

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

In the Matter of Applications of )
CITY OF LOS ANGELES, DEPARTMENT OF )
AIRPORTS ) FCC File Nos. 0002698531, 0002734941
For Authority to Operate a Public Safety Radio )
Communications System in Frequency Band )
470-512 MHz in Los Angeles, California, and )
Request for Waiver of Section 90.311(a)(2) of the )
Commission's Rules )

ORDER

Adopted: January 30, 2007

Released: January 31, 2007

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

I. INTRODUCTION

1. We have before us two applications and waiver requests filed by the City of Los Angeles, California, Department of Airports (a/k/a Los Angeles World Airports or LAWA) for authority to operate a public safety radio system on four frequency pairs designated for non-public safety use. On September 20, 2006, National Science and Technology Network, Inc. (NSTN) and License Communications Services, Inc. (LCSI) separately submitted informal petitions to dismiss or deny LAWA's application FCC File No. 0002734941 only, and LAWA subsequently filed a consolidated opposition to the NSTN and LCSI Petitions. For the reasons stated below, we grant the Waiver Request, permit the processing of LAWA's applications, and deny the informal petitions.

II. BACKGROUND

2. LAWA filed the instant applications and the Waiver Request as part of its effort to upgrade and improve its communications system in and around the area of the Los Angeles International Airport (LAX). Specifically, LAWA seeks authority to operate four paired frequency assignments:

1 See FCC File No. 0002698531 (filed Aug. 1, 2006, amended Sept. 5, 2006, Oct. 30, 2006, and Jan. 23, 2007) and accompanying Request for Rule Waiver, Frequency Use Statement, and Amended Frequency Use Statement; FCC File No. 0002734941 (filed Sept. 5, 2006, amended Oct. 30, 2006, and Jan. 16, 2007) with identically-worded attachments. These two applications concern a single communications system. For convenience, we refer to each attachment and its identical counterpart, as Waiver Request, Statement, and Amended Statement.

2 See FCC File No. 0002734941, attached Informal Petition to Dismiss or Deny (filed Sept. 20, 2006) by Ted S. Henry, President, National Science & Technology Network Inc. (NSTN) (NSTN Informal Petition), and Informal Petition to Dismiss of Deny (filed Sept. 20, 2006) by Alan Lurya, President and General Counsel of License Communications Services, Inc. (LCSI) (LCSI Informal Petition) (collectively, NSTN and LCSI Petitions or informal petitions).

3 See FCC File No. 0002734941, attached Consolidated Opposition of the City of Los Angeles Department of Airports (Sept. 29, 2006) (Opposition).

4 See Waiver Request at 2.

472/475.5500 MHz, 472/475.5625 MHz, 472/475.5875 MHz, and 472/475.6375 MHz.<sup>5</sup> LAWA recognizes that use of the channels is limited by Section 90.311(a)(2) of the Commission's rules, which provides that once a channel in the 470-512 MHz band is assigned, subsequent authorizations to use the channel within the same urban area would be granted only to users of the same category.<sup>6</sup>

3. In this instance, the channels requested by LAWA "have been assigned in the Business/Industrial pool to FM Radio Service, LLC (FMRS), Radio Communications Association (RCA), and Mobile Relay Associates (MRA)."<sup>7</sup> Because LAWA is a governmental entity eligible in the Public Safety Pool, LAWA observes that it would require a waiver of Section 90.311(a)(2) in order to use the desired channels.<sup>8</sup> LAWA notes, however, that it has obtained letters of concurrence from FMRS, RCA, and MRA, the pertinent co-channel licensees.<sup>9</sup> LAWA states that these licensees "plan, as indicated in their concurrence letters, upon FCC grant of the Application, to cancel their existing authorizations, leaving the City [LAWA] as the sole licensee of the Channels in the Los Angeles metropolitan area."<sup>10</sup> In light of these circumstances, LAWA indicates that a waiver is warranted.<sup>11</sup> LAWA argues that grant of the waiver would make spectrum available for public safety use, consistent with the Commission's strategic goal of strengthening the national communications infrastructure.<sup>12</sup>

4. LAWA also includes in its applications a letter of consent from the pertinent adjacent channel licensee, the City of El Segundo (El Segundo).<sup>13</sup> El Segundo is the licensee of Station WQAD318, occupying frequency pair 472/475.5375 MHz. El Segundo states that the purpose of its concurrence letter is to notify the Commission that it does not object to the grant of LAWA's applications to use frequency 472/475.5500 MHz operating on the 12.5 kHz offset channels, adjacent to El Segundo's 25 kHz bandwidth, regardless of "whether or not that application would satisfy the geographic separation criteria specified in TIA Bulletin TSB-88."<sup>14</sup> El Segundo states that it has agreed to work cooperatively

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<sup>5</sup> *See id.* at 1.

<sup>6</sup> 47 C.F.R. § 90.311(a)(2). *See* Waiver Request at 1.

<sup>7</sup> Waiver Request at 1. LAWA states that MRA is licensed for channel pair 472/475.5625 MHz under Call Sign WQAD391; RCA is licensed for channel pairs 472/475.5875 MHz and 472/475.5625 MHz under Call Sign WQAZ806; and FMRS is licensed for channel pair 472/475.5500 MHz under Call Signs WQCL258 and WQCJ919. *Id.* at n.1.

<sup>8</sup> Waiver Request at 1.

<sup>9</sup> *Id.* *See* FCC File Nos. 0002698531 and 0002734941, attached Letter from Henry J. Matson, Vice President, RCA, to Wireless Telecommunications Bureau, Federal Communications Commission (FCC) (June 21, 2006) (regarding Station WQAD391); Letter from Henry J. Matson on behalf of RCA to Wireless Telecommunications Bureau, FCC (June 21, 2006) (regarding Station WQAZ806); Letter from Henry J. Matson, President, FM Radio Services, Inc., to Wireless Telecommunications Bureau, FCC (June 21, 2006) (regarding Stations WQCL258 and WQCJ919). Both FCC File No. 0002698531 and FCC File No. 0002734941 contain copies of these same documents. We refer to the documents collectively as Letters of Concurrence.

<sup>10</sup> Waiver Request at 1, citing Letters of Concurrence.

<sup>11</sup> Waiver Request at 1.

<sup>12</sup> *Id.* (citing Report to Congress on the Study to Address Short-Term and Long-Term Needs for Allocation of Additional Portions of the Electromagnetic Spectrum for Federal, State and, Local Emergency Response Providers, WT Docket No. 05-157 (Dec. 16, 2005)).

<sup>13</sup> *See* FCC File Nos. 0002698531 and 0002734941, attached Letter from Jeff Stewart, City Manager, El Segundo, to Licensing and Technical Analysis Branch, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau, FCC (Aug. 23, 2006). Both FCC File No. 0002698531 and FCC File No. 0002734941 contain copies of the same letter. We refer to the identical letters, collectively, as El Segundo Letter.

<sup>14</sup> *See* El Segundo Letter at 1. In 1997, the Commission directed the certified frequency coordinators for the Private Land Mobile Radio (PLMR) Services to attempt to reach a consensus on technical standards for frequency

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with LAWA in resolving any harmful interference affecting their respective systems and therefore submits its concurrence to LAWA's application.<sup>15</sup>

5. The NSTN and LCSi Petitions each seek to dismiss or deny LAWA's application FCC File No. 0002734941. NSTN and LCSi argue that the coordination for LAWA's application was defective and does not comply with the TIA/EIA TSB-88 model for protecting adjacent channels from harmful interference.<sup>16</sup> NSTN and LCSi argue that LAWA's proposed operation will cause more than five percent degradation to the performance of NSTN's and LCSi's operations under Call Signs WPMP967 and WPMP213, respectively.<sup>17</sup> NSTN and LCSi state that LAWA could reasonably expect to receive interference from NSTN's and LCSi's mobile radio transmitters when the transmitters operate near LAWA's fixed station locations.<sup>18</sup> NSTN and LCSi state that LAWA's proposed operation would take place within NSTN's and LCSi's protected mobile radio operating areas.<sup>19</sup> NSTN and LCSi thus argue that LAWA's proposed operation would cause receiver desensitization to a significant number of mobile radio units operated by NSTN's and LCSi's customers near LAX.<sup>20</sup> NSTN and LCSi note that Stations WPMP967 and WPMP213 are also authorized for FB8T operations<sup>21</sup> at any temporary location within forty-eight kilometers of their permanent station locations, both in the Santa Monica Mountains.<sup>22</sup> Accordingly, NSTN and LCSi claim that, to the extent they could have a temporary station at the same location as that specified in LAWA's application, NSTN's and LCSi's operations would be entitled to protection from any harmful adjacent interference that could be expected.<sup>23</sup>

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coordination under rules established in the Refarming proceeding, which established the 12.5 kHz "offset" channels. See Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services and Modify the Policies Governing Them and Examination of Exclusivity and Frequency Assignment Policies of the Private Land Mobile Services, PR Docket No. 92-235, *Second Report and Order*, 12 FCC Rcd 14307, 14330-31 ¶ 43 (1997). That consensus is embodied in the Land Mobile Communications Council (LMCC) procedures for evaluating adjacent channel interference in the 470-512 MHz band using the interference criteria of TIA/EIA/TSB-88 (TSB-88). See Filing Freeze to be Lifted for Applications Under Part 90 for 12.5 kHz Offset Channels in the 421-430 and 470-512 MHz Bands, *Public Notice*, 13 FCC Rcd 5942, 5942 (WTB 1997) (citing Letter from Larry A. Miller, President, LMCC, to Daniel B. Phythyon, Esq., Acting Chief, Wireless Telecommunications Bureau (Sept. 10, 1997)) (LMCC Consensus).

<sup>15</sup> El Segundo Letter at 1.

<sup>16</sup> NSTN Informal Petition; LCSi Informal Petition at 2.

<sup>17</sup> See NSTN Informal Petition at 1; LCSi Informal Petition at 1. NSTN Station WPMP967 is authorized on frequency pairs 472/475.575 MHz, 472/475.5625 MHz, and 472/475.5875 MHz. LCSi Station WPMP213 is authorized on frequency pairs 472/475.600 MHz, 472/475.625 MHz, and 472/475.650 MHz.

<sup>18</sup> NSTN Informal Petition at 1; LCSi Informal Petition at 1.

<sup>19</sup> NSTN Informal Petition at 1; LCSi Informal Petition at 1.

<sup>20</sup> NSTN Informal Petition at 1; LCSi Informal Petition at 1.

<sup>21</sup> An "FB8T" station class code indicates temporary, centralized trunked operations on an exclusive basis. See Wireless Telecommunications Bureau Establishes a New Station Class Code in Connection with Licensing Trunked Radio Systems Operating between 150-512 MHz, *Public Notice*, 16 FCC Rcd 7515 (WTB PSPWD 2001).

<sup>22</sup> NSTN Informal Petition at 1; LCSi Informal Petition at 1.

<sup>23</sup> NSTN Informal Petition at 1; LCSi Informal Petition at 1. NSTN and LCSi each argue that under Subpart L of the Commission's rules, 47 C.F.R. Subpart L, all stations are primary, and secondary operation is not allowed. NSTN Informal Petition at 1; LCSi Informal Petition at 1. LCSi's Supplemental Information Regarding the Informal Petition to Dismiss or Deny (filed Sept. 25, 2006) purportedly demonstrates additional defects in the frequency coordination of the LAWA application. LCSi also submitted a Request to be Included in Five Day Notification List (filed Sept. 25, 2006), which requests that LCSi's name be included on the list of entities that all

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6. On September 29, 2006, LAWA filed a consolidated reply to the NSTN and LCSI Petitions.<sup>24</sup> As an initial matter, LAWA notes that there is no bandwidth overlap between LAWA's proposed operations and those of NSTN and LCSI.<sup>25</sup> LAWA argues that when there is no bandwidth overlap between existing and proposed operations in the 470-512 MHz band, the Commission does not consider the possibility of interference between adjacent channel systems.<sup>26</sup> LAWA argues that NSTN and LCSI have not provided any basis to depart from this practice.<sup>27</sup> Further, because there is no bandwidth overlap, LAWA claims that the TIA/EIA TSB-88 interference model is not applicable.<sup>28</sup> LAWA argues that the Commission has twice rejected the same argument raised by NSTN in *El Segundo*, a factually similar case involving application of TIA/EIA TSB-88.<sup>29</sup> Accordingly, LAWA argues that the NSTN and LCSI Petitions should be denied.

### III. DISCUSSION

7. We first address NSTN's and LCSI's informal petitions to dismiss or deny LAWA's application. NSTN and LCSI claim that LAWA's proposed operation will cause more than five percent degradation to the performance of NSTN's and LCSI's stations, WPMP967 and WPMP213, respectively.<sup>30</sup> NSTN and LCSI also allege that, because their stations are licensed for trunked FB8T operations, their stations would be entitled to protection from any harmful adjacent interference that could be expected from LAWA's proposed system.<sup>31</sup> NSTN and LCSI conclude that LAWA's application was "defectively coordinated" and does not comply with TIA/EIA TSB-88.<sup>32</sup>

8. We agree with LAWA that its application does not require an analysis under the TIA/EIA TSB-88 interference model because there is no bandwidth overlap between existing and proposed users.<sup>33</sup> In this case, there is no bandwidth overlap because both LAWA's proposed system and NSTN's and LCSI's systems use a 12.5 kHz bandwidth, and the frequencies are separated by 12.5 kilohertz. The Commission and the frequency advisory committees have not established procedures in the 470-512 MHz band to analyze potential interference between non-overlapping adjacent channel systems because the

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public safety coordinators agreed would be notified regarding future applications requesting 470-476 MHz frequencies in the Southern California area. The Association of Public Safety Communications Officials-International, Inc. (APCO), the relevant public safety coordinator, defended its coordination of the LAWA application and rejected LCSI's request to be included on the notification list. *See* FCC File No. 0002734941, attached Letter from Ron Haraseth, Director APCO-AFC, Inc., to Alan M. Lurya, President and General Counsel, LCSI (dated Oct. 4, 2006). Because we deny the LCSI Petition, we need not address whether LCSI is entitled to notification of applications coordinated by the public safety frequency coordinators, which APCO argues is proprietary information.

<sup>24</sup> *See* note 3 *supra*.

<sup>25</sup> Opposition at 3.

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> *Id.* at 2, 3-4, *citing* City of El Segundo, *Order*, 20 FCC Rcd 10105 (WTB PSCID 2005) (*El Segundo*), *aff'd*, 20 FCC Rcd 18857 (WTB PSCID 2005).

<sup>30</sup> *See* NSTN Informal Petition at 1; LCSI Informal Petition at 1.

<sup>31</sup> *See* NSTN Informal Petition at 1; LCSI Informal Petition at 1.

<sup>32</sup> *See* NSTN Informal Petition at 1; LCSI Informal Petition at 2.

<sup>33</sup> *See* LMCC Consensus at 1.

potential for interference is minimized when there is no spectral overlap.<sup>34</sup> For similar reasons, we also do not find persuasive NSTN and LCSI's concerns about harmful adjacent channel interference to their trunked FB8T operations.<sup>35</sup> Consequently, we agree with LAWA that denying its application on the basis of NSTN's and LCSI's interference concerns would not be warranted, especially in light of the fact that neither NSTN nor LCSI provided an engineering analysis to support their allegations of spectral overlap or interference. We therefore deny the informal petitions filed by NSTN and LCSI.

9. Next, we address LAWA's waiver request. To obtain a waiver of the Commission's rules, a petitioner must demonstrate either that: (i) the underlying purpose of the rule(s) would not be served or would be frustrated by application to the present case, and that a grant of the waiver would be in the public interest; or (ii) in view of unique or unusual factual circumstances of the instant case, application of the rule(s) would be inequitable, unduly burdensome, or contrary to the public interest,<sup>36</sup> or the applicant has no reasonable alternative.<sup>37</sup> An applicant seeking a waiver faces a high hurdle and must plead with particularity the facts and circumstances that warrant a waiver.<sup>38</sup> Based on the information before us, we conclude that a grant of the Waiver Request is warranted, and that the applications should be granted.

10. LAWA argues that the purpose of Section 90.311(a)(2) is to ensure that entities sharing channels in the 470-512 MHz band are engaged in compatible operations, so as to limit the possibility of co-channel interference,<sup>39</sup> and that the rule is intended to avoid, among other things, public safety entities being required to share channels in the same geographic area with entities eligible in the Industrial/Business Land Transportation pool.<sup>40</sup> LAWA states that upon cancellation of the licenses held by co-channel licensees FMRS, RCA and MRA, LAWA would be the only licensee on the subject frequencies and, thus, the underlying purpose of the rule would not be served in this instance.<sup>41</sup>

11. LAWA also argues that grant of the rule waiver would be consistent with Commission precedent established in *El Segundo*.<sup>42</sup> In *El Segundo*, the former Public Safety and Critical Infrastructure Division (PSCID) of the Wireless Telecommunications Bureau granted a waiver of Section 90.311(a)(2) based on its finding that "because the City of El Segundo would ultimately be the only licensee on the affected channels (and would not require protection from itself), it was appropriate to permit the City of El Segundo to license frequencies that were otherwise authorized as Industrial/Business Pool channels (by the City of El Segundo itself) as Public Safety Pool channels."<sup>43</sup>

12. In *El Segundo*, the waiver petitioner consummated the assignment of two licenses from the Los Angeles County Metropolitan Transportation Administration (LACMTA).<sup>44</sup> The licenses

<sup>34</sup> See *El Segundo*, 20 FCC Rcd at 10106 ¶ 5.

<sup>35</sup> See NSTN Informal Petition at 1; LCSI Informal Petition at 1.

<sup>36</sup> 47 C.F.R. § 1.925(b)(3)(i).

<sup>37</sup> 47 C.F.R. § 1.925(b)(3)(ii).

<sup>38</sup> *WAIT Radio v. FCC*, 413 F.2d 1153, 1157 (D.C. Cir. 1969) (*WAIT Radio*), *aff'd*, 459 F.2d 1203 (1973), *cert. denied*, 409 U.S. 1027 (1972) (*citing Rio Grande Family Radio Fellowship, Inc. v. FCC*, 406 F.2d 664 (D.C. Cir. 1968)); *Birach Broad. Corp., Memorandum Opinion and Order*, 18 FCC Rcd 1414, 1415 (2003).

<sup>39</sup> Waiver Request at 2.

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

<sup>42</sup> *Id.*

<sup>43</sup> See *El Segundo*, 20 FCC Rcd at 10105 ¶ 2.

<sup>44</sup> *Id.*

authorized El Segundo to use frequency pairs 471/474.3375 MHz and 472/475.5375 MHz at various locations in Los Angeles County.<sup>45</sup> The frequencies were assigned to LACMTA as Industrial/Business Pool frequencies.<sup>46</sup> El Segundo subsequently sought authorization to use the frequencies with 12.5 kHz bandwidth at two new station sites in order to upgrade its existing public safety system to enable enhanced interoperable communications.<sup>47</sup> El Segundo sought a waiver of Section 90.311(a)(2) because the channels originally licensed in the Industrial/Business Pool could not be used by El Segundo (a Public Safety Pool eligible) for a non-Industrial/Business Pool purpose -- even though El Segundo was the only co-channel licensee in the Los Angeles area.<sup>48</sup> El Segundo argued that Section 90.311(a)(2) was intended to avoid, among other things, public safety entities being required to share channels in the same geographic area with entities eligible in the Industrial/Business Pool and vice versa.<sup>49</sup> The Division agreed with El Segundo that applying the rule under the circumstances would not serve the underlying purpose of the rule because the only co-channel licensee on the requested frequencies was El Segundo, which did not require interference protection from itself.<sup>50</sup>

13. In the instant case, we believe that a grant of the Waiver Request under the circumstances presented would not frustrate the purpose of Section 90.311(a)(2); that is, to promote the deployment of compatible communications operations in the 470-512 MHz band and, thus, to reduce instances of co-channel interference.<sup>51</sup> RCA is the only remaining co-channel incumbent licensee.<sup>52</sup> Further, RCA indicates that it would cancel its licenses upon grant of the instant applications, thus ensuring that LAWA would be the only licensed entity on the subject channels in the Los Angeles metropolitan area.<sup>53</sup> Based on the information before us, we agree with LAWA that the purpose of the rule would not be served by application in the instant case, consistent with *El Segundo*.<sup>54</sup> Because LAWA would be the only licensee on the affected channels in this instance, we find that a waiver of Section 90.311(a)(2) of the Commission's rules is warranted.

14. Our decision to grant LAWA's waiver request is further supported by LAWA's receipt of a letter of concurrence from El Segundo, the only adjacent licensee with apparent spectral overlap with

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<sup>45</sup> *Id.*

<sup>46</sup> *Id.*

<sup>47</sup> *See id.* at 10106 ¶ 3.

<sup>48</sup> *Id.*

<sup>49</sup> *Id.* at 10107 ¶ 7.

<sup>50</sup> *Id.*

<sup>51</sup> *See id.*

<sup>52</sup> RCA is the only relevant co-channel licensee occupying the subject frequency pairs. MRA was licensed for channel pair 472/475.5625 MHz under Call Sign WQAD391, but subsequently assigned this license to RCA. Thus, RCA is the current licensee for this frequency pair. *See* FCC File No. 0002695194 (filed Jul. 27, 2006). FMRS was licensed for channel pair 472/475.5500 MHz under Call Signs WQCL258 and WQCJ919, but PSCID subsequently cancelled the licenses and granted a Petition for Reconsideration filed by RCA seeking reinstatement of its 2003 application seeking use of frequency pair 472/475.5500 MHz. *See* Samuel Moses, *et al.*, *Order*, 21 FCC Rcd 11257 (PSCID WTB 2006) (*Moses Order*). As a result of that decision, on November 3, 2006, the Commission granted the RCA application under Call Sign WQFY243. *See* FCC File No. 0001486436 (filed Oct. 16, 2003).

<sup>53</sup> *See* FCC File Nos. 0002698531 and 0002734941, attached Letter from Henry J. Matson on behalf of RCA, to Public Safety and Homeland Security Bureau, FCC (Jan. 15, 2007) (regarding Stations WQAD391, WQAZ806); Letter from Henry J. Matson on behalf of RCA, to Public Safety and Homeland Security Bureau, FCC (Jan. 15, 2007) (regarding Station WQFY243).

<sup>54</sup> *See* Waiver Request at 3.

LAWA's proposed system.<sup>55</sup> The LMCC Consensus states, in pertinent part, that if either an applicant or incumbent station is predicted to receive greater than five percent degradation in service area reliability, then the application shall not be certified by a frequency coordinator unless concurrence is obtained from all affected incumbents.<sup>56</sup> LAWA and El Segundo have mutually agreed to resolve potential interference issues.<sup>57</sup> We therefore find no basis to analyze LAWA's application and waiver request vis-à-vis El Segundo's existing operations under the TIA/EIA TSB-88 interference model.

15. Further, we believe that granting the requested relief would serve the public interest. The proposed system would be used to provide critical communications services to LAWA, an important entity in the nation's air transportation infrastructure.<sup>58</sup> Given LAWA's claim that "LAX is identified as the number one potential target for terrorist activities west of the Mississippi,"<sup>59</sup> the proposed system would serve the public interest by providing LAWA with "police first responders [equipped] with voice communication flexibility that will significantly enhance their operational effectiveness in both day-to-day and crisis situations."<sup>60</sup> Moreover, we credit LAWA's statement that the proposed system would also "enable enhanced interoperability between the Federal, state, and local law enforcement and emergency response agencies, each of which have a significant presence at the airport locations."<sup>61</sup> Finally, we also concur with LAWA that the proposed system would "alleviate congestion, improve coverage and provide a level of redundancy that does not exist today, a key requirement in disaster situations."<sup>62</sup>

#### IV. CONCLUSION

16. Based on the record before us, we find that NSTN and LCSi have not made an adequate showing that grant of LAWA's application would be inconsistent with the public interest, convenience, or necessity. Accordingly, we deny the informal petitions. We further find that LAWA has satisfied the requirements to obtain a waiver of Section 90.311(a)(2) of the Commission's rules. We therefore grant LAWA's request for waiver.

#### V. ORDERING CLAUSES

17. ACCORDINGLY, IT IS ORDERED that, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 1.41 of the Commission's rules, 47 C.F.R. § 1.41, the Informal Petition to Dismiss or Deny submitted by National Science and Technology Network, Inc., filed on September 20, 2006, IS DENIED.

18. IT IS FURTHER ORDERED that, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 1.41 of the Commission's rules, 47 C.F.R. § 1.41, the Informal Petition to Dismiss or Deny submitted by License Communications Service, Inc., filed on September 20, 2006, IS DENIED.

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<sup>55</sup> See El Segundo Letter, *supra* note 13.

<sup>56</sup> See LMCC Consensus at 1.

<sup>57</sup> See El Segundo Letter.

<sup>58</sup> See Waiver Request at 3.

<sup>59</sup> *Id.* at 1.

<sup>60</sup> *Id.*

<sup>61</sup> *Id.*

<sup>62</sup> *Id.*

19. IT IS FURTHER ORDERED that, 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 requests for waiver associated with the applications, FCC File Nos. 0002698531 and 0002734941, filed by the City of Los Angeles, California Department of Airports on August 1, 2006, as amended, ARE GRANTED, and SHALL BE PROCESSED, consistent with this *Order* and the Commission's rules.

20. IT IS FURTHER ORDERED that, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), Radio Communications Association shall submit applications for cancellation of its licenses, Stations WQFY243, WQAD391, and WQAZ806, within five days of the grant of the instant applications as indicated in the Commission's Universal Licensing System.

21. 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 and 0.392.

FEDERAL COMMUNICATIONS COMMISSION

Jeffrey S. Cohen  
Deputy Chief, Policy Division  
Public Safety and Homeland Security Bureau