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CITY OF CASPER

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

In the Matter of:

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

REQUEST FOR WAIVER

Pursuant to Section 1.925 of the Commission's rules the City of Casper, Wyoming submits this Request for Waiver to allow for early construction and deployment of a 700 MHz interoperable public safety broadband network. A grant of the requested waiver will serve the public interest by improving communications for first responders and providing interoperability across multiple functions with all communications aimed at the protection and safety of life, health, or property. Expeditious grant of this waiver to allow for early deployment in the 763-768/793-798 MHz band under an agreement with the Public Safety Spectrum Trust (PSST) which holds the nationwide license for this spectrum will serve the public interest and meet the policy goals the Commission has set forth in its 700 MHz rulemaking proceeding.

The City has a failing broadband system in place using unlicensed 902 MHz equipment that has been identified for replacement for more than 3 years. This replacement is a priority for the City in support of its first responders and thus the City has set aside funding internally to help meet this need. Furthermore, the current 902 MHz system does not support the necessary interoperability envisioned by the public safety community and the Commission. Therefore, the

City respectfully requests the Commission to act in an expeditious manner and grant the City of Casper's waiver request to deploy a 700 MHz interoperable public safety broadband network. The City further agrees to integrate its system into a nationwide interoperable plan.

I. Introduction

The City of Casper is located in the State of Wyoming in a valley with an approximate population of 55,300 and covers over 24.3 square miles. The City has an average annual snowfall of 71.5 inches. Casper is home to the Hogadon Ski Area, which offers 14 trails and over 600 feet of vertical drop. The city also boasts 42 parks and serves as a recreation center for many visitors and tourists, which also contributes to the economy of the State of Wyoming. It is important that Casper public safety agencies be fully prepared with the latest communications tools needed to help protect both its residents and its visitors.

There is an urgent need for the City of Casper to replace its ailing unlicensed broadband wireless network. The existing network is well past its useful life as it was installed by the City as an early adopter at the time when the technology was first made available.

The City has committed resources to develop a plan and program to upgrade its service to first responders and now needs access to dedicated public safety broadband spectrum in the 700 MHz band to move forward with its plan. Once the requested waiver is granted, access to the 700 MHz public safety broadband spectrum under a lease agreement with the PSST can support deployment of a LTE solution that meets the City's needs and complies to interoperability requirements defined by the Commission. The City envisions leveraging sites from the existing unlicensed system to support the new interoperable 700 MHz band LTE network. A microwave backhaul network of sufficient capacity and security will also be needed to support the new 700 MHz interoperable mobile broadband network. Operationally, the City IT department will have responsibility for operation of the LTE network, as it has had for the existing network.

The rules adopted by the Commission in its *Second Report and Order* in 2007 envisioned that the public safety broadband network would be deployed under a public/private partnership by the auction winner of the adjacent "D block" spectrum. These provisions of the rules have

not been implementable as a D block winner did not emerge from the auction held in 2008. Furthermore, those rules limited and discouraged local or state agency deployment. Therefore, public safety has been left without a clear path to implement a real broadband solution to meet its needs unless the Commission grants a waiver for early deployment.

Grant of the requested waiver will resolve that problem in our area by authorizing the City of Casper to deploy a public safety grade broadband network, pursuant to a spectrum agreement with the PSST. Grant of the requested waiver will provide great public interest benefits by allowing the City to move forward and implement an interoperable public safety broadband network in the 763-768/793-798 MHz band without further delay.¹ Also, a waiver grant to the City of Casper will enable a plan that helps ensure once the system is built, it will meet public safety needs.

The Commission has previously granted twenty-one waivers still active for early deployment.² The City of Casper requests the Commission grant it similar authority so it can also become a leader in deploying an interoperable broadband solution. The City will utilize equipment that meets the open LTE standard which has been endorsed by public safety entities and groups across the US including APCO, NENA, PSST and NPSTC, as well as industry. In view of the strong support by both public safety and industry, the Commission has designated LTE as the required technology for the 700 MHz interoperable public safety broadband network.

With the deployment of Long Term Evolution (LTE) broadband technology already endorsed by public safety leaders and the Commission, the City can provide a broadband network which provides not only operability, but also interoperability and technology leveraged off of economies of scale. It is essential that broadband deployment in the City be accomplished in a manner that serves our respective jurisdictional operability requirements and enables interoperability by any visiting jurisdictions that come to our assistance in times of disaster. With this interoperability in mind, the City believes its local deployment can contribute to and integrate with a nationwide public safety broadband network plan.

¹ Should Congress reallocate the additional spectrum in the D block to public safety, the City would subsequently seek a modification of its waiver grant to allow operation also on the D block spectrum.

² See Order, *In the Matter of Requests for Waiver of Various Petitioners to Allow the Establishment of 700 MHz Interoperable Public Safety Wireless Broadband Networks*, PS Docket No. 06-229, released May 12, 2010 which granted 21 waiver requests from local and state jurisdictions, of which 20 waivers are still active, and a subsequent Order in the same proceeding released May 12, 2011 which granted a waiver for early deployment to the State of Texas.

II. A Waiver Grant to the City of Casper, Wyoming Will Support Public Safety

As an early adopter of unlicensed broadband technology, the City of Casper has gained operational experience that will assist in the deployment of a more robust and interoperable public safety grade broadband communications network in our area, once the requested waiver is granted and spectrum lease with the PSST is executed and approved. The City plans for the 700 MHz LTE wireless broadband network to provide a number of communications applications for first responders and other key personnel to improve public safety. For example, we envision the following applications provided to public safety personnel in the field:

- Access to building files on City servers before going into harm's way;
- Availability of live data such as mug shots, fingerprint files, crime scene photos, and 3D images of the scene to support law enforcement operations;
- Access to real time full-motion video while en-route to the scene; and
- Access to a knowledge base of routing information to reduce time to incident travel.

At the same time it would be possible for first responders to provide the following to their dispatchers and other responders on a real time basis:

- Live video from squad cars and fire department vehicle from a scene;
- Vital patient information from emergency medical personnel to emergency rooms in advance of arrival;
- Real-time data and video plus conferencing for emergency managers and EOC personnel; and
- Communications with selected staff who may be able to provide unique on-scene support remotely.

These advanced applications will serve both essential prevention and response activities. Expeditious database access and image transfer can provide critical information that offers the extra margin of safety between life and death and improves the efficiency of the City's operations to serve the public.

The use of an LTE system on dedicated public safety spectrum will provide more reliability and certainty in accessing and transferring information than that normally provided in unlicensed or commercial spectrum which must be shared with other users. The city's experience underscores that broadband access can improve public safety effectiveness and efficiency, but it must be provided in a manner that can be counted upon 24/7, especially in emergencies when communications systems are under stress.

To reach the City's goals we request the Commission to authorize a waiver for use of 700 MHz spectrum, under a lease agreement with the PSST. The waiver will allow the City of Casper to move forward to begin the process of deploying a LTE 700 MHz network that is interoperable and can connect with a nationwide backbone, once it is in place.

III. Grant of the Waiver is in the Public Interest

The City believes the public interest will be served by a grant of this waiver request to allow deployment of an LTE broadband system. The Commission's rules require that to obtain a waiver, 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.

The underlying purpose of the Commission's rules for the 700 MHz public safety broadband spectrum was to provide for the expeditious deployment of new interoperable broadband communications capabilities for public safety agencies that would leverage technologies used in the commercial market.

In its Third Report and Order, the Commission noted the significantly changed circumstances since the unsuccessful attempt to implement a mandatory public/private partnership in 2008 and issued a “stay” of existing mandatory partnership rules. However, in doing so, the Commission also noted that during the pendency of the current rulemaking, public safety entities seeking authorization for early deployment must still apply for a waiver.³

The City needs to move forward and replace its antiquated unlicensed broadband system. Grant of the requested waiver will provide great public interest benefits by allowing the City to move forward and implement an interoperable public safety broadband network the 763-768/793-798 MHz band without further delay. Without a grant of the requested waiver, the City would be left with no viable path to implement a reliable and dedicated interoperable public safety broadband network to replace its aging unlicensed system. The waiver grant is therefore essential to provide effective public safety to its constituency going forward.

The City of Casper will abide by applicable Commission rules and waiver conditions. With a grant of the requested waiver, the City will deploy an interoperable public safety broadband network in the 763-768/793-798 MHz band under an agreement with the PSSST, using Band Class 14 equipment that complies with interfaces specified in the 3GPP standards and required in the Commission rules.

The City also appreciates the Commission’s clarification regarding eligible use of the public safety broadband network included in the Fourth Report and Order.⁴ These clarifications provide those jurisdictions who have received waivers with flexibility to include local and state government responders who are outside the strict confines of police, fire and emergency medical departments but who nonetheless provide services for which the sole or principal purpose is the protection of the safety-of -life, health, or property. In its decision, the Commission cites public safety-related communication in government functions such as transportation, animal control and city planning and development carried out by building departments as several examples that appear to meet the test for eligible use on the public safety broadband network.

³ *Third Report and Order and Fourth Further Notice of Proposed Rulemaking*, PS Docket 06-229, released January 26, 2011 at paragraph 14.

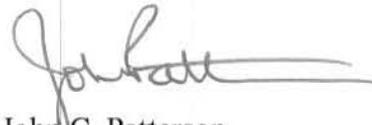
⁴ Fourth Report and Order, PS Docket 06-229, released July 21, 2011.

The City believes the interpretations in this Fourth Report and Order are a positive step toward enabling waiver grantees to provide broadband interoperability and therefore will incorporate this flexibility into its plans for a public safety broadband network for which this waiver is requested. This flexibility will also allow the City to make more effective use of its resources and better match operational requirements.

IV. Conclusion

The City of Casper, Wyoming respectfully requests the Commission promptly review and grant this waiver request for early deployment of a 700 MHz interoperable public safety broadband network. The requested waiver grant would allow the City of Casper the opportunity to advance public safety communications by moving forward to deploy a 700 MHz LTE network, under a spectrum lease agreement with the PSST and in accordance with Commission interoperability requirements. 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.

Respectfully submitted,



John C. Patterson

City Manager

January 18, 2012