



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION

445 Twelfth Street, S.W.

WASHINGTON, D.C. 20554

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WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON REQUEST FOR WAIVER BY THE UNIVERSITY OF SOUTHERN CALIFORNIA TO OBTAIN A LICENSE FOR TEN CHANNELS ALLOCATED FOR PAGING CONTROL OPERATIONS

Comment Date: December 11, 2000

Reply Date: December 18, 2000

On June 9, 2000, the University of Southern California ("USC" or "the University") filed an application and a request for waiver to permit it to use for public safety purposes ten channels allocated for point-to-multipoint paging control operations in Los Angeles, California: 506/509.0625 MHz, 506/509.0750 MHz, 506/509.0875 MHz, 506/509.1000 MHz, and 506/509.1125 MHz.

USC requests waiver of Section 22.621 of the Commission's Rules, 47 C.F.R. § 22.621, and any other Part 22 Rules that are necessary to grant its application, pursuant to Section 337(c) of the Communications Act, as amended, 47 U.S.C. § 337(c). Section 337(c) states that the Commission shall grant an application by an entity seeking to provide public safety services to the extent necessary to permit the use of unassigned frequencies, if the Commission makes five specific findings: (1) no other spectrum allocated for public safety use is immediately available; (2) there will be no harmful interference to other spectrum users entitled to protection; (3) public safety use of the frequencies is consistent with other public safety spectrum allocations in the geographic area in question; (4) the unassigned frequencies were allocated for their present use not less than two years prior to the grant of the application at issue; and (5) the grant of the application is consistent with the public interest. "Public safety services" are defined by 47 U.S.C. § 337(f) as services the sole or principal purpose of which is to protect the safety of life, health, or property, that are provided by the governmental entities or by non-governmental entities authorized by the governmental entity whose primary mission is the provision of such services, and that are not made commercially available to the public by the provider.

USC asserts that its current radio system has proven to be insufficient to meet the demands of its students, faculty and staff. According to USC's waiver request and application, the requested channels will be used for dispatch and coordination among public safety officers between the University's two downtown Los Angeles campuses. USC argues that it is eligible to pursue authorization by filing a Section 337 application and waiver request because its students, faculty and staff depend on its Department of Public Safety to protect their lives and property while they are on the two campuses. USC also asks consideration of its role as a provider of law enforcement services to the community and businesses within the defined response area in its agreement with the Los Angeles Police Department. Notably, USC proposes to limit its use of these channels to an eight-mile radius, thereby confining its system's coverage to its two downtown campuses, and to use a bandwidth of 12.5 kHz. It argues that these measures will prevent adjacent or co-channel interference. USC reports that its search for other allocated public safety spectrum to satisfy the requested public safety use was unsuccessful. USC notes that the use of frequencies in the 470-512 MHz band for public safety purposes is consistent with other allocations for the provision of such services in the geographic area. USC states that the unassigned frequencies were allocated for point-to-multipoint operation as of January 1, 1995. USC also argues that granting its application and waiver request would be in the public interest because these frequencies will facilitate the provision of a safe educational environment and its proposed use promotes spectral efficiency by limiting its coverage area to eight miles

and leaving the channels available for other use in the greater Los Angeles metropolitan area.

Interested parties may file comments on the Waiver Request on or before December 11, 2000. Parties interested in submitting reply comments must do so on or before December 18, 2000. All comments should reference the subject waiver request including the DA number of this *Public Notice*, and should be filed with the Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, S.W., TW-325, Washington, D.C. 20054. A copy of each filing should be sent to International Transcription Services, Inc. (ITS), 1231 20th Street, N.W., Washington, D.C. 20036, (202) 857-3800, and Karen Franklin, Federal Communications Commission, Wireless Telecommunications Bureau, Public Safety and Private Wireless Division, Policy and Rules Branch, 445 Twelfth Street, S.W., Room 4-C405, Washington, D.C. 20554.

The full text of the Waiver Request, comments and reply comments will be available for inspection and duplication during regular business hours in the Reference Information Center (RIC) of the Consumer Information Bureau (CIB), Federal Communications Commission, 445 Twelfth Street, S.W., Room CY-A257. Copies may also be obtained from ITS. For further information regarding the public reference file for this Waiver Request contact Maria Ringold, Chief, Wireless Branch, RIC, (202) 418-1350.

Unless otherwise provided, requests for waiver of the Commission's Rules are subject to treatment by the Commission as restricted proceedings for *ex parte* purposes under Section 1.1208 of the Commission's Rules, 47 C.F.R. § 1.1208. Because of the policy implications and potential impact of this proceeding on persons not parties to the waiver request, we believe it would be in the public interest to treat this case as a permit-but-disclose proceeding under the *ex parte* rules. See Sections 1.1200(a), 1.1206 of the Commission's Rules. 47 C.F.R. §§ 1.1200(a), 1.1206. Therefore, subsequent to the release of this *Public Notice*, *ex parte* presentations that are made with respect to the issues involved in the subject waiver request will be allowed but must be disclosed in accordance with the requirements of Section 1.1206(b) of the Commission's Rules. 47 C.F.R. § 1.1206(b).

For further information, contact Karen Franklin of the Policy and Rules Branch of the Public Safety and Private Wireless Division of the Wireless Telecommunications Bureau at (202) 418-0680, TTY (202) 418-7233, or via email to kfrankli@fcc.gov.

By the Chief, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau.

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