



PUBLIC NOTICE

Federal Communications Commission
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DA 04-327

Released: February 10, 2004

WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON WARREN C. HAVENS REQUEST TO EXTEND CONSTRUCTION DEADLINE FOR CERTAIN VHF PUBLIC COAST STATION GEOGRAPHIC AREA LICENSES

Comment Date: February 24, 2004

Reply Date: March 5, 2004

On February 2, 2004, Warren C. Havens (Havens) requested¹ a waiver and two-year extension of the five-year construction requirement for thirteen VHF public coast (VPC) geographic areas.² Geographic VPC licensees must demonstrate that they are providing substantial service within five years of the initial license grant, and again within ten years of the initial license grant.³ For the VPC areas at issue, the Commission has stated that the five-year substantial service requirement can be satisfied by coverage to at least one-third of population.⁴ The licenses at issue were granted on May 19, 1999, so Havens's five-year construction date is May 19, 2004.

Havens states that he has contracted with Tait Radio Communications to provide innovative new "software defined radios" that will accommodate multiple open-standard digital over-the-air protocols and multiple frequency bands. Havens argues that this equipment will provide major technical and economic advantages over other equipment that is available for use in the VPC band, and will greatly facilitate the use of VPC licenses for wide-area private land mobile radio (PMRS) systems.⁵ He states that the new equipment will not be commercially available until the third quarter of 2005. Therefore,

¹ FCC File Nos. 0001603151-0001603163.

² Call Signs WPOJ514 (Billings, MT-WY), WPOJ515 (Great Falls, MT), WPOJ516 (Missoula, MT), WPOJ517 (Casper, WY-ID-UT), WPOJ518 (Idaho Falls, ID-WY), WPOJ519 (Twin Falls, ID), WPOJ520 (Boise City, ID-OR), WPOJ521 (Reno, NV-CA), WPOJ522 (Salt Lake City-Ogden, UT-ID), WPOJ523 (Flagstaff, AZ-UT), WPOJ524 (Albuquerque, NM-AZ), WPOJ525 (Phoenix-Mesa, AZ-NM), and WPOJ526 (Tucson, AZ).

³ See 47 C.F.R. § 80.49(a)(1).

⁴ Amendment of the Commission's Rules Concerning Maritime Communications, *Third Report and Order and Memorandum Opinion and Order*, PR Docket No. 92-257, 13 FCC Rcd 19853, 19870 ¶ 36 (1998).

⁵ On December 10, 2003, Havens filed applications to modify the licenses in question to permit PMRS service rather than commercial mobile radio service. See FCC File Nos. [0001541852](#), [0001541875](#), [0001542505](#), [0001542885](#), [0001542897](#), [0001542912](#), [0001542933](#), [0001542946](#), [0001542958](#), [0001542974](#), [0001542980](#), [0001542999](#), [0001543028](#). Those applications remain pending.

Havens requests a new deadline of May 19, 2006. Havens also states that he plans to permit the National Interagency Fire Center, a federal entity which coordinates responses to major fires and other emergencies in the United States, to use his VPC frequencies until he commences operations.

Interested parties may file comments on the subject request on or before February 24, 2004. Parties interested in submitting reply comments must do so on or before March 5, 2004. All comments should reference the subject request, including the DA number of the Public Notice, and should be filed with the Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, S.W., Room TW-A325, Washington, D.C. 20554.⁶ A copy of each filing should be sent to 1) Qualex International, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554; (2) Maria Ringold, Federal Communications Commission, Consumer and Governmental Affairs Bureau, Reference Information Center, 445 12th Street, S.W., Room CY-B529, Washington, D.C. 20554; and 3) Scot Stone, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau, 445 12th Street, S.W., Room 4-C337, Washington, D.C. 20554, (202) 418-7308 or via e-mail to scot.stone@fcc.gov.

Havens's applications and waiver requests can be accessed electronically via the Commission's Universal Licensing System, <http://wireless.fcc.gov/uls>. In addition, the full text of the 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 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. Copies may also be obtained from the Commission's duplicating contractor, Qualex International, 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 qualexint@aol.com. For further information regarding the public reference file for this request, contact Maria Ringold, Chief, Wireless Branch, RIC, (202) 418-1355.

Because of the policy implications and potential impact of this proceeding on persons not parties to this request, we believe it would be in the public interest to treat this matter as a permit-but-disclose proceeding under the *ex parte* rules, *see* Sections 1.1200(a) and 1.1206 of the Commission's Rules, 47 C.F.R. §§ 1.1200(a), 1.1206, rather than a restricted proceeding under Section 1.1208 of the Commission's Rules, 47 C.F.R. § 1.1208. Therefore, any *ex parte* presentations that are made with respect to the issues involved in the subject request, subsequent to the release of this Public Notice, 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. Scot Stone of the Wireless Telecommunications Bureau, Public Safety and Critical Infrastructure Division at (202) 418-0638, TTY (202) 418-7233, or via e-mail to scot.stone@fcc.gov.

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

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⁶ 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 at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. 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. *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).