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

In the Matter of	)	
	)	
Service Rules for the 698-746, 747-762 and 777-792 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
	)	
Amendment of Part 90 of the Commission's Rules	)	WP Docket No. 07-100

COMMENTS OF THE CITY OF BATON ROUGE

I. INTRODUCTION AND SUMMARY

The City of Baton Rouge, Louisiana, ("Baton Rouge"), respectfully submits these comments in the above-captioned proceeding.[1] Baton Rouge has filed a Request for Waiver[2] to allow for the early deployment of broadband networks in the 700 MHz public safety broadband spectrum (763-768 MHz and 793-798 MHz) and is awaiting a decision by the Federal Communications Commission (the "Commission"). Baton Rouge believes that the Commission can continue to grant Petitions for Waiver to deploy public safety broadband networks while still ensuring nationwide network interoperability.

---

[1] In the Matter of 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, Amendment of Part 90 of the Commission's Rules, *Third Report and Order and Fourth Further Notice of Proposed Rulemaking,* WT Docket No. 06-150, PS Docket No. 06-229, WP Docket No. 07-100 FCC 11-6 (rel. Jan. 26, 2011) ("Notice").

[2] Expedited Request for Waiver, City of Baton Rouge, filed on July 29, 2010.

To that end, Baton Rouge is actively working to develop and deploy interoperable Long Term Evolution ("LTE") public safety broadband systems that would later be integrated into a nationwide interoperable Public Safety Broadband Network. Critical to that effort is Baton Rouge's ongoing work to create a governance structure, develop the technical and operational requirements, as well as a sustainable business model for the network. Baton Rouge is further developing criteria for cooperation with the New Orleans UASI region and the State of Louisiana to achieve an efficient and technically operational 700 MHz broadband network and program design. The three jurisdictions continue to meet to achieve these aims.[3]

II. THE COMMISSION SHOULD SUPPORT THE NETWORK BY PROVIDING MAXIMUM FLEXIBILITY TO OPERATORS.

The Commission should focus its efforts on maximizing the regional/local/tribal network operators' flexibility to implement network management and business models that are most advantageous for the regional/local/tribal network. Primarily, Baton Rouge urges the Commission to maximize network operator flexibility by declining to regulate the network, or in the alternative, by adopting a broad reading of relevant statutory language.

First, the Commission should impose limits on allowable users and uses within the statutory framework only where those restrictions are truly necessary to ensure nationwide interoperability. Network operators are best positioned to make network management and business decisions that are most advantageous for the network and its public safety users. The Commission should not impose restrictions based upon types of

[3] *See* "Response to Public Safety and Homeland Security Bureau's Request for Comment on Petitions for Waiver to Deploy 700 MHz Public Safety Broadband Networks," PS Docket No. 06-299, filed on Oct. 13, 2010.

use (*e.g.* fixed or mobile); rather, the Commission should leave it to the network operator to determine how best to manage those uses.[4]

In addition, the Commission should not restrict network operators' provision of service to specific groups of subscribers (such as "secondary" users or federal users), including any requirement that subscriptions flow through a national subscription manager or other centralized entity. The Commission should provide regional/local/tribal network operators the flexibility to offer services directly to any and all users within the broadest valid interpretation of Section 337 of the Communications Act.[5] The breadth of that interpretation particularly impacts two areas of great importance to many regional/local/tribal network operators: (1) the ability to provide unrestricted service as the operator deems appropriate to federal public safety users; and (2) public safety users in critical infrastructure industries ("CII"). As described above, a key aspect of network planning will include business case analysis, and operators (both commercial and public safety) know well the importance of a broad subscriber base to sustaining a network. Because the Commission seeks to encourage sustainable networks after deployment, it should interpret Section 337 as broadly as possible to ensure that operators can add public safety CII to their subscriber rolls.[6]

---

[4] *See* In the Matter of Request for Waivers of Various Petitioners to Allow the Establishment of 700 MHz Interoperable Public Safety Wireless Broadband Networks, PS Docket No. 06-229, Petition for Reconsideration of City of Charlotte, NC, District of Columbia, Iowa Statewide Interoperable Communications System Board, State of New Jersey, City of Mesa, AZ, State of New Mexico, State of Oregon, City of Seattle (Jan. 10, 2011).

[5] 47 U.S.C. § 337.

[6] CII subscribers would use the network to provide two types of services: those that support the CII role in protecting life, health and property (*e.g.*, restoring downed lines after a hurricane, assisting fire fighters on scene by turning off utilities during response to

III. CERTAIN BASIC REQUIREMENTS ARE ACCEPTABLE.

Baton Rouge recognizes the importance of adopting certain basic standardization requirements and supports the Commission's decision to adopt them. First among them is the requirement that all networks on the public safety broadband spectrum must embrace 3GPP LTE as the common and standardized technology platform. Though this requirement does not itself require interoperability, it is a basic and critical step that is helping create focus and momentum in the marketplace for Band Class 14 equipment. Importantly, the Commission refrained from adopting this requirement until there was broad endorsement of 3GPP LTE among the national public safety community.

Additionally, and for similar reasons, Baton Rouge supports the Commission's adoption of LTE E-UTRA as a common air interface. However, the Commission should not require any particular configuration(s) of that interface.

Finally, Baton Rouge tentatively supports the Commission's proposed adoption of out-of-band emissions requirements for the current public safety broadband spectrum allocation. However, given the potential impact of spectrum block size on interference

---

a fire), and all other services that support day-to-day internal CII activities and business (*e.g.*, meter reading). The former is authorized directly by Section 337(f), which authorizes use of the spectrum for services "the sole or principle purpose of which is to protect the safety of life, health, or property." The Commission has previously (in permitting commercial use of the public safety spectrum by the future D Block winner) and should again interpret the statute broadly, in this case to allow operators to permit CII communications related to this second type of service onto the network under priority or preemption terms acceptable to the operator based on the operator's network management requirements. Compliant with Section 337(f)(1)(B) and (C), this category of service would be authorized by a public safety government entity and would be provided only internally to the CII subscriber entity, not commercially to the public. 47 U.S.C. § 337(f)(1)(B) and (C).

risk, Baton Rouge recommends that the Commission await resolution of allocation of the D Block spectrum until adopting any such requirements.

IV. CONCLUSION

Baton Rouge strongly supports the Commission's efforts to ensure that the nation's first responders can provide critical communications needs through a national, interoperable public safety broadband network. However, Baton Rouge respectfully urges the Commission to ensure the maximum flexibility for operators to implement network management systems and business models that are most advantageous for their networks. Baton Rouge also recognizes the importance of adopting certain basic standardizing requirements and supports the Commission's decision to adopt 3GPP LTE as the common and standardized technology platform and LTE E-UTRA as a common air interface.

Respectfully submitted,

John D. Carpenter
Chief Administrative Officer
City of Baton Rouge, Louisiana

April 11, 2011