



# PUBLIC NOTICE

**Federal Communications Commission**  
**445 12<sup>th</sup> St., S.W.**  
**Washington, D.C. 20554**

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**DA 07-1079**

**Released: March 7, 2007**

**PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SEEKS COMMENT ON REQUEST  
FOR WAIVER FILED BY THE CITY OF BOSTON, MASSACHUSETTS TO OPERATE A  
PUBLIC SAFETY RADIO SYSTEM UTILIZING UHF PART 22 PAGING CONTROL  
FREQUENCIES**

**FCC File Nos. 0002859368 *et al.***

**Comment Date: April 9, 2007**

**Reply Comment Date: April 24, 2007**

The Public Safety and Homeland Security Bureau seeks comment on the above-captioned eighteen applications<sup>1</sup> and associated waiver request filed on December 22, 2006, by the City of Boston, Massachusetts (Boston), on behalf of the Metro-Boston Homeland Security Region (MBHSR).<sup>2</sup> Boston seeks waiver relief, pursuant to Section 337(c) of the Communications Act of 1934, as amended (the Act), 47 U.S.C. § 337(c), and Section 1.925 of the Commission's rules, 47 C.F.R. § 1.925, to use seventy-two unassigned 47 C.F.R. Part 22 paging control frequencies in the 470-512 MHz band for public safety communications. Boston contends that its proposed use of the subject frequencies is necessary due to the lack of available public safety frequencies in the Boston metropolitan area. Boston also asserts that use of the requested frequencies would promote interoperable communications within the region.

Boston states that it and the other MBHSR jurisdictions have undertaken several initiatives to strengthen region-wide response and emergency preparedness capabilities. As Boston explains, it is taking these initiatives in order to leverage all state, local and regional resources to ensure that the necessary personnel and equipment most expeditiously can respond to emergencies. Boston adds that these efforts are an element of the Urban Area Security Initiative (UASI).<sup>3</sup> Boston contends that its planned use of the Part 22 paging channels is integral to these efforts, as it will enable a region-wide, interoperable network that would integrate the VHF, UHF, and 800 MHz bands, increase the

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<sup>1</sup> See FCC File Nos. 0002859368, 0002859394, 0002859398, 0002859566, 0002859631, 0002859634, 0002859674, 0002859678, 0002859681, 0002859693, 0002859696, 0002859703, 0002859707, 0002859713, 0002859716, 0002859739, 0002859744 and 0002859754.

<sup>2</sup> The MBHSR consists of the following nine local jurisdictions: Boston, Brookline, Cambridge, Chelsea, Everett, Quincy, Revere, Somerville, and Winthrop.

<sup>3</sup> The UASI grant program addresses the unique planning, equipment, training, and exercise needs of high threat, high density urban areas, and assists these areas in building an enhanced and sustainable capacity to prevent, protect against, respond to, and recover from acts of terrorism. See <http://www.dhs.gov/xgovt/grants/index.shtm>.

communications capacity of several area agencies, and broaden the number of agencies able to participate in interoperable communications.

In support of its request, Boston argues that it meets the requirements of Section 337(c) of the Act, as well as Section 1.925 of the Commission's rules, and seeks waiver of Sections 22.7, 22.501, 22.621, 22.651, and 90.311 of the Commission's rules, 47 C.F.R. §§ 22.7, 22.501, 22.621, 22.651, and 90.311.

Interested parties may file comments on the above-listed eighteen applications and waiver request on or before April 9, 2007. Parties interested in submitting reply comments must do so on or before April 24, 2007. All comments and reply comments should reference the subject waiver request, including the DA number of this *Public Notice*. 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.
- U.S. Postal Service first-class mail, Express, and Priority mail must be sent to 445 12th Street, S.W., TW-A325, Washington, D.C. 20554.

The applications and waiver request can be accessed electronically via the Commission's Universal Licensing System, <http://wireless.fcc.gov/uls>. 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 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](mailto: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.

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).

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](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

For further information, contact Mr. Thomas Eng of the Policy Division, Public Safety and Homeland Security Bureau at (202) 418-0019, TTY (202) 418-7233, or via e-mail to [Thomas.Eng@fcc.gov](mailto:Thomas.Eng@fcc.gov).

By the Deputy Chief, Public Safety and Homeland Security Bureau.

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