

**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)

ORDER

Adopted: September 16, 2010

Released: September 16, 2010

By the Chief, Public Safety and Homeland Security Bureau:

I. INTRODUCTION

1. By this *Order* and at the request of the San Francisco Bay Urban Area (Bay Area), the Public Safety and Homeland Security Bureau (Bureau) tolls the 60-day deadline for the Bureau to act on the Bay Area's 700 MHz broadband interoperability showing.¹

II. BACKGROUND

2. On May 12, 2010, the Commission granted, with conditions, twenty-one waiver petitions filed by public safety entities (Waiver Recipients) seeking early deployment of statewide or local public safety broadband networks in the 700 MHz public safety broadband spectrum (763-768 MHz and 793-798 MHz). The Commission found that the Waiver Recipients generally met the standard for waiver of the Commission's rules and that the public interest warranted allowing early deployment, so long as the conditions imposed by that order were met.

3. Among other conditions, the Commission allowed each Waiver Recipient submit an "interoperability showing" to the Bureau for approval if they wanted to proceed with network deployment before the FCC adopted its final technical rules.² The *Waiver Order* provided the Bureau with 60 days within which to act on the submitted interoperability showings.³

4. On August 17, 2010, the Bureau tolled the deadline for its action on 14 of the 15 interoperability showings submitted.⁴ The Bureau found that while the Waiver Recipients had made

¹ 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*); Letter from Laura Phillips, Executive Director, Bay Area UASI, to James A. Barnett, Jr., Rear Admiral (Ret.), Chief, Public Safety and Homeland Security Bureau (Sept. 10, 2010) (*Bay Area Tolling Request*).

² *Waiver Order* at 5163-64 ¶¶ 55-58.

³ *Waiver Order* at 5164, ¶57.

⁴ In the Matter of Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band, PS Docket No. 06-229, *Order*, DA 10-1540 (rel. Aug. 17, 2010) (*Tolling Order*).

significant progress, they had not yet demonstrated defined and certain technical solutions in their interoperability plans, such that ERIC and the Bureau did not have a basis for evaluating the viability and concreteness of each Waiver Recipient's interoperability showing.⁵ The Bureau determined, however, to proceed with evaluating the interoperability showing submitted by the Bay Area.⁶

III. DISCUSSION

5. The Bay Area now seeks additional time to provide supplemental information.⁷ The Bay Area states that this is consistent with the treatment of the other Waiver Recipients, and that, once the Bay Area's showing is supplemented, the Bureau should "continue to review and act expeditiously" on its showing.⁸ We find that the public interest would be served by allowing the Bay Area time to supplement its showing, which will also provide a more sufficient basis for ERIC and the Bureau to evaluate the Bay Area's technical plans. Accordingly, we grant the Bay Area's request.

V. ORDERING CLAUSES

6. ACCORDINGLY, IT IS ORDERED, pursuant to sections 1, 4(i), 301, 303, 332, and 337 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 301, 303, 332, and 337, that the 60-day deadline for Bureau action on the interoperability showings specified herein IS TOLLED.

7. This action is taken under delegated authority pursuant to Sections 0.191 and 0.392 of the Commission's Rules, 47 C.F.R. §§ 0.191, 0.392, and the *Waiver Order*, 25 FCC Rcd 5145, 5155, ¶ 33 (2010).

FEDERAL COMMUNICATIONS COMMISSION

James Arden Barnett, Jr., Rear Admiral (Ret.)
Chief, Public Safety and Homeland Security Bureau

⁵ *Id.* at ¶ 7.

⁶ *Id.* at ¶ 8.

⁷ See *Bay Area Tolling Request*.

⁸ *Id.*