

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
BRIDGEWATER FIRE DISTRICT #2)	FCC File No. 0002482609
)	
Request for Waiver of Section 90.305(a))	
of the Commission's Rules)	

ORDER

Adopted: December 21, 2006

Released: December 21, 2006

By the Deputy Chief, Policy Division, Public Safety and Homeland Security Bureau:

I. INTRODUCTION

1. We have before us an application filed by the Bridgewater Fire District #2 (Bridgewater) to operate a Public Safety Pool Station in the 470-512 MHz band in Bridgewater, New Jersey.¹ Bridgewater requests a waiver of Section 90.305(a) of the Commission's rules² to permit it to operate a new base station in Bridgewater, New Jersey, a location more than fifty miles from the geographic center of the Philadelphia, Pennsylvania urbanized area.³ For the reasons set forth below, we grant Bridgewater's waiver request.

II. BACKGROUND

2. Pursuant to Section 90.305(a) of the Commission's rules, base stations operating in the 470-512 MHz band must be located within fifty miles of the geographic center of an urbanized area listed in Section 90.303 of the Commission's rules.⁴ This mileage restriction was established to protect over-the-air broadcast operations on television (TV) channels 14-20 from harmful interference by land mobile radio systems operating in the 470-512 MHz band.⁵ On February 14, 2006, Bridgewater filed an application to operate a new Public Safety Pool base station in Bridgewater, New Jersey.⁶ Bridgewater's proposed station would operate on TV Channel 19 in the Philadelphia, Pennsylvania urbanized area.⁷ Because the proposed base station would be more than fifty miles from the geographic center of Philadelphia, Pennsylvania, Bridgewater requests a waiver of Section 90.305(a) of the Commission's rules.⁸

¹ FCC File No. 0002482609 (filed Feb. 14, 2006; amended June 30, 2006).

² 47 C.F.R. § 90.305(a).

³ Request for Waiver, filed Feb. 14, 2006 (Waiver Request).

⁴ 47 C.F.R. §§ 90.305(a), 90.303.

⁵ See Geographic Reallocation of UHF-TV Channels 14 Through 20 to the Land Mobile Radio Services for Use Within the 25 Largest Urbanized Areas of the United States, Gen. Docket No. 18261, *First Report and Order*, 23 FCC 2d 325, 347 ¶¶ 42-43 (1970) (*Reallocation R&O*).

⁶ See FCC File No. 0002482609.

⁷ *Id.*

⁸ See Waiver Request at 2.

III. DISCUSSION

3. We may grant a request for rule waiver when (i) the underlying purpose of the rule would not be served or would be frustrated by application to the instant case, and a grant of the requested waiver would be in the public interest; or (ii) in view of the unique or unusual circumstances of the case, application of the rule would be inequitable, unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative.⁹ We conclude that Bridgewater has made a sufficient showing to warrant grant of the requested waiver under the first prong of the waiver standard set forth in Section 1.925(b)(3) of the Commission's rules.¹⁰

4. The purpose of the fifty-mile limitation is to ensure that television stations and land mobile stations do not interfere with one another.¹¹ Sections 90.305(a) and (b) of the Commission's rules provide that private land mobile radio (PLMR) base stations operating in the 470-512 MHz band may be located only within fifty miles of the geographic centers of certain cities listed in Section 90.303, and associated mobile units shall operate within thirty miles of the base station, thus creating a circular area with a radius of eighty miles (eighty-mile area) where PLMR stations may operate without interference from television stations.¹² The rules also specify effective radiated power and antenna height limits to ensure that PLMR stations will not interfere with existing full-power television stations.¹³

5. We have performed our own engineering analysis to determine whether Bridgewater's proposed operation would likely cause interference to protected, full-service TV facilities. Our analysis concludes that the proposed Bridgewater base station will satisfy the effective radiated power and antenna height limits specified in Sections 90.307 and 90.309 of the Commission's rules.¹⁴ Thus, Bridgewater's proposed base station satisfies the Commission's protection criteria with respect to full service co-channel and adjacent-channel TV stations.

6. In addition, Bridgewater indicates that its area of operation of mobile units extends five miles from the proposed base station.¹⁵ Given that the proposed base station is to be located 53.2 miles from the geographic center of Philadelphia, Pennsylvania, the radius of the circular area where the mobiles will operate will not extend beyond 58.2 miles from the associated Philadelphia, Pennsylvania coordinates. Although the base station would be located beyond the fifty-mile limit, the proposed area of mobile operations would remain within the eighty-mile area where land mobile operations are primary.

7. The Commission has stated that it is more inclined to consider favorably requests for waiver of Section 90.305(a) when the applicant proposes to contain its area of operations within eighty miles of the geographic center of the urban area in question because that operation likely would not have an adverse impact on television stations and because television stations are required to protect PLMR operations within this eighty mile area.¹⁶ Here, because Bridgewater's proposed base station and associated mobiles would be contained within eighty miles of the geographic center of the Philadelphia,

⁹ 47 C.F.R. § 1.925(b)(3).

¹⁰ *Id.*

¹¹ *See Reallocation R&O, supra* note 5.

¹² 47 C.F.R. §§ 90.305(a), (b).

¹³ *See* 47 C.F.R. §§ 90.307, 90.309.

¹⁴ *Id.*

¹⁵ *See* FCC File No. 0002482609.

¹⁶ *See* Goosetown Enterps., Inc., *Memorandum Opinion and Order*, 16 FCC Rcd 12792, 12797 ¶ 13 (2001).

Pennsylvania urban area, we conclude that Bridgewater's proposed base and mobile operations would fully protect all television stations that are entitled to protection.

IV. CONCLUSION

8. For the reasons stated herein, we find that a grant of Bridgewater's waiver request is warranted because the underlying purpose of Section 90.305(a) would not be served by application to this case.

V. ORDERING CLAUSE

9. Accordingly, IT IS ORDERED, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 1.925 of the Commission's rules, 47 C.F.R. § 1.925, the Request for Waiver filed by Bridgewater Fire District #2, on February 14, 2006, IS GRANTED as set forth above.

10. IT IS FURTHER ORDERED that application FCC File No. 0002482609 SHALL BE PROCESSED consistent with this *Order* and the Commission's rules.

11. This action is taken under delegated authority pursuant to Sections 0.191 and 0.392 of the Commission's rules, 47 C.F.R. §§ 0.191, 0.392.

FEDERAL COMMUNICATIONS COMMISSION

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