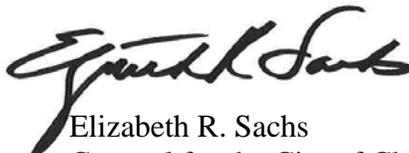


**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20054**

In the Matter of)	
)	
Transition Process for 700 MHz)	PS Docket No. 12-94
Public Safety Broadband)	
Waiver Recipients)	

**COMMENTS
OF
THE CITY OF CHARLOTTE, NORTH CAROLINA**

Respectfully submitted,



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SUMMARY

The City of Charlotte is preparing to “go live” with Phase I of its BTOP-funded broadband system on June 30, 2012, provided the Commission has approved the City’s pending interoperability showing. This first phase of its county-wide system is designed to provide broadband capability to Federal, State and local public safety users in downtown Charlotte during the upcoming Democratic National Convention. Phase II of the project is well underway and will provide day-to-day broadband service throughout the coverage area needed by City and County first responders. Because Charlotte is poised to activate Phase I service and to finalize its Phase II contractual obligations, its interest in the outcome of this proceeding is compelling and highly time-sensitive.

After careful consideration of the Spectrum Act, the City of Charlotte believes that the Act supports and the FCC should adopt the following transition process: (i) issuance of a license for both the existing public safety broadband spectrum (763-769/793-799 MHz) and the “D Block” (758-763/788-793 MHz) to FirstNet upon notification from FirstNet that it is prepared to accept such a license conditioned upon FirstNet’s assumption of the leases between the Waiver Recipients and the PSST; (ii) re-affirmation of the waiver authorizations granted to the Waiver Recipients and issuance of such additional waiver authorizations as the FCC determines are in the public interest and consistent with the objectives of the Spectrum Act; (iii) renewal of each of the Waiver Recipient leases for an additional two-year term, with a continued expectation of further renewal; and (iv) approval of such interoperability showings from Waiver Recipients as the Commission determines satisfy its requirements.

The City does not believe that the transition mandated by Congress requires halting deployment by the Waiver Recipients or that the Act even suggests that the public interest would

be served by such an action. The Spectrum Act grants First Net responsibility for building, operating, and maintaining the NPSBN. Those rights are derived from and are subsidiary to the FCC's overarching statutory obligation to manage the public safety broadband spectrum in the public interest and to establish spectrum-specific rules to effectuate that purpose. Because Charlotte's network architecture choices were governed by the FCC's rigorous interoperability requirements and conform to the 3GPP standards, there is no reason to believe that its facilities differ in any material way from those FirstNet would deploy. If the FCC believes additional conditions should be placed on the network architectures deployed by entities such as Charlotte to prevent the extremely remote possibility that they might not be compatible with the NPSBN and therefore wasted, the Commission has ample authority to take that action. Indeed, NTIA itself advised Congress only last month that systems such as Charlotte's "were designed to serve as a critical set of demonstration projects to help guide the future nationwide, interoperable public safety wireless broadband network that was authorized by [the Spectrum Act]."

The City's project should be permitted to continue on its current schedule through deployment of Phases I and II and then integrated into the NPSBN when that network is ready. Conversely, if Charlotte is prohibited from completing Phase II, either by the FCC or NTIA, financial realities will force the City to suspend Phase I activities immediately as well, since Phase I coverage will not generate sufficient user support to fund ongoing operations. The result would be approximately \$2 million in additional costs when Charlotte or FirstNet or the State of North Carolina remobilized the project, plus \$1 million annually during each year of delayed deployment in ongoing, unavoidable system-related costs. Most important, termination or delay will deny public safety users prompt access to much-needed, state-of-the-art communications capabilities.

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**COMMENTS
OF
THE CITY OF CHARLOTTE, NORTH CAROLINA**

The City of Charlotte, North Carolina (“City” or “Charlotte”), by its attorneys and in accordance with Section 1.45 of the Federal Communications Commission (“FCC” or “Commission”) rules and regulations, respectfully submits its Comments in response to the above-captioned Public Notice¹ in which the Commission is seeking comment on the transition process for 700 MHz public safety Broadband Waiver Recipients (“Waiver Recipients”)² in light of Section 6201(a) of the Middle Class Tax Relief and Job Creation Act of 2012.³ As a Waiver Recipient whose broadband public safety system is scheduled to initiate service on June 30, 2012, the City has a compelling, highly time-sensitive interest in the outcome of this proceeding.⁴

¹ *Public Safety and Homeland Security Bureau Seeks Comment on Transition Process for 700 MHz Public Safety Broadband Waiver Recipients*, Public Notice, PS Docket No. 12-94, DA 12-555 (rel. Apr. 6, 2012) (“Public Notice”).

² See Requests for Waiver of Various Petitioners to Allow the Establishment of 700 MHz Interoperable Public Safety Wireless Broadband Networks, PS Docket 06-229, *Order*, 25 FCC Rcd 5145 (2010) (“Waiver Order”); see also, PS Docket 06-229, *Order*, 26 FCC Rcd 6783 (PSHSB 2011) (“Texas Waiver Order”).

³ See Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96 Stat 156 (2012) (“Spectrum Act” or “Act”) § 6201(c).

⁴ Charlotte and six other Waiver Recipients received grants under the Broadband Technology Opportunities

I INTRODUCTION.

The City of Charlotte is profoundly grateful that the collective efforts of the public safety community, the FCC, and Congress have produced the Spectrum Act, legislation that establishes both a national deployment vehicle and a funding source for the implementation of a nationwide, interoperable, broadband, public safety network. The need for such a network has been apparent for more than a decade and continues to grow as the scope and value of broadband data applications expand. The FCC's efforts to promote a public-private partnership that would fund and deploy this network were not entirely successful as described in the Public Notice.⁵ Nonetheless, the Commission has laid invaluable groundwork for this undertaking, in particular through its Emergency Response Interoperability Center ("ERIC"), by adopting rules that have allowed Charlotte and other Waiver Recipients to undertake deployment of facilities that are expressly required to permit seamless integration into a national network once established.

For the reasons described herein, and after careful consideration of the Spectrum Act, the City believes that the Act supports and the FCC should adopt the following transition process:⁶ (i) issuance of a license for both the existing public safety broadband spectrum (763-769/793-799 MHz) and the "D Block" (758-763/788-793 MHz) (collectively "PS Broadband Spectrum") to the First Responder Network Authority ("FirstNet")⁷ upon notification from FirstNet that it is

Program ("BTOP") administered by the National Telecommunications and Information Administration ("NTIA") to deploy wireless public safety broadband networks. Of those seven jurisdictions, Charlotte, the State of Mississippi, and Adams County, Colorado are in varying stages of network deployment.

⁵ Public Notice at 2-3.

⁶ The City also is a party to and endorses the Comments being filed in this proceeding by the Operators Advisory Committee to the Public Safety Spectrum Trust ("OAC"). It supports continued waiver authority for all Waiver Recipients. However, if the FCC determines that the record does not support that approach, then Charlotte urges the FCC, at a minimum, to adopt a transition process that will enable the jurisdictions that have begun deployment – the City, the States of Texas and Mississippi, and Adams County, Colorado – to continue implementation.

⁷ As prescribed in the Spectrum Act, FirstNet will be an independent authority formed within NTIA at the Department of Commerce and will be responsible for taking "all actions necessary to ensure the building, deployment and operation of the nationwide public safety broadband network." Spectrum Act § 6206(b)(1). Pursuant to the Act, FirstNet's Board must be appointed within 180 days of enactment of the legislation. *Id.* at §

prepared to accept such a license, whether by modification and assignment of the license currently held by the Public Safety Spectrum Trust (“PSST”) or through a new authorization, in either case conditioned upon FirstNet’s assumption of the leases between the Waiver Recipients and the PSST;⁸ (ii) re-affirmation of the waiver authorizations granted to the Waiver Recipients and issuance of such additional waiver authorizations as the FCC determines are in the public interest and consistent with the objectives of the Spectrum Act;⁹ (iii) renewal of each of the Waiver Recipient leases for an additional two-year term, with a continued expectation of further renewal; and (iv) approval of such interoperability showings from Waiver Recipients as the Commission determines satisfy its requirements.¹⁰

The City does not believe that the transition mandated by Congress requires halting deployment by the Waiver Recipients or that the Act even suggests that the public interest would be served by such an action. To the contrary, FirstNet’s foundational obligations will be best served by the Commission continuing the course it has charted. This course has correctly balanced the need to ensure that whatever facilities are deployed include no technical features or functionalities that would prevent them from interoperating with all other systems using the PS Broadband Spectrum, including the NPSBN to be built, deployed, and operated by FirstNet, and the urgent need to begin deployment of this vital network promptly and at the least possible cost.

Moreover, as described herein, the costs that Charlotte would incur should the City not be permitted to complete its currently scheduled project deployment are substantial, and ultimately

6204. The Spectrum Act does not specify a timeframe within which FirstNet must begin or complete the duties with which it is charged.

⁸ See Letter dated Apr. 3, 2012 from Lawrence E. Strickling, Assistant Secretary for Communications and Information, United States Department of Commerce, to Julius Genachowski, Chairman, FCC.

⁹ The Act designates states as the building blocks for the National Public Safety Broadband Network (“NPSBN”). Spectrum Act §6302. The City assumes that additional waivers, if any, would be authorized only to states.

¹⁰ See Waiver Order; PS Docket 06-229, *Order*, 25 FCC Rcd 17156 (2010); PS Docket 06-229, *Third Report and Order and Fourth Further Notice of Proposed Rulemaking*, 26 FCC Rcd 733 (2011); and PS Docket 06-229, *Order*, 27 FCC Rcd 183 (2012).

would be borne by the U.S. taxpayers when FirstNet re-initiates deployment in this marketplace. Added to those direct financial costs are the equally critical lost near term public safety benefits noted by the FCC.¹¹ Charlotte urges the Commission to recognize these tangible cost elements in reaching a decision on this matter.

II CONTINUED DEPLOYMENT AND INITIATION OF SERVICE BY THE CITY IS CONSISTENT WITH THE OBJECTIVES OF THE SPECTRUM ACT AND WITH NTIA'S BTOP OBJECTIVES.

If building an interoperable, nationwide public safety system, broadband or otherwise, were easy, it would have been deployed long ago, since the value of such a network is unquestioned. In fact, it is a monumental undertaking, one that will require the collaborative efforts of Federal, State, tribal, and local governmental entities, along with technical and operational expertise from equipment vendors, experienced network operators, and other advisors. Charlotte and certain Waiver Recipients already have taken the first steps toward this goal under the direction of the FCC, primarily through ERIC, and subject to carefully crafted conditions that are designed to ensure that these deployments are technically sound, are fully interoperable, and will permit a seamless transition into the national network when that is possible.¹²

Charlotte had received funding through an NTIA BTOP grant to deploy a broadband network throughout Mecklenburg County in two phases.¹³ The project was bifurcated for only one reason; to permit network deployment in the core downtown area during the Democratic National Convention ("DNC") that will begin on September 4, 2012. Service in the Phase I area is scheduled to be initiated on June 30, 2012 and will serve the City and its immediate environs.

¹¹ Public Notice at 4.

¹² See n. 10 *supra*.

¹³ The City has been advised by NTIA that Charlotte will be receiving formal notification that the funds from its BTOP grant may not be used for critical elements of its Phase II deployment.

It will be available for use by numerous Federal, State, and local public safety officials in preparation for and during the DNC and will be an important element in protecting the safety and security of the many thousands of public figures and private individuals who will attend that event. However, Phase I on a standalone basis will not meet the day-to-day requirements of public safety users in this area. Phase II must be completed before the system will offer coverage that matches local public safety needs.

The system design, equipment acquisition, and site work for Phase I all have been completed, and the anticipated “go live” date will be met, provided the FCC approves Charlotte’s pending Interoperability Showing. Phase II will expand the network throughout Mecklenburg County, with a scheduled build-out completion date of July 30, 2013. The Phase II system design is complete, equipment has been identified, and site leases have been negotiated. Deployment was expected to begin in July 2012.

These so-called “early deployments,” including the City’s, are consistent with, not antithetical to, the objectives of the Spectrum Act. In fact, they more accurately should be called “FirstNet Phase I” deployments. Charlotte is confident that the equipment it has purchased and is in the process of purchasing is fully compliant with the FCC’s interoperability directives.¹⁴ The City has closely followed the work of the Public Safety Communications Research (“PSCR”) program and the National Institute of Standards and Technology (“NIST”) throughout this process to ensure its deployment reflected the most current understanding of the technology’s application to public safety. Because Charlotte’s equipment options are governed by these and the 3GPP standards, there is no reason to believe that its facilities differ in any

¹⁴ See n. 10 *supra*.

material way from those FirstNet would deploy in this market.¹⁵ If the FCC believes additional conditions should be placed on the network architectures or equipment deployed by entities such as Charlotte to prevent the extremely remote possibility that it would not be compatible with the NPSBN and therefore wasted, the Commission has ample authority to take that action, as evidenced by the interoperability requirements it has imposed already.

Indeed, the Act requires FirstNet to consult with the very entities responsible for this system in defining the terms for building out, deploying and operating the NPSBN and undertaking those activities.¹⁶ The Act directs FirstNet to utilize whenever feasible existing infrastructure of Federal, State, tribal, and local governmental entities¹⁷ and commercial providers¹⁸ as the City already has done. Completion of Charlotte’s project will jump-start implementation of the NPSBN as its FirstNet Phase I facilities are integrated into the NPSBN, either directly through FirstNet, or through the State of North Carolina, should it elect to build its own radio access network (“RAN”) to be operated by FirstNet.¹⁹

Importantly, the NPSBN, like all networks of this magnitude, will be designed and built in phases. Charlotte’s system, and those of other Waiver Recipients that have embraced the NPSBN as an essential next step in public safety communications, will provide highly valuable information for FirstNet on a scale that will permit adjustments for the long-term benefit of the entire nationwide network. NTIA emphasized this very point in its recent report to Congress on the status of the public safety BTOP awards:

The infrastructure projects also included seven grants totaling approximately \$382 million for projects to deploy public safety wireless broadband networks. These

¹⁵ It also is important to note that Charlotte has not purchased an Evolved Packet Core (“EPC”). Its system design relies on an EPC hosted by its vendor.

¹⁶ Spectrum Act §§ 6206(b)(1) and (c)(2). Charlotte has collaborated closely with the Office of the State Chief Information Officer in all aspects of this project.

¹⁷ *Id.* § 6206(c)(3).

¹⁸ *Id.* § 6206(b)(1)(C).

¹⁹ *Id.* § 6302(e).

awards were designed to serve as a critical set of demonstration projects to help guide the future nationwide, interoperable public safety wireless broadband network that was authorized by the Middle Class Tax Relief and Job Creation Act of 2012.²⁰

Charlotte concurs fully with this assessment. It submits that this report to Congress is an express acknowledgment by NTIA of the important role these projects will play in the successful deployment of the NPSBN and further supports a transition process that will permit their continued implementation.

III THE SPECTRUM ACT DOES NOT DISTURB THE FCC'S RIGHT AND RESPONSIBILITY TO MANAGE FOR THE PUBLIC INTEREST THE PS BROADBAND SPECTRUM THAT WILL BE LICENSED TO FIRSTNET, CONSISTENT WITH REQUIREMENTS ADOPTED BY THE COMMISSION.

The Act establishes a clear line of demarcation between the rights and responsibilities of the Commission and FirstNet in the NPSBN implementation process. Congress directed the FCC to authorize FirstNet as the sole licensee of this nationwide, interoperable network.²¹ FirstNet is responsible for building, deploying, and operating the NPSBN and for taking all actions necessary for fulfilling that responsibility.²² To that end, it is empowered, among other duties, to issue Requests for Proposals, hire consultants, raise funds, and collect usage fees, and also is charged with “ensuring nationwide standards for use and access of the network.”²³ In this respect, FirstNet’s rights and duties are entirely consistent with those of other FCC licensees.²⁴ It will have an authorization issued by the FCC to deploy a particular type of system on specific frequencies.

²⁰ NTIA, Broadband Technology Opportunities Program (BTOP) Quarterly Program Status Report, March 2012.

²¹ Spectrum Act § 6201(a).

²² *Id.* § 6206.

²³ *Id.* § 6206(b)(1)(A) (emphasis added).

²⁴ *See, e.g., id.* § 6201(b)(2) in which the Act imposes on FirstNet license renewal procedures consistent with those applicable to myriad FCC licensees.

Consistent with the Act and within the parameters of the Commission’s rules, FirstNet will be responsible for building, operating, and maintaining the NPSBN. There is no question that Congress intended to imbue FirstNet with the authority needed to succeed in this effort. The Act empowers FirstNet to undertake activities such as obtaining and dispensing gifts and donations in fulfillment of its responsibilities and holding hearings as are necessary to carry out its duties.²⁵ However, these powers are not those that otherwise would belong to the Commission. They define the boundaries of FirstNet’s rights as an independent agency, but are extraneous to the FCC’s statutory authority over telecommunications as defined in its enabling statute²⁶ and are in no way inconsistent with the Commission’s ongoing spectrum management and licensing responsibilities.

The rights granted to FirstNet under the Spectrum Act are derived from and subsidiary to the FCC’s overarching statutory obligation to manage the PS Broadband Spectrum in the public interest and to establish spectrum-specific rules to effectuate that purpose. There is nothing in the Act that diminishes this core FCC responsibility.

Thus, the extensive work already undertaken by the FCC, through ERIC, to define interoperability standards and other technical elements essential to deployment of a truly interoperable, truly nationwide NPSBN is not to be abandoned while FirstNet conducts a *de novo* analysis of these same requirements. Instead, the Spectrum Act makes clear that interoperability standards, in particular, are to be defined by the FCC through the statutorily mandated Technical Advisory Board for First Responder Interoperability (“Interoperability Board”).²⁷ The Interoperability Board acts in an advisory capacity to the FCC and is to submit to the Commission “minimum recommended technical requirements to ensure a nationwide level of

²⁵ *Id.* § 6206(a).

²⁶ Communications Act of 1934 (47 U.S.C. § 151 *et seq.*).

²⁷ Spectrum Act § 6203.

interoperability for the nationwide public safety broadband network.”²⁸ Once approved by the FCC, these requirements are to be transmitted to FirstNet, which then has the responsibility of ensuring that they are implemented with regard to the NPSBN.

In light of the time constraints within which the Advisory Board must complete its work, it is fortunate that the FCC anticipated this issue and addressed it in the context of the Waiver Recipients. The Commission already has adopted detailed interoperability requirements with which all Waiver Recipients must demonstrate compliance before they are authorized to initiate service.²⁹ This is embedded in the waiver authorizations themselves and dispels any reasonable concern that continued deployment of these systems will fail to provide for necessary levels of interoperability and thereby waste taxpayer funds.

The Spectrum Act charges the FCC with establishing the interoperability standards by which Waiver Recipients are bound and transmitting these same standards to FirstNet for application to the NPSBN. In this way, Congress has provided for the seamless integration of the “demonstration systems” lauded by NTIA into the NPSBN to be built by FirstNet. Having done so, Congress also has left the Commission free to weigh whether the public interest would be served by continued deployment of Waiver Recipient systems during the multi-year period, while FirstNet first organizes itself and then undertakes the multiple tasks needed to deploy a complex, nationwide broadband network capable of satisfying public safety requirements. Charlotte submits that the answer is clear. Provided they satisfy carefully defined interoperability standards, implementation of these systems should be encouraged for the very reason articulated by NTIA in its BTOP status report to Congress.

²⁸ *Id.* §6203(c)(1).

²⁹ *See* n. 10 *supra*.

IV CHARLOTTE’S SYSTEM DEMONSTRATES THE REAL COST OF TERMINATING OR DELAYING EARLY DEPLOYMENT ACTIVITY, BOTH IN TERMS OF FINANCIAL AND PUBLIC SAFETY LOSSES.

The Public Notice poses important questions with regard to the cost implications of the decisions it will make in this proceeding. The questions fall into two broad categories:

What additional and/or unnecessary costs will FirstNet incur if deployment is permitted to continue and what costs will be incurred by the Waiver Recipients, in particular those like Charlotte that are deep into their build-outs, if the Commission issues a stay to halt deployment, declines to act on interoperability showings (thereby preventing service activation), rescinds the waiver authorizations, or allows their leases with the PSST to expire.³⁰

For the reasons detailed above, Charlotte does not believe that continued deployment by those few jurisdictions that have made substantial implementation progress and are awaiting FCC approval of their interoperability showings would impose any additional cost on FirstNet. In fact, the reverse is true. These FirstNet Phase I projects are being built with the same equipment and to the same specifications as FirstNet itself would utilize.³¹ The FCC’s decision to mandate LTE technology and additional, highly specific interoperability requirements dictates that deployments like Charlotte’s will be entirely compatible with and easily integrated into the NPSBN once FirstNet is capable of incorporating them.

Conversely, the cost to the City of adverse action at this stage of its project is calculable and would be calamitous. Charlotte has already incurred all the costs associated with Phase I deployment and is prepared to activate service on June 30th, assuming FCC approval of its

³⁰ Public Notice at 3-4. The Public Notice also queries whether the FCC should allow continued operation pursuant to special temporary authority (“STA”) until some later point, either when FirstNet decides whether to enter into a new lease(s) or until the relevant state decides whether or not to opt out of the nationwide license. *Id.* From Charlotte’s perspective, while it appreciates that the FCC wants to consider all alternatives, an STA would not provide sufficient certainty for the City to continue its broadband deployment.

³¹ The Spectrum Act provides funding for the NPSBN, but not of an amount that will cover full nationwide deployment. Allowing Waiver Recipients like the City, the State of Texas and others to integrate into the NPSBN facilities built without reliance on the Act’s funding source will free dollars for more extensive rural deployment.

interoperability showing. It has the equipment to deploy facilities at eight (8) sites and has built a fiber link connecting the main site to the City's data center. Charlotte has an approved final system design for the entire project (Phases I and II), has already executed leases for half of the non-governmental Phase II sites, and is poised to sign leases for the remainder, absent a directive to the contrary from the FCC or from NTIA with respect to use of the City's BTOP grant funds. Execution of the site leases would trigger ordering of Phase II equipment, and Phase II deployment is scheduled to be completed by July 30, 2012, less than fifteen (15) months from now.

Charlotte has identified three irreconcilable problems if it is not permitted to complete implementation of the entire system. First, there are costs that would be impacted directly by such a decision. Most critically, if the City cannot execute the Phase II site leases it already has negotiated, a perishable opportunity will be squandered. It is inevitable that some site(s) will no longer be available when the City (or the State or FirstNet) is able to remobilize deployment or will not support facilities at the same height as had been negotiated. Because even a single site change has a domino effect on the design as a whole, a delay could dictate the redesign of the entire system. It also will trigger additional expenditures to satisfy the more rigorous structural analyses that will be required after May 31, 2012. Charlotte has calculated that these two cost elements alone will exceed **\$2 million**. The City will incur another approximately **\$1 million** in cost **annually** during each year of delayed deployment for items such as system maintenance on deployed equipment, engineering and property management, utilities, program management, and other expenses that will continue to be incurred even if the system is effectively dormant.

These expenses may not appear large in the context of a nationwide broadband network, but they are taxpayer dollars as to which all governmental entities involved are obligated to

exercise the greatest prudence. Moreover, they must be weighed against the estimated **\$600,000** needed for the first year of Phase II site leases, which, if fully executed, at least would eliminate approximately **\$2 million** in site redesign and higher structural analyses costs while FirstNet has an opportunity to organize itself and begin its RFP work.

There is a second, equally critical economic impact of failing to complete full system deployment. As discussed above, the system was designed to be implemented in two phases to ensure that Phase I would be available for public safety operations during the upcoming DNC. If this event were not taking place in Charlotte in late summer 2012, the Phase I facilities would not have been deployed on a standalone basis because this coverage, by itself, will not support day-to-day public safety operations.

Public safety entities at all levels of government will be able to use the system during the DNC to help manage what for Charlotte will be an extraordinarily large influx of people, including many dignitaries, in the very concentrated core of the City. But the real requirements of the many potential public safety entities with which Charlotte has been working to identify coverage and application needs are addressed in Phase II. Until the City can offer system-wide coverage, it will not be able to attract participation by the very users whose fees are essential to fund ongoing operations. Instead of an actual working system covering the complete Charlotte geography defined in the City's waiver and BTOP grant that can provide the invaluable real world data that NTIA told Congress it intended to mine from these FirstNet Phase I deployments, the City will have a showcase only with Phase I coverage that will fall far short of providing the benefits anticipated by public safety users and that is economically unsustainable.

To be clear, if Charlotte had been limited at the outset to Phase I deployment, it would have foregone this opportunity entirely and advised the DNC and related entities that their

communications needs would have to be satisfied through some other means. If it is prohibited from completing Phase II, either by the FCC or NTIA, financial realities will force the City to suspend Phase I activities immediately as well.

Finally, a failure to complete Phase II deployment will cause Charlotte to violate the commitment made to users in this County that they would have a near-term opportunity to use a state-of-the-art data network designed specifically to meet public safety requirements. Of course, it is not possible to know what emergency(s) might arise during the period of suspension until FirstNet is able to resume the City's efforts that might have been averted had the broadband network been available to public safety entities, just as it is not possible to calculate how many lives might have been saved on 9-11 with improved public safety communications. But, even if Charlotte is fortunate enough to be spared such an event in the interim, the Commission has recognized that "the public interest is served by allowing jurisdictions to begin deployment and speed services to the public safety community."³² Doing so will improve public safety communications on a more immediate basis, will promote the more rapid development of public safety-specific applications, and will accelerate an institutional appreciation within the public safety community for the tangible benefits of broadband capabilities as a supplement to mission critical voice communications. Postponing these improvements while FirstNet transforms its statutory authority into an operating entity will not serve the public interest.

V CONCLUSION.

The City has always viewed its broadband system as one piece in what it hoped and expected would rapidly grow into a nationwide network. The Spectrum Act provides a vehicle for making that expectation a reality. Charlotte is fully prepared to see its facilities integrated into the NPSBN as soon as FirstNet is able to incorporate them. The FCC's interoperability

³² Waiver Order at ¶ 14.

requirements have established a springboard for FirstNet Phase I deployments to be integrated into that network seamlessly and at no additional cost to taxpayers. And as NTIA has represented to Congress, systems such as Charlotte's will provide information critical to the formation and operation of the NPSBN.

For all the reasons detailed herein, the City respectfully urges the FCC to include in the transition process mandated by the Spectrum Act (i) re-affirmation of the waiver authority granted to the City; (ii) a two-year renewal of the City's spectrum lease and a requirement that the lease be assumed by FirstNet; and (iii) prompt approval of Charlotte's pending interoperability showing.