



# PUBLIC NOTICE

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

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**DA 07-3147**

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**PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SEEKS COMMENT ON REQUEST  
FOR WAIVER FILED BY THE TOWN OF NEW HAVEN, VERMONT, TO TRANSITION TO  
NARROW BANDWIDTH EMISSIONS WITHOUT FREQUENCY COORDINATION**

**FCC File No. 0002937722**

**Comment Date: July 26, 2007**

**Reply Comment Date: August 10, 2007**

The Public Safety and Homeland Security Bureau seeks comment on an application and associated rule waiver request filed on March 6, 2007, by the Town of New Haven, Vermont (New Haven).<sup>1</sup> New Haven seeks a waiver of Section 90.175 of the Commission's rules<sup>2</sup> in order to permit it to modify its license for Station WPMP419, New Haven, Vermont. Specifically, New Haven seeks to migrate from an analog "wide" emission designator (e.g., 16K0F3E or 20K0F3E) to an analog "narrow" emission designator (e.g., 11K0F3E) without obtaining frequency coordination as required by our rules.<sup>3</sup>

New Haven states that its application proposes no technical modifications other than addition of a narrow emission designator to frequency 155.8800 MHz; it does not propose, for example, an increase in effective radiated power or antenna height above average terrain, a change in channel assignment, or a change in location.<sup>4</sup> New Haven also states that adding a narrower 11 kHz emission on frequency 155.8800 MHz, on which New Haven already operates using a 20 kHz emission would not cause co-channel or adjacent channel interference.<sup>5</sup> New Haven affirms that if it is granted a waiver and allowed to add the narrow emission designator as requested, it would file a notice of construction within one year attesting to the implementation of the narrow emission designator and removing the wide emission designator from that frequency.<sup>6</sup>

In 2003, the Commission adopted rules to bring about a more timely transition to narrowband technology because it determined the existing rules failed to provide adequate incentive to realize the Commission's spectrum efficiency goals in the 150-174 MHz and 421-512 MHz bands.<sup>7</sup> In 2004, the

<sup>1</sup> FCC File No. 0002937722 (filed Mar. 6, 2007) and accompanying Letter from Ronald P. Kumetz, Jr., Falcon Communications (dated Mar. 6, 2007) (Waiver Request).

<sup>2</sup> 47 C.F.R. § 90.175.

<sup>3</sup> *Id.*

<sup>4</sup> Waiver Request.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> See Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended; Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies, *Second Report and Order and Second Further*

Commission, *inter alia*, set January 1, 2013, as the deadline for Public Safety Radio Pool licensees, such as New Haven, to either migrate to 12.5 kHz technology or a technology that achieves the narrowband equivalent of one channel per 12.5 kHz of channel bandwidth.<sup>8</sup> Although the Commission declined to establish a fixed date for users to transition to 6.25 kHz technology, in a *Third Report and Order* released earlier this year it stated “[g]iven that the Commission will adopt a date by which users must migrate to 6.25 kHz technology, we strongly urge licensees to consider the feasibility of migrating directly from 25 kHz technology to 6.25 kHz technology prior to January 1, 2013.”<sup>9</sup>

New Haven seeks to migrate to a narrower bandwidth emission designator, ahead of the January 1, 2013 transition deadline by modifying the operation of Station WPMP419.<sup>10</sup> New Haven states that without the rule waiver, it would be required to have its application frequency coordinated, and thus it would have to “incur the associated cost and paperwork burden” in order to comply with the Commission’s policy to promote spectrum efficiency in the 150-174 MHz and 421-512 MHz bands.<sup>11</sup> New Haven also suggests that requiring frequency coordination in this instance would not serve the underlying purpose of Section 90.175 because the proposed modification from analog wideband to analog narrowband technology would not cause interference.<sup>12</sup> Finally, New Haven states that the substantial cost and increased time to achieve the Commission’s narrowbanding goals are contrary to the intentions of the Commission as well as the public interest.<sup>13</sup>

The scope of this public notice is limited solely to whether New Haven’s request for waiver of the frequency coordination requirement of Section 90.175 of the Commission’s rules – in the limited context of an analog-to-analog, wideband-to-narrowband technology migration with no technical modifications – would be consistent with the public interest. In this connection, we recognize that the Commission stated that the “[a]vailability of 6.25 kHz equipment before the 12.5 kHz migration deadline may encourage some users of wideband equipment to make one cost-saving transition directly to 6.25 kHz-capable equipment.”<sup>14</sup> We also note that the Commission recently released a notice of proposed rule making, which, *inter alia*, sought comment on the broader issue of whether frequency coordination should no longer be required for certain types of applications, “such as applications to modify a license to reduce the authorized bandwidth.”<sup>15</sup> We now seek comment on whether a waiver of the frequency coordination

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*Notice of Proposed Rule Making and Order*, WT Docket No. 99-87, RM-9332, 18 FCC Rcd 3034, 2028 ¶ 12 (2003).

<sup>8</sup> See Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended; Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies, WT Docket No. 99-87, RM-9332, *Third Memorandum Opinion and Order, Order, and Third Further Notice of Proposed Rule Making*, 19 FCC Rcd 25045, 25047 ¶ 2 (2004).

<sup>9</sup> See Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended; Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies, WT Docket No. 99-87, RM-9332, *Third Report and Order*, 22 FCC Rcd 6083, 6092 ¶ 20 (2007).

<sup>10</sup> Waiver Request.

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Third Report and Order*, 22 FCC Rcd at 6089 ¶ 16.

<sup>15</sup> See Amendment of Part 90 of the Commission’s Rules, *Notice of Proposed Rulemaking and Order*, WP Docket No. 07-100, 22 FCC Rcd 9595, 9596 ¶ 3 (2007).

requirement based on the particular facts of New Havens' waiver request would be consistent with the public interest and the Commission's goal of reducing unnecessary regulatory burdens on licensees.

Interested parties may file comments on the application and waiver request on or before July 26, 2007. Parties interested in submitting reply comments must do so on or before August 10, 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 application 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. John Évanoff of the Policy Division, Public Safety and Homeland Security Bureau at (202) 418-0848, TTY (202) 418-7233, or via e-mail to [John.Evanoff@fcc.gov](mailto:John.Evanoff@fcc.gov).

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

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