



# PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION

445 Twelfth Street, S.W.

WASHINGTON, D.C. 20554

DA 01-1422

News media information 202/418-0500 Fax-On-Demand 202/418-2830 Internet: <http://www.fcc.gov> <ftp.fcc.gov>

**Released: June 14, 2001**

## **WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON REQUEST FOR WAIVER BY THE JERSEY CITY, NEW JERSEY, POLICE DEPARTMENT TO OBTAIN A PUBLIC SAFETY LICENSE FOR EIGHTEEN UHF PAGING CONTROL FREQUENCIES**

**Comment Date: June 25, 2001**

**Reply Date: July 2, 2001**

On May 24, 2001, Jersey City, New Jersey, Police Department ("Jersey City") filed an application and a request for waiver to use, for public safety purposes, eighteen Part 22 paging UHF control channels in the Jersey City area: 470.0250/473.1500 MHz, 470.0500/473.1750 MHz, 470.1250/473.1250 MHz, 470.2500/473.2500 MHz, 470.2750/472.2750 MHz, 476.0250/479.0250 MHz, 476.0750/479.0750 MHz, 476.2500/479.2500 MHz, and 476.2750/479.2750 MHz.

Jersey City requests waiver of Sections 22.621, 22.501, and 90.303 of the Commission's Rules, 47 C.F.R. §§ 22.621, 22.501, 90.303, and any other Commission 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.

Jersey City indicates that its public safety communications system is nearly 25 years old, and that substantial strain on the system requires additional channels. It states that unless it can obtain relief, the serious detriment now pervading Jersey City's public safety communications system will cause serious disruption to its police and fire services for the foreseeable future. Jersey City averages 2.7 million emergency radio transmissions annually; including routine transmissions, the number exceeds 3 million. The Police Department's present system is a shared 6-channel UHF 450-470 MHz system, close to the heavily congested New York metropolitan area. The Fire and Emergency Services Department's present system uses three channels in the 450-470 MHz band. Jersey City proposes to construct a new trunked radio system providing pervasive coverage throughout the city, with implementation within one year. In its waiver request, Jersey City argues that the application and waiver request filed by the Port Authority of New York and New Jersey (file no. 0000406695)<sup>1</sup> should be dismissed.

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<sup>1</sup> Wireless Telecommunications Bureau Seeks Comment On Request for Waiver By the Port Authority of New York and New Jersey To Obtain a License For Twelve Unassigned UHF Paging Control Frequencies, *Public Notice*, DA 01-910 (WTB PSPWD rel. April 11, 2001).

Interested parties may file comments on the Waiver Request on or before June 25, 2001. Parties interested in submitting reply comments must do so on or before July 2, 2001. 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 1) International Transcription Services, Inc. (ITS), 1231 20<sup>th</sup> Street, N.W., Washington, D.C. 20036, (202) 857-3800; 2) Mr. Michael Connelly, Federal Communications Commission, Wireless Telecommunications Bureau, Public Safety and Private Wireless Division, Policy and Rules Branch, 445 Twelfth Street, S.W., Room 2-C315, Washington, D.C. 20554; and 3) Maria Ringold, Federal Communications Commission, Consumer Information Branch, Reference Information Center, 445 Twelfth Street, S.W., Room CY-B529, 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) 418-1355.

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 Mr. Michael Connelly 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 [mconnell@fcc.gov](mailto:mconnell@fcc.gov).

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

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