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May 15, 2012

**Via Electronic Filing**

The Honorable Julius Genachowski  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

**Re: Ex Parte Letter, The State of Louisiana, New Orleans and Baton Rouge Pending Waiver Request, PS Docket No. 06-229**

Dear Chairman Genachowski:

The State of Louisiana and the Cities of New Orleans and Baton Rouge (“the State and the Cities”) appreciate the ongoing efforts of the Federal Communications Commission in support of public safety communications under your leadership. In the interest of public safety for our first responders and citizens, the State of Louisiana and the Cities respectfully request that the Commission **not suspend** the current waiver process, current, pending or otherwise. We appreciate and support the efforts to establish a nationwide public safety broadband network. However, this process will progress and evolve over time. As public safety providers, we have a constant and current need to enhance the delivery of our public safety services. As a community, first responders have been engaged in efforts to enhance our broadband capabilities for many years, and now as this is about to become a reality, we are again put into a wait-and-see position.

The State and the Cities originally submitted waiver requests in July 2010<sup>1</sup> seeking Commission approval to deploy a public safety wireless broadband network in areas of the nation recently hit by catastrophic hurricanes. The Parties feel an overwhelming sense of urgency to explore every possible upgrade to their first responders’ communications systems in advance of hurricane season, which is fast approaching on June 1, 2012. The Parties were encouraged when the Commission recently released the pending waivers for comment in November 2011 and were equally encouraged when there was overwhelming support for their approval by the vast majority of respondents. Please also note that the Parties have entered into a Memorandum

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<sup>1</sup> The State and Cities later consolidated their waiver requests. *See* Request to Consolidate Waivers of the City of Baton Rouge, New Orleans UASI, State of Louisiana in PS Docket No. 06-229 (filed March 30, 2012) (“*Consolidated Waiver Request*”).

of Understanding (“MOU”).<sup>2</sup> The Parties recognize that statewide deployment is consistent with Commission policy as it will help ensure that the rollout is undertaken with sufficient authority, planning and coordination among all interested public safety agencies within the State of Louisiana and creates efficiencies with respect to equipment purchases and maximizes the potential number of users of the network.<sup>3</sup> Notably, the MOU also is consistent with the statutory requirement of the Middle Class Tax and Relief Act of 2012,<sup>4</sup> which establishes States as the coordinating governmental body for the implementation of grant funds to local jurisdictions. The governance model established by the MOU also facilitates interstate coordination of deployments. Indeed, the Parties already are coordinating with the States of Mississippi and Arkansas to allow the Louisiana and Mississippi LTE cores to provide redundant services in case of emergency or in the event that one of the states experiences an interruption of service from its own core. Please also note that we obtained substantial support from our Congressional delegation.<sup>5</sup> Unfortunately the State’s and Cities’ waiver request is still pending and each of the parties have received calls indicating that the waiver request will be denied due to the potential impact on FirstNet.

The State and the Cities support a comprehensive approach to nationwide network deployment. However, the parties do not agree that our efforts will conflict with the FirstNet efforts for the following reasons:

- 1) The Parties will comply with all standards enacted by the FirstNet Board
- 2) The Parties will integrate our portion of the network into the FirstNet solution
- 3) The Parties have committed funding to invest and these investments will ultimately aide the overall investment effort
- 4) The operational use of the network in our areas will strengthen the requirements of the FirstNet solution
- 5) The most aggressive estimate of the FirstNet solution suggests that deployment in Louisiana is years away whereas the Parties intend to begin implementation within a few months, providing years of use, lessons learned and the technological

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<sup>2</sup> Memorandum of Understanding Between Governor’s Office of Homeland Security and Emergency Preparedness and the City-Parish of Baton Rouge and the New Orleans UASI Region (signed on Jan. 12, 2012), attached hereto as Exhibit A.

<sup>3</sup>In the Matter of Requests for Waiver of Various Petitioners to Allow the Establishment of 700 MHz Interoperable Public Safety Wireless Broadband Networks, PS Dkt. No. 06-229, Order at ¶ 50 (May 12, 2010)(“Waiver Order”).

<sup>4</sup> Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156 (2012).

<sup>5</sup> Letter from Louisiana Delegation to Federal Communications Commission Chairman Julius Genachowski, PS Dkt. No. 06-229 (March 30, 2012).

capability to integrate with the nationwide broadband network at the appropriate time.

The need to implement an LTE public safety network today is of paramount importance to the Parties.

Certainly, one could understand that our State and Major Cities can justify the need to move now and quickly due to the constant threat of hurricanes. The impact of hurricanes is well documented. As the Parties noted in their March 30<sup>th</sup> Consolidated Waiver Request, the State of Louisiana has been plagued with two of the largest disasters in the nation's history in recent years -- Hurricane Katrina and the Deepwater Horizon oil spill.<sup>6</sup> Both disasters are indicative of the persistent threat the State faces from natural forces. Hurricanes Rita, Gustav and Ike and most recently and the 2011 spring flooding along the lower Mississippi river provide further evidence of the need for robust, interoperable broadband communications in order to preserve life and property.

But planned events also present a compelling challenge to the safety of our first responders, citizens and visitors. New Orleans is host to some of the largest events in the country, such as Mardi Gras, Jazz Festival, NCAA Basketball Final Four, numerous NCAA Football Bowl Games, and many other events. Any one of these alone would benefit from having a private LTE network today to help with video surveillance, crowd control and traffic management, but combined with the constant threat of natural disaster, we are in an elevated state of need to enhance our public safety capabilities with private public safety LTE now.

Of particular note is the immediate need to support the upcoming NFL Superbowl that the City of New Orleans will host in February 2013 (Indianapolis officials reported that the 2012 Super Bowl Village hosted 1.105 million visitors). The Parties recognize that implementation of the nationwide public safety broadband network will take time, but the Parties must -- and need to -- deliver the broadband services today. To that end, each of the Parties has made a financial commitment to the project. The New Orleans UASI is in receipt of a Department of Justice Community Oriented Policing ("COPS") Technology Grant and it recently received approval for an extension to fund implementation of a private LTE network covering the Superdome and French Quarter area of New Orleans. The \$945,221.33 in COPS funding allocated for the public safety LTE initiative is in jeopardy if the project is not implemented and operational before August 2013, the deadline for expending funds. In addition, the Governor's Office of Homeland Security and Emergency Preparedness has procured a network core and an EnodeB site, while the City of Baton Rouge has committed to provide funding as soon as the Commission grants the joint Waiver.

For these reasons, the Parties strongly urge the Commission to continue the waiver process and to grant the Consolidated Waiver Request to the State of Louisiana so that the

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<sup>6</sup> See Consolidated Waiver Request at 3.

Parties can move forward in a coordinated and collaborative manner and to ensure that no valuable funding already dedicated to the project is lost. The Parties additionally:

- **Enhance Citizen & First Responder Safety:** The Parties take pride in ensuring that their first responders are equipped to manage everyday incidents, planned events, and large scale natural disasters. We have assessed our current state of broadband for public safety and has determined we are in need of providing enhanced services today.
- **Support Upcoming Critical Events:** New Orleans is poised to host the upcoming NFL Superbowl and has determined it is imperative to enhance its in-the-field capability with dedicated public safety broadband data. This effort must begin now in order to be ready and operational by February 2013.
- **Ensure No Loss of Funding:** New Orleans would lose nearly \$1 million in federal grant funding unless the Commission grants the pending waiver request. By granting the waiver request, the Commission paves the way for funding to be obligated and spent by the August 2013 deadline.
- **Enhance Planning, Preparation and Recovery for Natural Disaster:** As hurricane season approaches, we are again left with limited opportunities for broadband. We need to build a private LTE broadband system now so we can be ready to help the planning, preparation and recovery process for the hurricane season.
- **Early Adopter Experience needed to Improve Nationwide Public Safety Broadband Network:** We are fully aware of the process associated with building out the nationwide network and feels that it is in a great position to help provide feedback and lessons learned to help improve the eventual end state of an interoperable nationwide public safety network.

The Cities and the State fully support the nationwide public safety broadband network. While the Parties are committed to the nationwide initiative, the Parties respectfully request that the Commission grant their joint waiver in light of the upcoming hurricane season and the many threats, natural and man-made, facing the State of Louisiana and the Cities of Baton Rouge and New Orleans. The Parties also must address immediate communications needs presented by upcoming events such as the 2013 Superbowl by beginning to implement a broadband LTE network today. Louisiana's lead position in concentrated critical infrastructure, its exposure to frequent and severe threat events, its experience with communications network design, operation and governance, along with a proven track record of local, state and interstate cooperation make the joint partnership described above ideally suited for deployment of an interoperable public safety broadband network. As the Parties have noted, they intend to fully abide by

interoperability requirements adopted by FirstNet. The opportunity to move forward today will not only strengthen our ability to deliver public safety services now but also provide valuable, and necessary, experiences to help improve the nationwide public safety broadband network.

Given these commitments, the Parties' efforts will significantly enhance the FirstNet solution. As a result, the Parties respectfully request that the Commission grant the joint Waiver to allow the State of Louisiana's residents and businesses to gain the added benefits of a robust, hardened public safety broadband network as first responders there prepare for a new season of natural and man-made threats

Thank you for your continued leadership and support of improved public safety communications.

Respectfully submitted,



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Director  
Louisiana Governor's Office of Homeland Security and Emergency Preparedness  
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John Carpenter,  
City Administrator  
City of Baton Rouge, Louisiana

Cc: Commissioner Mignon Clyburn  
= Commissioner Robert McDowell  
Commissioner Ajit Pai  
Commissioner Jessica Rosenworcel

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Jennifer Manner

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