



PUBLIC NOTICE

Federal Communications Commission
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News Media Information 202 / 418-0500
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DA 06-1182
Released: June 1, 2006

WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON REQUEST BY HENNEPIN COUNTY, MINNESOTA, FOR TEMPORARY WAIVER OF PART 90 RULES TO ALLOW ESTABLISHMENT OF A REGION-WIDE 700 MHZ WIDEBAND PUBLIC SAFETY DATA COMMUNICATIONS SYSTEM

Comment Date: July 1, 2006

Reply Date: July 16, 2006

On April 14, 2006, the Hennepin County, Minnesota, Sheriff's Office (Hennepin County), on behalf of itself and several Minnesota entities, filed a request for temporary waiver of the Commission's rules to permit Hennepin County to implement a proposed 700 MHz wideband data public safety system.¹ The waiver request is needed to permit the use of twenty-eight 700 MHz public safety wideband general use² and wideband interoperability³ channels for establishment of a region-wide 700 MHz wideband wireless data communications system for the purposes of achieving interoperability⁴ among first responders, and to provide capacity for day-to-day use.⁵

Hennepin County filed a request for waiver of Sections 90.531(c)(1) and 90.535(c)(1) of the Commission's Rules.⁶ Specifically, Hennepin County requests that the Commission permit

¹ See Letter from Patrick D. McGowan, Hennepin County Sheriff, to Catherine W. Seidel, Acting Chief, Wireless Telecommunications Bureau, WT Docket 96-86 (Apr. 14, 2006) (*Waiver Request*). The waiver request included a "Detailed Explanation Supporting a Rule Waiver Request On Behalf of Hennepin County, Minnesota, Washington County, Minnesota, and the Metropolitan Emergency Services Board (Applicants) April 14, 2006." (*Waiver Request Supplement*).

² See 47 C.F.R. § 90.535(c)(3) (wideband general use channels are designated for assignment to public safety eligibles subject to Commission-approved regional planning committee regional plans).

³ See 47 C.F.R. § 90.535(c)(1) (listing wideband interoperability channels).

⁴ Interoperability is defined as "An essential communication link within public safety and public service wireless communications systems which permits units from two or more different entities to interact with one another and to exchange information according to a prescribed method in order to achieve predictable results." See 47 C.F.R. § 90.7.

⁵ *Waiver Request Supplement* at 1. The waiver seeks seventeen wideband general use channels (31, 32, 34, 35, 43, 44, 50, 52, 54, 58, 60, 64, 66, 70, 71, 79, 88) and eleven wideband interoperability channels (28, 29, 30, 37, 38, 39, 46, 48, 73, 75, 83). See Letter from Steve Pott, Chair, Region 22 700 MHz Planning Committee to Jeannie Benfaida, Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau, FCC (Apr. 14, 2006).

⁶ 47 C.F.R. §§ 90.531(c)(1) (providing that wideband interoperability channels are designated for nationwide interoperability licensing and use, but are not available for licensing or use pending

the licensing and use of wideband channels designated for interoperability use so that Hennepin County may begin the phased construction of a TIA-902 Scalable Adaptive Modulation (SAM)⁷ shared region-wide wideband data interoperability network prior to a Commission decision whether or not to adopt rules that would require that equipment operating on the wideband data channels must conform to the TIA-902 standard.⁸ Hennepin County states that this proposed initiative will be the first public safety wireless data system in the Midwest constructed to serve multiple jurisdictions throughout a metropolitan area and will be the first public safety wireless data system in the nation utilizing SAM technology.⁹ Hennepin County states that the proposed system has been approved by the Metropolitan Emergency Services Board (MESB),¹⁰ the Minnesota Statewide Radio Board, and the Region 22 Planning Committee.¹¹

Hennepin County states that the Region 22 plan encourages agencies to make provisions for interoperability by integrating interoperability channels into their systems and that the plan permits the use of interoperability channels for “day to day use provided that sufficient capacity exists for interoperability events.”¹² Hennepin County adds that limiting the proposed system to wideband general use channels only would reduce capacity to the extent that the system would sacrifice basic services, limit the number of concurrent users and reduce geographic coverage, making the system impractical to implement.¹³ Hennepin County observes that the Commission is presently considering a variety of options for the wideband interoperability channels and is investigating whether a wideband interoperability standard is ultimately necessary as part of the Commission’s consideration of various proposals to modify the 700 MHz Public Safety band to accommodate broadband operations.¹⁴ Hennepin County states that it would accept a conditional

Commission adoption of a wideband interoperability standard), 90.535(c)(1) (providing that transmitters designed to operate on the wideband channels using digital modulation must be capable of maintaining a minimum data (non-voice) rate of 384 kbps (kilobits per second) per 150 kHz of bandwidth).

⁷ In 2003, the NCC recommended that the Commission adopt the 700 MHz wideband standard known as Scalable Adaptive Modulation (SAM) for the wideband interoperability standard. *See* letter dated July 25, 2003 from Kathleen Wallman, Chair, National Coordination Committee to Michael Powell, Chairman, Federal Communications Commission, WT Docket 96-86 at 2 (dated July 25, 2003) (*NCC Final Report*). The SAM standard was developed by industry consensus in cooperation with the Telecommunications Industry Association (TIA) and is comprised of the TIA-902 suite of standards.

⁸ *Waiver Request* at 1.

⁹ *Waiver Request Supplement* at 1.

¹⁰ Members of the MESB (signatory jurisdictions representing a regional population of 2,715,877) are the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington and the City of Minneapolis. *See* Letter from MESB dated July 13, 2005, to U.S. Department of Justice, Office of Community Oriented Policing Services (July 13, 2005) (supporting Hennepin County’s proposed system). *See also* Region 22 700 MHz Plan, WT Docket 02-378, at Section 8.3.3 wideband data metro plan (Oct. 14, 2005).

¹¹ *Id.* at 1-2. We note that the Wireless Telecommunications Bureau has invited comments on the Region 22 Plan. *See* Comments Invited on Region 22 (Minnesota) 700 MHz Regional Planning Committee Proposed Public Safety Plan and Request for Waiver, WT Docket No. 02-378, *Public Notice*, 21 FCC Rcd 312 (WTB PSCID 2006). The period for filing comments has closed. *Id.*

¹² *See Waiver Request Supplement* at 2.

¹³ *See id.* at 2-3.

waiver whereby the subject system would be rechannelized to conform with any future revisions to Commission rules and the Region 22 wideband allocations.¹⁵

Hennepin County also requests that the Commission permit the temporary use of SAM emission designator 17K7DW (producing a channel efficiency rate of 96 kbps per 25 kHz of bandwidth centered on 50 kHz wideband channel) until the system can be updated to SAM emission designator 43K6D7W (producing a channel efficiency rate of 230 kbps 50 kHz of bandwidth).¹⁶ Hennepin County contends that TIA-902 technology operating on full 50 kHz bandwidth will not be available until 2008.¹⁷ Therefore the system will be implemented in two phases, with the initial phase installed in mid-2006 at a reduced bandwidth and the system upgraded in 2008 to 50 kHz (producing a channel data rate of 230 kbps).¹⁸ Hennepin County adds that use of narrowband or State channels would not accommodate its planned migration to 50 kHz.¹⁹

Hennepin County requests waiver for operations through July 31, 2009 to allow the implementation of the system to meet immediate communications needs in the Minneapolis/St. Paul, Minnesota, metropolitan area and within grant expenditure deadline dates of the U.S. Department of Homeland Security and the U.S. Department of Justice.²⁰

Interested parties may file comments on the waiver request on or before July 1, 2006. Parties interested in submitting reply comments must do so on or before July 16, 2006. 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 12th Street, S.W., TW-A325, Washington, D.C. 20554.²¹

¹⁴ *See id.* at 2-3. *See* Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communications Requirements Through the Year 2010, *Eighth Notice of Proposed Rulemaking*, WT Docket No. 96-86, FCC 06-34, __ FCC Rcd __ (2006). Comments and reply comments in that proceeding are due June 6, 2006, and July 6, 2006, respectively. *See* 71 Fed. Reg. 17786 (Apr. 7, 2006).

¹⁵ *See Waiver Supplement* at 3.

¹⁶ *See Waiver Request* at 1; *Waiver Request Supplement* at 4-5.

¹⁷ *See Waiver Request Supplement* at 4.

¹⁸ *See id.* at 4-5.

¹⁹ *See id.*

²⁰ *Id.* at 1, 5. The system will also provide wireless connectivity for interoperable data communications to multiple E-911 Public Safety Answering Points (PSAPs). *Id.* at 1. *See also* Letter from Patrick D. McGowan, Hennepin County Sheriff to U.S. Department of Justice, Community-Oriented Policing Services (Jul. 11, 2005).

²¹ This 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,

The full text of the waiver request, comments and 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. (BCPI), Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554. Customers may contact BCPI through its web site, <http://www.bcpweb.com>, by email at fcc@bcpweb.com, by phone at (202) 488-5300 or (800) 378-3160, or by facsimile at (202) 488-5563. 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 John Evanoff of the Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau at (202) 418-0848, TTY (202) 418-7233, or via e-mail to John.Evanoff@fcc.gov.

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

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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).