

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

In the Matter of)
)
Petitions For Waiver To Deploy) PS Docket No. 06-229
700 MHz Public Safety Broadband)
Networks)
)
)
)

**COMMENTS BY THE COUNTIES OF CALUMET, OUTAGAMIE, AND WINNEBAGO,
WISCONSIN ON PETITIONS FOR WAIVER TO DEPLOY 700 MHz PUBLIC SAFETY
BROADBAND NETWORKS**

FoxComm, a consortium of the Counties of Calumet, Outagamie, and Winnebago, Wisconsin, (Wisconsin Counties) which has previously received a conditional waiver¹ from the Commission to use 700 MHz broadband public safety spectrum to construct a public safety wireless broadband network, hereby submits the following comments in response to the Commission’s September 15, 2010, Public Notice DA 10-1748 and its September 22, 2010, Public Notice DA 10-1796. In these notices the Public Safety and Homeland Security Bureau requests comments on petitions for waiver filed by various additional public safety entities seeking authority to deploy public safety wireless broadband networks on a local or regional basis in the 700 MHz public safety spectrum.

The Wisconsin Counties concur with the comments filed by the State of New Mexico which argues that “the Commission has broad latitude to interpret Section 337”². The Wisconsin Counties agree with the comments by the State of New Mexico that the “Commission should establish a working regulatory regime for early builders that provides waiver recipients flexibility in pursuing viable funding sources, including the option to partner with utilities and other CII entities as a source for funding”³. The Wisconsin Counties also support the comments of the State of New Mexico that Section 337(f)(1) of the United States Code and the Commission’s past orders support allowing waiver recipients to enter into agreements for shared use with utilities and other critical infrastructure providers⁴.

¹ Requests for Waiver of Various Petitioners to Allow the Establishment of 700 MHz Interoperable Public Safety Wireless Broadband Networks, PS Docket No. 06-229, *Order*, FCC 10-79 (released May 12, 2010) (*Waiver Order*).

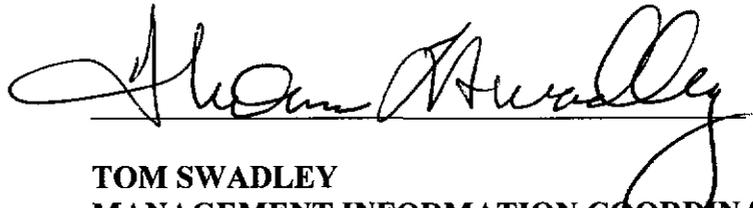
² Comments of the State of New Mexico on Public Notice DA 10-1748, page 1.

³ Comments of the State of New Mexico on Public Notice DA 10-1748, page 7.

⁴ Comments of the State of New Mexico on Public Notice DA 10-1748, page 10.

Presently, the Wisconsin Counties have a strong working relationship with public service entities throughout the three-county FoxComm area. These entities include energy providers such as natural gas utilities and electric service providers (investor-owned, municipal, and cooperatives). This relationship between public service and public safety agencies supports quick and efficient response to the day-to-day emergencies (i.e. vehicle/facility accidents, etc.) as well as a well-coordinated response to major emergencies such as weather events, large system outages, and other major events. Allowing public safety waiver recipients to enter into partnering agreements with utilities and other CII entities will also support interoperability initiatives that will only enhance the relationships already established.

Respectfully submitted,



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