

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of

Implementation of Sections 309 (j) and 337 of)	
The Communications Act of 1934 as amended)	WT Docket No. 99-87
Deadline for Transition to Narrowband Operations)	
In the 421 – 512 MHz band)	

**ON BEHALF OF THE CITY OF MESA ARIZONA
REQUEST OF A TEMPORARY WAIVER
OF COMMISSION RULES
REGARDING THE MIGRATION OF PRIVATE LAND MOBILE
RADIO SERVICES TO 12.5 kHz OR NARROWER
TECHNOLOGY BY JANUARY 1, 2013**

WAIVER—EXPEDITED ACTION REQUESTED

Pursuant to Section 47 C.F.R. § 1.925(b)(3), and the guidelines issued in the Public Notice, DA- 11-1189, the City of Mesa, Arizona respectfully submits this request for a temporary waiver of the January 1, 2013 deadline of transitioning to narrowband operations for the frequencies licensed under call signs WNUD273 and WPUH994.

This waiver is required in order to permit transitioning of our existing UHF Mobile Data System subscriber units over to a commercial cellular carrier provider. Due to the uncertainty of the rollout of the National Public Safety LTE Broadband system the City of Mesa has no choice but to pursue this request.

Background Information

The City of Mesa's existing UHF Data system is currently used for mission critical Automatic Vehicle Location (AVL) and Computer Aided Dispatch (CAD). The UHF data system is a five site five frequency radio network that covers over 280 square miles and it supports AVL and CAD service for over 500 public safety users and represents over 750,000 citizens in the City of Mesa and surrounding communities.

The system is obsolete, no longer supported by the manufacturer and it is not capable of narrowband operation. In anticipation of the equipment obsolescence and the requirement to convert to narrowband operation, the replacement of this system has been planned since 2008 when the citizens of Mesa approved Public Safety bonds to fund the replacement of the existing system.

Steps Already Taken

In April of 2010, the City of Mesa applied for and received a waiver (Waiver Order 10-79) to begin deployment of a 700MHz LTE Public Safety Broadband (PSBB) network. The new PSBB system was planned to be in full operation far in advance of the January 2013 deadline to narrowband the UHF channels.

In November 2010, the City of Mesa released a Request for Proposal (RFP) for a 700MHz LTE Broadband Wide-Area Mobile Data Network. The RFP was evaluated and the City of Mesa, but due to new information provided by the Public Safety Communication Research Project at the National Institute of Standards lab in Boulder and the lessons learned by both the City and the equipment vendors, the City abandoned the original RFP and reissued a new RFP with more refined requirements in December 2011.

The RFP was evaluated and recommendation was being prepared to present to City Council for the purchase of a PSBB system when the Middle Class Tax Relief and Job Creation Act of 2012 was signed into law establishing First Responder Network Authority (FirstNet). At that time, NTIA directed the BTOP grant recipients to suspend the further purchase of any LTE equipment.

Since the Mesa project was self-funded, NTIA would not offer any guidance to Mesa as we were not a BTOP grant recipient. Mesa had to make a decision before moving forward with the City's PSBB system deployment with the risk that the multi-million dollar investment may be rendered useless with the yet to be determined FirstNet Nationwide PSBB plan.

Due this uncertainty and the direction from NTIA to suspend all LTE procurements to the BTOP recipients, the City of Mesa reluctantly cancelled all plans to deploy a Public Safety Broadband system in the near future. In addition, the City of Mesa has terminated the Spectrum Lease Agreement with Public Safety Spectrum Trust Corporation effective June 23, 2012.

Migration to Commercial Carrier Cellular Aircards

With the establishment of FirstNet, further delays were anticipated before the actual deployment of a 700 MHz Public Safety Broadband network could take place. It would be impossible to have the PSBB network in operation prior to the narrowbanding deadline. Mesa decided that migrating our first responders to cellular aircards on commercial providers systems was the only choice.

Due to the change in direction, further delays have been encountered in the design acquisition and development of a secure network interface to the commercial service providers and the actual deployment of the subscriber devices.

The migration to cellular aircards is anticipated to be completed no later than to June 30, 2013.

Plans To Minimize Impact On Co-Channel And Adjacent Channel Licensees

The impact on other licensees by a late completion of narrowbanding is extremely minimal. Further, there are no adjacent channel licensees within fifty (50) miles of any of Mesa's sites. Therefore, it is highly unlikely that any co-channel or adjacent channel user will even notice that narrowbanding of the system has not been completed.

Any Co-channel licensees will hear the same transmissions that they've always heard on the channel, although fewer in number because of the completed migration of users.

Summary

Due to changes in legislation and the delay of the Public Safety Broadband network deployment, the City of Mesa requests that the Commission grant a temporary waiver that would allow an extension of time until June 30, 2013 to continue the operations of the existing UHF Data system that supports public safety Computer Aided Dispatch and Automatic Vehicle Location until the City can complete the transitioning of users onto a commercial cellular service.

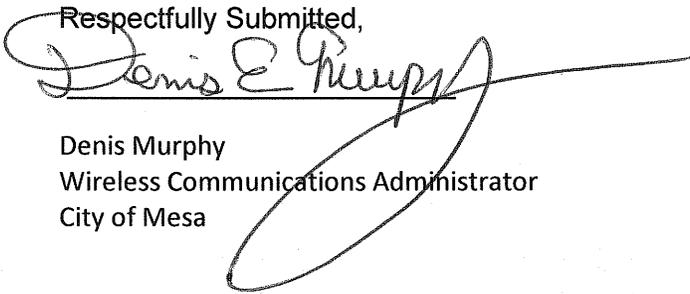
Waiver request is for the five UHF frequency pairs licensed under call signs WNUD273 and WPUH994.

Funding is available for the network interface and subscriber equipment and the project is already underway. The City of Mesa feels that the amount of time for which the waiver is requested is no more than reasonably necessary to complete the transition to commercial service.

A grant of an extension of time to complete narrowbanding for Mesa would not frustrate the Commission's Rules, as Mesa will complete migration of its UHF system users to cellular aircards by mid-2013. For these reason, failure to extend the narrowbanding deadline for the impacted stations would be contrary to the public interest, and would not serve any public purpose.

WHEREFORE, the City of Mesa, Arizona respectfully requests that the FCC act expeditiously to grant Mesa waiver of the Commission's Rules, and extend the narrowbanding deadline for impacted Mesa's station by six months.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Denis E. Murphy". The signature is written in a cursive style and is positioned above the typed name and title.

Denis Murphy
Wireless Communications Administrator
City of Mesa