1.925 of the Commission's rules Chester County, Pennsylvania submits this Request for Waiver to allow for early construction and deployment of an interoperable 700 MHz public safety broadband system to serve the Chester County area. This system will be designed to be fully interoperable, consistent with conditions as recommended by the public safety community and ultimately required by the Commission. The requested waiver is consistent with the 21 public safety petitions granted by the Commission in its recent Order to allow for early deployment of public safety broadband networks.¹ Expedient grant of this waiver to allow for deployment in the 763-768/793-798 MHz band under a spectrum lease agreement with the Public Safety Spectrum Trust (PSST) is in the public interest and will lead to early deployment of critical broadband public safety communications for Chester County.

Chester County is aware of other pending waiver requests in the southern Pennsylvania area, as well as the waiver grant to the State of New Jersey, which borders this area. We commit to coordinate

¹ Order, PS Docket No. 06-229, released May 12, 2010.

with these entities to ensure an LTE interoperable public safety broadband capability without conflicts among neighboring waiver grantees.

I. BACKGROUND

Chester County is considered home to many communities that comprise the westernmost suburbs of Philadelphia. The County, which covers approximately 760 square miles and has an estimated 2009 population of approximately 499,000 people, encompasses fifty-seven townships, fifteen boroughs and one city. Chester County also includes fourteen school districts and eight colleges and universities. Grant of the requested waiver would allow Chester County to deploy a 700 MHz public safety broadband system to assist law enforcement officers, firefighters and emergency medical personnel to provide improved service to all of the residents, businesses and educational institutions throughout the County.

II. GRANT OF THE WAIVER IS IN THE PUBLIC INTEREST

No one knows where the next major accident, natural or manmade disaster, criminal incident, or terrorist event will occur. What we do know is that jurisdictions must be prepared to address such incidents as quickly and as efficiently as possible. Public safety agencies must have the tools needed to help prevent such incidents to the extent possible and to minimize loss of life, injuries and property damage when they do occur. This is a 24 hour a day, 7 day a week commitment for which residents and visitors to Chester County hold us accountable. With a Commission grant of the requested waiver, we will add broadband communications to the collection of tools at our disposal to provide residents and visitors the best service and protection possible.

Chester County believes the broadband network will support a number of applications once it is deployed. Examples of these applications include:

- Fast access to database information by personnel in the field
- Automatic vehicle location
- Mapping and GIS
- Transfer of images to/from public safety personnel in the field
- Video for surveillance and remote monitoring
- Next generation dispatch functions to manage these new capabilities

Further, Chester County believes that once a broadband communications system is deployed, public safety personnel can determine an increasing array of creative uses to enhance operational efficiency and effectiveness. It is also significant to remember that access to public safety spectrum does not just benefit public safety agencies. The entire public benefits from improved public safety communications, operations and service.

Without the requested waiver, Chester County would not be able to deploy a public safety grade broadband system under the current rules. In its *Second Report & Order*, the Commission granted the D Block licensee the “exclusive right” to build out the 700 MHz commercial/public safety broadband network (the “Shared Wireless Broadband Network”) utilizing both the 763-768/793-798 MHz PSST spectrum requested herein and the adjacent D block spectrum at 758-763/788-793 MHz.

The Commission 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. Therefore, the current early deployment options are premised on D Block licensing and adoption of the NSA. The D block auction failed in March 2008 and there is no clear path for Chester County to have timely broadband service designed to meet its

needs without a grant of the requested waiver. Even if the D block is re-auctioned, it appears that any requirements aimed at designing the system to meet the needs of public safety would be reduced.

Accordingly, it is in the public interest for the Commission to grant Chester County a waiver to deploy a public safety broadband system on the 763-768/793-798 MHz spectrum licensed to the Public Safety Spectrum Trust, consistent with the twenty-one waivers already granted to other public safety entities.

III. CHESTER COUNTY WILL DEPLOY AN INTEROPERABLE NETWORK

Grant of the requested waiver will allow Chester County to move forward and implement broadband public safety service consistent with its needs. This includes ensuring that the system is built to meet the public safety coverage, reliability, and application needs of Chester County. The broadband system must be designed and implemented to meet day-to-day requirements and incorporate sufficient margin, reliability and redundancy so it remains available in a major incident when public safety traffic significantly expands.

In addition to these operability requirements, Chester County commits to incorporating provisions for interoperability as set forth in the Commission's previous Order granting twenty-one waivers. The County plans to deploy LTE technology that has been endorsed by the public safety community and the Commission as the most appropriate 4G broadband technology for the 700 MHz interoperable broadband network. Upon grant of the waiver, the County follow-up with additional information confirming provisions for interoperability, as the Commission has required from the previous twenty-one waiver grantees.² Such requirements will help ensure that eligible public safety entities from other jurisdictions with 700 MHz LTE broadband equipment who roam into the County can access the Chester County broadband system, consistent with the appropriate authorization to do so.

² See Public Notice DA 10-923 in PS Docket No. 06-229, released May 21, 2010.

Chester County is aware of waiver requests previously submitted by Delaware County, PA, the South Central Task Force (SCTF), the City of Philadelphia and Bucks County, Pennsylvania.³ Chester County commits to working with these petitioners and other area jurisdictions to coordinate a regional public safety broadband capability and avoid conflicts among waiver grantees. Chester is well positioned to effect such coordination. Chester County personnel have experience in multi-jurisdictional initiatives through its current chairmanship of the Southeast Regional Task Force.

IV. CONCLUSION

In light of the critical public safety and national security requirements at stake, Chester County urges the Commission to grant the requested waiver expeditiously. Grant of this waiver request is in the public interest and will further both public safety's and the Commission's goal to deploy a nationwide interoperable 700 MHz public safety broadband network. The entire public that Chester County public safety personnel serve will benefit from a grant of this waiver.

Respectfully Submitted,

Chester County, Pennsylvania

By: 
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August 23, 2010

³ Expedited Request for Waiver filed by Delaware County, PA dated May 21, 2010, the Expedited Request for Waiver filed by the South Central Task Force, dated May 28, 2010, the Bucks County, PA waiver request dated June 28, 2010 and the City of Philadelphia waiver request dated July 7, 2010.