



PUBLIC NOTICE

Federal Communications Commission
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**WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON REQUEST BY
NEW YORK STATE ELECTRIC & GAS CORPORATION FOR EXTENSION OF TIME AND
CONSOLIDATION OF CONSTRUCTION DEADLINES FOR PART 22 AND PART 90
LICENSES**

WT Docket No. 06-173

Comment Date: October 16, 2006

Reply Comment Date: October 30, 2006

By this Public Notice, the Wireless Telecommunications Bureau (Bureau) seeks comment on a request for extension of time and consolidation of construction deadlines filed by New York State Electric & Gas Corporation (NYSEG).¹ NYSEG requests a waiver of section 22.503(k) for its Part 22 economic area (EA) paging frequencies² and section 90.155(a) for its Part 90 150 MHz industrial/business frequencies³ to allow a consolidated construction deadline of December 31, 2009 for its planned 51-site statewide radio system.⁴

NYSEG serves approximately 848,000 electricity customers and 253,000 natural gas customers across more than forty percent of upstate New York.⁵ NYSEG states that it plans to replace various existing radio systems with a single integrated, statewide system that maximizes efficiency through

¹ See Appendix A for a list of the call signs and corresponding File Nos. of the requests for extension of time to construct (Waiver Request).

² Generally, section 22.503(k) of the Commission's rules states that an EA paging licensee must construct facilities to cover one-third of the population of its license area within three years and cover two-thirds of the population of its license area within five years of the grant of the authorization. Alternatively, the licensee may elect to demonstrate that, no later than five years after the initial grant of its license, it provides substantial service to its licensed area. 47 C.F.R. § 22.503(k).

³ Section 90.155(a) of the Commission's rules states that a Part 90 150 MHz industrial/business licensee, must place its stations in operation within twelve months from the grant of its authorization. 47 C.F.R. § 90.155(a).

⁴ The five-year construction deadlines for NYSEG's Part 22 licenses are between June 21, 2007 and March 20, 2009. The twelve month construction deadlines for NYSEG's Part 90 licenses are between January 20, 2007 and April 10, 2007.

⁵ Waiver Request at 2.

trunking and frequency re-use.⁶ NYSEG argues that an extension of time to construct and consolidation of its construction deadlines is required in order for it to complete its complex 51-site statewide radio system in an orderly, efficient manner.⁷ Generally, NYSEG argues that a waiver and extension of its construction requirements would increase the overall use of the spectrum and would guarantee that this spectrum does not lay fallow indefinitely. NYSEG also argues that certain implementation requirements are beyond its control, including the need to coordinate its operations with Canada. In addition, NYSEG argues that a consolidation of its inconsistent construction deadlines is warranted because when the FCC adopted construction requirements for Part 22 paging licenses and Part 90 150 MHz industrial/business licenses, it did not envision a single, integrated system incorporating Part 22 and Part 90 licenses.

Interested parties may file comments on NYSEG's Request on or before October 16, 2006. Parties interested in submitting reply comments must do so on or before October 30, 2006. All filings concerning matters referenced in this Public Notice should refer to WT Docket 06-173. Comments may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS): <http://www.fcc.gov/cgb/ecfs/>, (2) the Federal Government's eRulemaking Portal: <http://www.regulations.gov>, or (3) paper copies.⁸

- ECFS Filers: If multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full names, U.S. Postal Service mailing addresses, and the applicable docket or rulemaking number. Interested parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message: "get form." A sample form and directions will be sent in response.
- eRulemaking Filers: Filers should follow the instructions provided on the website for submitting comments.
- Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
 - The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 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 the building.
 - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

⁶ *Id.* NYSEG notes that it currently operates conventional private land mobile and various microwave facilities for a wide variety of needs, including mobile voice and dispatch, backhaul, electric and gas distribution system construction and operations, emergency response, customer service operations, training, and security management.

⁷ *Id.* at 6.

⁸ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, SW, Washington, DC 20554.

Copies of this public notice, and NYSEG's Reques, will be posted on the web at http://gullfoss2.fcc.gov/prod/ecfs/comsrch_v2.cgi and will be available for public inspection and duplication during regular business hours in the FCC Reference Information Center, 445 12th Street, SW, Room CY-A257, Washington, DC 20554. Copies of the comments and other filings in this docket also may be obtained from the Commission's duplicating contractor, Best Copy and Printing, Inc. in person at 445 12th Street, SW, Room CY-B402, Washington, DC 20554, via telephone at (202) 488-5300 or (800) 378-3160, via facsimile at (202) 488-5563, or via e-mail at fcc@bcpiweb.com. To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

This proceeding is designated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁹ Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required.¹⁰ Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in Section 1.1206(b) of the Commission's rules.¹¹

For further information, contact James Brown, Mobility Division, Wireless Telecommunications Bureau at (717) 338-2621 or via email at James.Brown@fcc.gov.

By the Chief, Mobility Division, Wireless Telecommunications Bureau.

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⁹ 47 C.F.R. §§ 1.1200(a), 1.1206.

¹⁰ 47 C.F.R. § 1.1206(b).

¹¹ *Id.*

APPENDIX A

New York State Electric & Gas Corporation Extension Applications

File Number	Call Sign	Radio Service Code	Date Filed
0002652309	WPVF298	CP	06/15/2006
0002652310	WPVF314	CP	06/15/2006
0002652311	WPXN900	CP	06/15/2006
0002652312	WPZP559	CP	06/15/2006
0002652313	WPZP560	CP	06/15/2006
0002652314	WPZP561	CP	06/15/2006
0002652315	WPZW633	CP	06/15/2006
0002652316	WPZW634	CP	06/15/2006
0002652317	WPZW635	CP	06/15/2006
0002652318	WPZW636	CP	06/15/2006
0002652319	WPZW637	CP	06/15/2006
0002652320	WPZW638	CP	06/15/2006
0002652321	WPZW639	CP	06/15/2006
0002652322	WPZW640	CP	06/15/2006
0002652323	WPZW641	CP	06/15/2006
0002652324	WPZW642	CP	06/15/2006
0002652325	WPZW643	CP	06/15/2006
0002652326	WPZW644	CP	06/15/2006
0002652327	WPZW645	CP	06/15/2006
0002652328	WPZW646	CP	06/15/2006
0002652329	WPZW647	CP	06/15/2006
0002652330	WPZW648	CP	06/15/2006
0002652331	WPZW649	CP	06/15/2006
0002652332	WPZW650	CP	06/15/2006
0002652333	WPZW651	CP	06/15/2006
0002652345	WQDZ733	YG	06/15/2006
0002652346	WQEG663	YG	06/15/2006
0002652347	WQEI789	YG	06/15/2006
0002652348	WQEQ261	YG	06/15/2006
0002652349	WQEQ270	YG	06/15/2006
0002652350	WQEQ425	YG	06/15/2006
0002652351	WQEQ426	YG	06/15/2006
0002652352	WQER995	YG	06/15/2006
0002652353	WQES833	YG	06/15/2006
0002652354	WQET480	YG	06/15/2006