

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of

Implementing a Nationwide, Broadband)
Interoperable Public Safety Network in the) PS Docket No. 06-229
700 MHz Band)

**CITY OF SAN ANTONIO, TEXAS
PETITION FOR WAIVER OF DEADLINE TO SUBMIT
LEASE ADMINISTRATIVE FEE**

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January 27, 2012

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Implementing a Nationwide, Broadband)
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To: Chief, Public Safety and Homeland Security Bureau

**CITY OF SAN ANTONIO, TEXAS PETITION FOR WAIVER
OF DEADLINE TO SUBMIT LEASE ADMINISTRATIVE FEE**

The City of San Antonio, Texas, on behalf of the San Antonio Urban Area Security Initiative Program (“San Antonio” or “City”) by and through its counsel and pursuant to Section 1.925(b)(3) of the Commission's Rules, 47 C.F.R. § 1.925(b)(3), hereby submits a request for a one-month waiver of the deadline to pay its annual administrative lease fee to the Public Safety Spectrum Trust (“PSST”), as required by the Commission's *Waiver Order*¹ and the Public Safety and Homeland Security Bureau's (“Bureau”) *PSST Budget Order*.²

On September 2, 2010, the Bureau approved the long term *de facto* spectrum transfer leases submitted by PSST,³ including the lease agreement with San Antonio. Pursuant to the PSST Budget Order, lease payments of \$13,000 were to be remitted to the PSST by January 17,

¹¹ *In the Matter of Requests for Waiver of Various Petitioners to Allow the Establishment of 700 MHz Interoperable Public Safety Wireless Broadband Networks*, 25 FCC Rcd 5145 (May 12, 2010) (“*Waiver Order*”).

² *In the Matter of Requests for Waiver of Various Petitioners to Allow the Establishment of 700 MHz Interoperable Public Safety Wireless Broadband Networks*, 26 FCC Rcd 16021 (Nov. 18, 2011) (“*PSST Budget Order*”).

³ “Public Safety and Homeland Security Bureau Approves Long Term De Facto Transfer Spectrum Lease Agreements Filed by Conditional Waiver Recipients to Establish 700 MHz Interoperable Public Safety Wireless Broadband Networks,” Public Notice, 25 FCC Rcd 12673 (2010).

2012.⁴ Due to an unanticipated delay in the administrative check request process that San Antonio must use to issue a check to make its lease payment, San Antonio was unable to issue a check in time to meet the January 17 payment deadline, and therefore finds it necessary to request a waiver of the payment deadline and an extension to February 17, 2012, to remit its lease payment to the PSST.

The check processing delay occurred due to the need to input and correct the change in address for the PSST into the City's financial data system, which caused the process to stop and delayed the issuance of the check. In addition, San Antonio had budgeted the amount of \$5000.00 for the PSST lease expense, and the increase to \$13,000.00 required by the *PSST Budget Order* resulted in a delay in the City's approval process for releasing the check. Once these corrections and budget revisions have been approved and completed in the City's financial systems, there should be no further delay in San Antonio's future PSST lease payments.

Section 1.925(b)(3) of the Commission's rules provides that the Commission may grant such a waiver if a petitioner demonstrates that either:

- (i) The underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and that a grant of the requested waiver would be in the public interest; or
- (ii) 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.'

San Antonio's request qualifies for a waiver under either of these standards. Pursuant to the waiver it was granted in the *Waiver Order*, San Antonio plans to deploy a Long Term

⁴ PSST Budget Order at ¶ 11.

Evolution (“LTE”) network that provides mobile broadband coverage for Public Safety entities across Bexar and Comal Counties necessary to achieve operability and interoperability of public safety broadband networks. The requested relief in this petition would further the public interest goals stated in the *Waiver Order*. The public interest benefits of San Antonio’s proposed LTE network far outweigh the minor delay that the PSST would experience in receiving San Antonio’s lease payment as a result of granting San Antonio’s request. Furthermore, under its budgeting and check request procedures, San Antonio had no reasonable alternative to pursue in order to issue a check to remit to PSST in a more timely manner.

In addition, San Antonio’s request is consistent with similar waiver requests that the Bureau has previously granted to the District of Columbia, the City of Chesapeake, Virginia, and the San Francisco Bay Area Urban Area.⁵

For the foregoing reasons, San Antonio respectfully requests that the Bureau grant this petition for waiver and allow San Antonio to make its lease payment to PSST no later than February 17, 2012.

⁵ See the following Orders issued *In the Matter of Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band*, which grant lease payment waiver requests: 25 FCC Rcd 15098 (Oct. 27, 2010) re the District of Columbia; 25 FCC Rcd 15592 (Nov. 5, 2010) re both the City of Chesapeake, Virginia, and the San Francisco Bay Area Urban Area; and 25 FCC Rcd 17306 (Dec. 13, 2010) re the City of Chesapeake, Virginia.

Respectfully submitted,

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