



PUBLIC NOTICE

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DA 10-2278

Released: December 1, 2010

PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SEEKS COMMENT ON PETITIONS FOR WAIVER TO DEPLOY 700 MHZ PUBLIC SAFETY BROADBAND NETWORKS

PS Docket No. 06-229

Comment Date: December 15, 2010

Pursuant to the Commission's *Waiver Order*,¹ the Public Safety and Homeland Security Bureau (Bureau) seeks public comment on three petitions for waiver filed by various entities (Petitioners) seeking authority to deploy public safety broadband systems on a local or regional basis in the 10 megahertz of 700 MHz public safety broadband spectrum currently licensed to the Public Safety Spectrum Trust (PSST) (763-768/793-798 MHz).²

We seek comment generally on these petitions. As we have also previously done with respect to the additional waivers received since the initial *Waiver Order*, we also seek comment on specific aspects of the requested waivers that will enhance our ability to determine if grant of waiver relief is appropriate. In particular, we seek comment on four issues: (1) eligibility under Section 337; (2) addressing overlapping requests; (3) issues related to the timing of Bureau action and the volume of waivers received in relation to the Commission's overall interoperability goals; and (4) any impact such additional waivers may have on the budget of the Public Safety Spectrum Trust (PSST).³

¹ Requests for Waiver of Various Petitioners to Allow the Establishment of 700 MHz Interoperable Public Safety Wireless Broadband Networks, PS Docket No. 06-229, *Order*, 25 FCC Rcd 5145 (2010) (*Waiver Order*).

² *See generally*, Service Rules for the 698-746, 747-762 and 777-792 Bands; Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band, WT Docket No. 06-150, PS Docket No. 06-229, 23 FCC Rcd 8047 (2008) (*700 MHz Second Further Notice*); *see also, generally*, Service Rules for the 698-746, 747-762 and 777-792 Bands; Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band, WT Docket No. 06-150, PS Docket No. 06-229, 23 FCC Rcd 14301 (2008) (*700 MHz Third Further Notice*).

³ *See* Public Safety and Homeland Security Bureau Seeks Comment on Petitions for Wavier to Deploy 700 MHz Public Safety Broadband Networks, PS Docket No. 06-229, *Public Notice*, DA 10-1748 (Sept. 15, 2010) (*September 15 Public Notice*); Public Safety and Homeland Security Bureau Seeks Comment on Additional Petition for Wavier to Deploy 700 MHz Public Safety Broadband Networks, PS Docket No. 06-229, *Public Notice*, DA 10-1796 (Sept. 22, 2010) (*September 22 Public Notice*).

We also encourage commenters to address any other issues that they consider to be material to the Bureau's consideration of this petition.

The state or local jurisdictions seeking waiver are: (1) Miami-Dade County, FL; (2) the City of Indianapolis and Marion County, IN; and (3) the State of West Virginia.⁴

Comment Filing Procedures

Interested parties may file comments on the above-referenced petitions on or before December 15, 2010. All comments should reference the appropriate petition(s) and PS Docket No. 06-229.

Comments may be submitted using (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies.⁵ Comments can be filed through the Commission's ECFS filing interface located at the following Internet address: <http://www.fcc.gov/cgb/ecfs/>. Comments can also be filed via the Federal eRulemaking Portal: <http://www.regulations.gov>.⁶ In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- Effective December 28, 2009, all hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. **Please Note:** The Commission's former filing location at 236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002 permanently closed on December 24, 2009.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

⁴ See Miami-Dade County Request for Waiver – Expedited Action Requested (filed Sept. 21, 2010); City of Indianapolis and Marion County Request for Waiver (filed Oct. 10, 2010); State of West Virginia Request for Waiver (filed Nov. 9, 2010).

⁵ See Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (1998).

⁶ Filers should follow the instructions provided on the Federal eRulemaking Portal website for submitting comments.

People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at (202) 418-0530, (202) 418-0432 (TTY).

For further information about this Public Notice, please contact Jennifer Manner at (202) 418-3619, jennifer.manner@fcc.gov.

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