

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

In the Matter of:

Request by the North Central	)	
Pennsylvania Regional Task Force for	)	
Waiver of the Commission's Rules to	)	PS Docket No. 06-229
Allow Establishment of a 700 MHz	)	
Interoperable Mobile Public Safety	)	
Broadband Network	)	

**REQUEST FOR WAIVER**

Pursuant to Section 1.925 of the Commission's rules the North Central Pennsylvania Regional Task Force (NCTF) submits this Request for Waiver to allow for early construction and deployment of an interoperable 700 MHz public safety broadband system to serve the north central Pennsylvania 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.<sup>1</sup> 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 to help protect the north central Pennsylvania area.

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<sup>1</sup> Order, PS Docket No. 06-229, released May 12, 2010.

The task force is aware of other pending waiver requests in Pennsylvania, as well as the waiver grant to the State of New Jersey, which borders this area. We commit to coordinate with these entities to ensure an LTE interoperable public safety broadband capability without conflicts among neighboring waiver grantee jurisdictions.

## **I. BACKGROUND**

The North Central Pennsylvania Regional Task Force (NCTF) is one of nine task forces in Pennsylvania. NCTF is comprised of the counties of Bradford, Clinton, Lycoming, Potter, Sullivan, Tioga & Union. These counties encompass a total population of approximately 328,352 and an area of 6,268 square miles and 228 municipalities.

The NCTF was established in 1999 and serves to improve coordination and mutual aid across the seven county area. Training, planning and incident simulation exercises are key requirements for an effective multi-agency/multi-jurisdiction response when an actual incident does occur. The NCTF serves as the focal point for such training, planning and exercises across the seven county area. For example, the NCTF conducted a Strategic National Stockpile (SNS) exercise in April 2009 to provide critical training and planning for managing a major public health event, should one occur. This exercise drew participation from 93 organizations and 4500 individuals.

Accordingly, the North Central Task Force already has established a governance foundation of representatives from the public safety community knowledgeable about the needs of the region when emergencies occur. North Central can extend its efforts to plan for deployment of an interoperable broadband network, once the Commission grants the requested waiver. The regional deployment would in turn contribute toward the goal of having interoperable public safety broadband communications throughout the country.

The involvement of NCTF will help ensure that the system meets the needs specific to the region, in addition to providing interoperability for eligible users who roam into the area from sister agencies to assist with any disaster or major incident. Grant of the requested waiver will enable the North Central Task Force to deploy a 700 MHz public safety broadband system to assist law enforcement, firefighters and emergency medical personnel to provide improved service to all of the residents, businesses and visitors throughout the region.

## **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 the north central Pennsylvania area 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.

NCTF 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, NCTF 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 a grant of the requested waiver, NCTF 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 buildout 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 the region 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 NCTF 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. With such a grant, NCTF can move forward to define its plan for interoperability, enter into a lease agreement with the PSST and take the necessary procurement steps to move forward with deployment.

### **III. NCTF WILL DEPLOY AN INTEROPERABLE NETWORK**

Grant of the requested waiver will allow the NCTF 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 the region. 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, NCTF commits to incorporating provisions for interoperability as set forth in the Commission's previous Order granting twenty-one waivers. The region 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 region will follow-up with additional information confirming provisions for interoperability, as the Commission has required from the previous twenty-one waiver grantees.<sup>2</sup> Such requirements will help ensure that eligible public safety entities from

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

other jurisdictions with 700 MHz LTE broadband equipment who roam into the region can access the NCTF broadband system, consistent with the appropriate authorization to do so.

NCTF is aware of waiver requests previously submitted by the State of Pennsylvania, the South Central Task Force (SCTF) and the County of Lackawanna. Accordingly, should the requested waiver for NCTF be granted, we would expect to coordinate our deployment with that of these surrounding areas to avoid conflicts among multiple waiver grantees' systems.

#### **IV. CONCLUSION**

In light of the critical public safety and national security requirements at stake, the North Central Pennsylvania Regional Task Force 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 public safety personnel in the NCTF jurisdictions serve will benefit from a grant of this waiver.

Respectfully Submitted,

North Central Pennsylvania Regional Task Force

By: 

November 23, 2010