



# PUBLIC NOTICE

Federal Communications Commission  
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Washington, D.C. 20554

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DA 04-1921

June 29, 2004

**WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON AMENDMENTS BY  
THE CITY OF BAYONNE, NEW JERSEY, AND THE COUNTY OF SOMERSET, NEW  
JERSEY TO PROPOSAL SUBMITTED BY SEVEN PUBLIC SAFETY AGENCIES**

**Comment Date: July 7, 2004**

**Reply Date: July 14, 2004**

By this Public Notice, the Wireless Telecommunications Bureau (Bureau) seeks comment on amendments by the City of Bayonne, New Jersey (Bayonne) and the County of Somerset, New Jersey (Somerset) to proposal by seven public safety agencies in the New York/New Jersey area to operate their radio communications systems on unassigned paging channels.<sup>1</sup> Specifically, Somerset amends the proposal to add a request for it to use frequency 473.2250 MHz, and delete its request for frequency 479.2000 MHz; Bayonne amends the proposal to add a request for it to use frequencies 476.2000 and 479.2000 MHz, and delete its request for frequency 473.0875 MHz.

By way of background, on April 14, 2004, Bayonne, Somerset, the County of Bergen, New Jersey, the Borough of Fort Lee, New Jersey, the Jersey City, New Jersey Police Department, the Melville, New York Fire District, and the Syosset, New York Fire District (collectively the public safety agencies) jointly filed a proposal to augment the pending individual applications of each agency to use frequencies allocated in Part 22 as paging control and trunked mobile channels to support the communications requirements of the public safety officers of each agency. The proposal encompasses the use of unassigned Part 22 channels, the deletion of channels currently licensed to several of the public safety agencies so that the channel may be assigned to another agency, and the deletion of pending requests so that a channel may be licensed to another agency. The public safety agencies assert that the proposal was submitted for the purposes of assisting public safety communications and presenting a resolution to the Commission of all the pending applications in a manner that promoted efficient and effective spectrum utilization and management. In their joint proposal of April 14, 2004, Bayonne, Somerset, and the other public safety agencies reiterated their individual requests for a waiver of Section 22.621 of the Commission's Rules, 47 C.F.R. § 22.621, and any other Commission rules that are necessary to grant the subject applications, pursuant to Section 337(c) of the Communications Act, as

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<sup>1</sup> The Bureau sought comment on the proposal in a public notice released May 28, 2004. See Wireless Telecommunications Bureau Seeks Comment on Request for Waiver by the City of Bayonne, New Jersey, the County of Bergen, New Jersey, the Borough of Fort Lee, New Jersey, the Jersey City, New Jersey Police Department, the Melville, New York Fire District, the County of Somerset, New Jersey and the Syosset, New York Fire District, *Public Notice*, DA 04-1593 (WTB PSCID rel. May 28, 2004). Comments were due June 7, 2004, and reply comments were due June 14, 2004. The instant *Public Notice* seeks comment only on the amendments to the proposal by Bayonne and Somerset.

amended, 47 U.S.C. § 337(c), or, in the alternative, Section 1.925 of the Commission's Rules, 47 C.F.R. § 1.925.

The Bureau now has before it Bayonne<sup>2</sup> and Somerset's<sup>3</sup> requests for frequency exchanges and for new, unassigned frequencies that were not previously pending under other applications among the seven public safety agencies. On June 16, 2004, Somerset amended its applications, FCC File Nos. 0001196273 and 0001196472, to delete frequency 479.2000 MHz, and to add unassigned frequency 473.2250 MHz. Also on June 16, 2004, Bayonne amended its applications, FCC File Nos. 0000941858 and 0001523313, to add unassigned frequency 476.2000 MHz, and to delete frequency 473.0875 MHz; Bayonne also amended the joint proposal to reassert its request in application FCC File No. 0000941858 for frequency 479.2000 MHz, which it had agreed pursuant to the waiver request to withdraw to permit Somerset to request the frequency.

Interested parties may file comments on the Bayonne and Somerset amendments to the proposal by the seven public safety agencies on or before July 7, 2004. Parties interested in submitting reply comments must do so on or before July 14, 2004. All comments should reference the subject waiver requests and the DA number of the *Public Notice* that sought comment on the proposal by seven public safety agencies, DA 04-1593, and should be filed with the Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., TW-A325, Washington, D.C. 20054. A copy of each filing should be sent to (1) Best Copy and Printing, Inc., Portals II, 445 12th Street, SW, Room CY-B402, Washington, D.C. 20554; (2) Maria Ringold, Federal Communications Commission, Consumer and Governmental Affairs Bureau, Reference Information Center, 445 Twelfth Street, S.W., Room CY-B529, Washington, D.C. 20554; and (3) Mr. Tom Eng, Federal Communications Commission, Wireless Telecommunications Bureau, Public Safety and Critical Infrastructure Division, 445 12th Street, S.W., Washington, D.C. 20554.

The address for FCC locations should be used only for documents filed by United States Postal Service first-class mail, Express Mail, and Priority Mail. Hand-delivered or messenger-delivered documents for the Commission's Secretary are accepted only by the Commission's contractor, Natek, Inc., at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location 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 236 Massachusetts Avenue, N.E. Other messenger-delivered documents, including documents sent by overnight mail (other than United States Postal Service Express Mail and Priority Mail) should be addressed for delivery to 9300 East Hampton Drive, Capitol Heights, MD 20743. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. *See* FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence, Public Notice, 16 FCC Rcd 22165 (2001).

Each of the applications and waiver requests can be accessed electronically via the Commission's Universal Licensing System, <http://wireless.fcc.gov/uls>. The full text of the proposal, comments and

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<sup>2</sup> Under the amended proposal, Bayonne seeks authorization on the following frequency pairs: 470/473.0375, 470/473.1750, 470/473.2875, 476/479.1250, 476/479.1750, 476/479.2000, and 476/479.2500 MHz.

<sup>3</sup> Under the amended proposal, Somerset seeks authorization on the following individual frequencies: 470.1375, 473.0250, 473.2000, 473.2250, 479.1125, 479.2375, and 479.2875 MHz. In addition, Somerset seeks authorization on the following frequency pairs: 476/479.0125 and 476/479.0625 MHz.

reply comments will be available for inspection and duplication during regular business hours in the FCC Reference Information Center (RIC) of the Consumer and Governmental Affairs Bureau, Federal Communications Commission, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. Copies also may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, (202) 863-2893, facsimile (202) 863-2898, or via e-mail to [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com). 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. Tom Eng of the Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau at (202) 418-0019, TTY (202) 418-7233, or via e-mail to [Thomas.Eng@fcc.gov](mailto:Thomas.Eng@fcc.gov).

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

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