

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

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

To: Chief, Public Safety and Homeland Security Bureau

**CITY OF CHESAPEAKE, VIRGINIA PETITION FOR WAIVER
OF DEADLINE TO SUBMIT LEASE ADMINISTRATIVE FEE**

The City of Chesapeake, Virginia (“the City”), through 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 waiver of the deadline to pay a lease administrative fee to the Public Safety Spectrum Trust (“PSST”), as required by the Commission's *Waiver Order*¹ and the Bureau's *Budget Order*.² In support thereof, the following is shown:

Due to a delay in the City’s administrative processing of the payment, the check was not completed by City administrators until late in the day on the January 17, 2012 due date. Counsel to the City immediately informed the PSST that the check was being sent via overnight mail on that date. The PSST acknowledged the call and the next day (January 18) acknowledged the receipt. Accordingly, the City requests a waiver, permitting its payment received by the PSST

¹ In the Matter of Requests for Waiver of Various Petitioners to Allow the Establishment of 700 MHz Interoperable Public Safety Wireless Broadband Networks, *Order*, 25 FCC Rcd 5145, at para. 29-33 (May 12, 2010) (“Waiver Order”).

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

on January 18, 2012 to be considered timely under the Commission's rules and the City's lease with the PSST.

Under Section 1.925 of the Commission's Rules, 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;³ 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.⁴

The circumstances of the instant case qualify for a waiver under either of the rule's two standards. The City's proposed state-of-the art 700 MHz LTE wireless broadband network will allow Public Safety and other community anchor entities to transition and enhance their mission-critical data communications to a hardened, dedicated broadband network. The requested relief in this petition would further the public interest goals as stated in the Waiver Order.⁵ In addition, a minor delay (one day) in the PSST's receipt of the required administrative fee is inherently outweighed by the benefits that the City's proposed public safety LTE network will provide to the public.

For the reasons stated herein, the City of Chesapeake respectfully submits this petition for waiver of its PSST lease payment deadline, so that its payment of January 18, 2012 is considered timely.

³ 47 C.F.R. § 1.925(b)(3)(i).

⁴ 47 C.F.R. § 1.925(b)(3)(ii).

⁵ See Waiver Order at para. 19, "We find, therefore, that imposition of conditions is the best way to facilitate both the goals of operability and interoperability. Indeed, our primary goal throughout this proceeding has been to fully take advantage of the opportunity that a new spectrum allocation presents for ensuring a nationwide level of interoperability from the start."

Respectfully submitted,

THE CITY OF CHESAPEAKE, VIRGINIA

By: Alan S. Tilles, Esquire

Shulman, Rogers, Gandal, Pordy & Ecker, P.A.
12505 Park Potomac Avenue, 6th Floor
Potomac, MD 20854
(301) 230-5200

Its Attorney

February 7, 2012