

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

In the Matter of:)	
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The effect of Federal Communications)	PS Docket No. 06-229
Commission (FCC) Rule 90.535d(2))	
“Modulation And Spectrum Efficiency)	
Requirements” on the future efficiency,)	WT Docket No. 02-378
budgetary impact and sustained viability)	
of the statewide 700 MHz Radio System)	
Interoperability in Region 12 (the State)	
of Idaho).)	

**PETITION FOR WAIVER AND REQUEST FOR
EXPEDITED REVIEW AND ACTION FOR RULEMAKING**

Petition for Rulemaking

The Region 12 700 MHz Regional Planning Committee and the State of Idaho Statewide interoperability Executive Council respectfully submits this petition for Rulemaking to the Commission’s rule 90.535 regarding the mandatory transition deadline to be waived or modified from December 31, 2016 to a date of December 31, 2024.

Background

The Region 12, 700 MHz Regional Planning Committee (RPC) and the State of Idaho Statewide Interoperability Executive Council (SIEC) geographically represents the area encompassing the entire State of Idaho. The Region 12 RPC and SIEC have been active since their inception in 2003, with our first region 12, 700 MHz public safety plan being approved by the FCC in March of 2006. Idaho has had some of the first 700 MHz licenses in the nation issued to Bannock & Ada County, Idaho in 2006. The City, County and State jurisdictions across Idaho have been actively expanding the 700 MHz radio system across the entire state. All of the major population centers and corridors in Idaho are now served by this 700 MHz radio system. There are currently 50 radio sites serving over 9,500 subscriber users across the state of Idaho. The vast majority of these sites are owned and operated on a grassroots level by local City and County jurisdictions which have combined together to become the Idaho Statewide 700 Radio system. Over the last five years these local and our State agencies have spent \$100 million dollars to purchase the infrastructure, subscriber units, professional services and other costs dedicated to this on-going interoperable communication effort. Idaho is a geographically large state at 83,000 square miles, but it has a relatively low population of 1.6 million people. This disparity means

that all of our agencies have heavily relied on Federal and State grant funding opportunities to help purchase this system as we do not have a large tax base to draw from. This radio system is functional to the point that a subscriber can now talk to another subscriber over 500 miles across the entire State. This system has effectively brought all our emergency response disciplines onto the same radio system for true interoperable communications. This system helps us greatly as we deal with emergencies and natural disasters which frequently affect our State. We continue to work on building out our radio system in the remote parts of our state.

Request

The Region 12 RPC and SIEC requests that the commission revisit one of its current rules addressing spectrum efficiency, specifically the mandatory transition date of December 31, 2016 from 12.5 kHz to 6.25 kHz associated with FCC 90.535. The Region 12 RPC and SIEC believes that this date will have considerable negative impact for all users of our statewide 700 MHz radio system and if not changed, will create an undue hardship for all users of any Public Safety 700 MHz system, not just those within our state. Our position has four (4) main lines of reasoning:

1. Subscriber equipment capable of transmitting on the required 6.25 kHz spectrum only became available to our users within the last year. Over 98 percent of the subscriber equipment (17,000 subscribers) on our radio system was purchased before 6.25 kHz equipment became available. The unavailability of 6.25 kHz equipment before 2012, created a situation where agencies purchased equipment that was compliant with the 12.5 kHz channel efficiency. But all of that equipment will not operate after the transition date without a substantial re-investment for replacements or upgrades. Therefore, if the date of December 31, 2016 remains, an agency could conceivably be obligated to purchase the same radio twice within a five (5) year period.
2. Any equipment our agencies purchased that cannot meet the 6.25 KHz emission will become obsolete on December 31, 2016, thus shortening its lifecycle. Due to difficulties in identifying funding mechanisms, it is not unusual for Public Safety agencies to plan on utilizing its equipment for more than 10 years. Most of our radios were purchased in the last couple of years and would have a normal lifecycle until the early 2020's. By ending their lifecycle at 2016, this would make any of these radios obsolete and useless to the purchasing agencies. Additionally all of these radios do not have the capability to be upgraded from 12.5 kHz to 6.25 kHz channel efficiency. This will effectively make them all obsolete and require new radios to be purchased by our agencies at a considerable expense.
3. The 700 MHz rules of the FCC require agencies to shorten the lifecycle of good equipment to meet 6.25 kHz bandwidths per channel (or its equivalent) as outlined in FCC 90.535. The Region 12 RPC and SIEC feel that investments made today and in the recent past by our organizations developing 700 MHz systems, with scarce funding, will require those organizations to prematurely discard this equipment and would be a waste of precious public funds and not fiscally sound. Furthermore, The Region 12 RPC and SIEC are concerned that the rules based on a transition date of December 31, 2016, will cause Public Safety agencies that have migrated to the 700 MHz band in the last several

years a shortened period of time before they will have to replace equipment. Based on the factors of a shortened lifecycle and scarce funding in Idaho, any agency that devoted funds to 700 MHz equipment purchases may not be executing budgetary responsibilities in a prudent manner. Given the condition of most government agencies and shrinking budgets, monies must be spent judiciously. Organizations that purchase equipment knowing that they will have to completely replace or upgrade the same equipment by 2016 will be hard-pressed to justify their investment to the public they represent.

4. The Region 12 regional planning committee (RPC) presently and for the foreseeable future is effectively managing the 700 MHz spectrum that has been assigned to Idaho. We are meeting the needs of our jurisdictions and no channel contentions exist. In 2008 the Region 12 RPC did a re-pack of our frequencies from 25 kHz to 12.5 kHz. This repack gave us additional frequency for all of our users in Idaho for their present and foreseeable future spectrum needs.

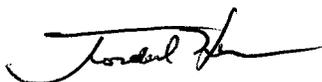
Conclusion

The Region 12 RPC and SIEC requests that the commission approve our request to waive the 700 MHz 6.25 kHz or equivalent transition date from December 31, 2016 as outlined in FCC 90.535, to a date of December 31, 2024. In Idaho, we already have \$100 Million invested in infrastructure and subscriber units and more planned for the future. Overall, the total amount of committed funds is monumental for our rural State. Unless the requested change is approved, The Region 12 RPC and SIEC fear that these users and committed funds will be at risk of becoming disadvantaged. Based on the lines of reasoning that our available equipment does not support 6.25 kHz channel efficiency as 6.25 kHz equipment was unavailable to purchase until recently. We believe that the date of December 31, 2016, prematurely and artificially shortens the lifecycle of any purchased equipment; and that the cost of completely re-purchasing or upgrading any equipment within ten (10) years of initial purchase is fiscally irresponsible. The Region 12 RPC and Idaho SIEC proposes a migration period ending on December 31, 2024. The Region 12 RPC and SIEC feel that this date will allow Public Safety agencies the ability to realize the full potential of limited resources and funding. This will also provide sufficient time for existing subscriber units to meet the full capability of their expected lifecycles. It is therefore our appeal that you approve this request to adjust the 6.25 kHz channel efficiency or equivalent usage deadlines for all of the Idaho 700 MHz General Use and State License narrowband spectrum.

The Region 12 RPC and Idaho SIEC look forward to working with the Commission on these and other important public safety issues as necessary.

Respectfully submitted,

February 1st, 2013



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