



PUBLIC NOTICE

Federal Communications Commission
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DA 12-1170

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**PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SEEKS COMMENT ON REQUEST
FOR WAIVER OF THE DECEMBER 31, 2016 700 MHZ NARROWBAND DEADLINE FILED
BY STATE OF LOUISIANA**

PS DOCKET 06-229

COMMENTS DUE: August 3, 2012

By this Public Notice, the Public Safety and Homeland Security Bureau (PSHSB) seeks comment on a petition for waiver¹ filed by the State of Louisiana (Louisiana) to operate the Louisiana Wireless Information Network (LWIN) in the 700 MHz narrowband spectrum utilizing the current 12.5 kHz channel efficiency through December 31, 2024.²

Louisiana has developed LWIN to provide an interoperable public safety network in the state. LWIN utilizes 700 MHz spectrum designated for narrowband use by public safety.³ Louisiana states that LWIN “consists of 67,162 users making it the largest statewide radio system in the country.”⁴ The State covers all of the costs associated with LWIN administration, maintenance and operation.⁵

In support of its Petition for Waiver, Louisiana argues that, “the purpose of the 6.25 kHz channel mandate is to allow for a more efficient use of the 700 MHz spectrum dedicated to public safety.”⁶ Louisiana argues that, “LWIN is fully built and operational across the State of Louisiana and is already using available spectrum to provide mission critical voice communications to its first responder community.”⁷ Additionally, “the cost to build new radio systems for the reconfigured 700 MHz spectrum is cost prohibitive and any new system in Louisiana within the last six years has been built to operate in the VHF and UHF spectrum.”⁸ Louisiana further argues that, “while the 6.25 kHz channel efficiency

¹ Petition for Waiver of Rules, State of Louisiana, PS Docket 06-229 (filed Jul. 3, 2012) (Louisiana Petition).

² Previously, the State sought broader consideration of a change in the narrowbanding through a Petition for Rulemaking. See Petition for Rulemaking of the State of Louisiana, RM-11577 (filed Oct. 5, 2009).

³ Louisiana Petition at 2.

⁴ *Id.*

⁵ *Id.*

⁶ *Id.* at 5.

⁷ *Id.*

⁸ *Id.*

mandate was intended to provide greater efficiency and access to spectrum, both aims have already been achieved in Louisiana.”⁹

Louisiana states that, “with the 6.25 kHz channel efficiency mandate quickly approaching, local municipalities are considering alternatives to providing mission critical voice communications to first responders because the cost to replace their entire inventory of subscriber units in order to achieve compliance with the Commission’s narrowbanding mandate is cost prohibitive.”¹⁰ Thus, “the practical effect of the narrowbanding mandate is that the State’s largest homeland security region, Greater New Orleans, may leave LWIN and build a separate, incompatible 800 MHz radio system.”¹¹ Therefore, “the public’s best interest would not be served as the ability of first responders from cross jurisdictional boundaries to communicate during times of emergencies would be severely diminished.”¹² Finally, Louisiana asserts that “the cost of meeting the Commission’s mandate would exceed the total amount the State spent to build LWIN and equip the first responder community with more than 67,000 subscriber units,” and that the “State could not muster the funding necessary to implement the upgrades,” making application of this rule unduly burdensome.¹³

By this Public Notice, we seek comment on Louisiana’s petition and announce the pleading cycle during which comments and replies may be filed.

This proceeding will be treated as “permit but disclose” for purposes of the Commission’s *ex parte* rules. See generally 47 C.F.R. §§ 1.1200-1.1216. As a result of the permit-but-disclose status of this proceeding, *ex parte* presentations will be governed by the procedures set forth in Section 1.1206 of the Commission’s rules applicable to non-restricted proceedings.¹⁴ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). Written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

Parties may file comments on the Petition on or before **August 3, 2012**. Please place the docket number, **PS Docket 06-229**, on all filings. Comments may be filed using the Commission’s Electronic

⁹ *Id.* at 5-6.

¹⁰ *Id.* at 6.

¹¹ *Id.*

¹² *Id.*

¹³ See Louisiana Petition at 6; Louisiana Petition at 7.

¹⁴ 47 C.F.R. § 1.1206.

Comment Filing System (ECFS). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy 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.
 - 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 and boxes must be disposed of before entering the building.
 - 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.
- 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 & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

Copies of the Petition and any subsequently filed documents in this matter are also available for inspection in the Commission's Reference Information Center:

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For further information, contact: Aaron Garza, Policy and Licensing Division, Public Safety and Homeland Security Bureau, at (202) 418-1175 or aaron.garza@fcc.gov.

Action by the Chief, Public Safety and Homeland Security Bureau.

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