



PUBLIC NOTICE

Federal Communications Commission
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WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON APPLICATIONS FROM SYOSSET, NEW YORK, FIRE DISTRICT TO MODIFY ITS PUBLIC SAFETY STATION WPYJ816 OPERATING BY WAIVER ON PART 22 FREQUENCIES

Comment Date: August 16, 2006

The Syosset Fire District, New York (Syosset) has filed two applications for authorization to augment its existing public safety radio communications system, FCC File Nos. 0002490437, and 0002509311. Syosset's license to operate Station WPYJ816, Syosset, New York, was granted by waiver pursuant to Section 337(c) of the Communications Act of 1934, as amended (the Act),¹ on August 25, 2003, to authorize public safety use of unassigned, Part 22 paging frequencies. The license was modified on February 1, 2006 to relocate certain base stations, increase the power on certain frequencies, and add frequencies. As set forth below, the instant applications seek to relocate one base station and increase power levels at two other base stations.

On February 17, 2006, Syosset filed application FCC File No. 0002490437, as amended on February 24, 2006, to relocate a base station site from "South Woods Road" in Syosset, New York to "1 Fairchild Avenue" in Plainview, New York, less than two miles away. On February 27, 2006, Syosset was granted special temporary authority to operate at the "1 Fairchild Avenue" site under Call Sign WQEL413. On March 2, 2006, Syosset filed application FCC File No. 0002509311, as amended on April 4, 2006 and June 13, 2006, to increase the power levels on five frequencies at its "Merry Lane," Jericho, New York and the "Split Rock," Syosset, New York base station sites. Specifically, Syosset proposes to increase the power on frequencies 476.0375 MHz, 476.1375 MHz, and 476.1875 MHz from 45 watts effective radiated power (ERP) to 100 watts ERP. Further, Syosset proposes to increase the power on frequencies 476.2375 MHz and 476.2875 MHz from 45 watts ERP to 225 watts ERP. Syosset will utilize six-degree downtilt antennas for all of the base stations and frequencies at issue in these applications. Syosset states that it intended to request these power levels in connection with the modifications that were granted on February 1, 2006, but inadvertently failed to do so. It has submitted engineering studies indicating that grant of the requested modifications would result in *de minimis* expansions of the currently authorized service and interfering contours.

Interested parties may file comments on the applications on or before August 16, 2006. All comments should reference the subject applications 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. 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-

¹ 47 C.F.R. § 337(c).

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).

The applications and attachments can be accessed electronically via the Commission's Universal Licensing System, <http://wireless.fcc.gov/uls>. The full text of the attachments, 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 these applications, 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 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. Thomas 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.

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