



PUBLIC NOTICE

Federal Communications Commission
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PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SEEKS COMMENT ON REQUEST FOR WAIVER FILED BY THE MARYLAND DEPARTMENT OF TRANSPORTATION TO OPERATE ON UHF TELEVISION FREQUENCIES

File No. 0002795867

Comment Date: March 3, 2007

Reply Comment Date: March 18, 2007

By this *Public Notice*, the Public Safety and Homeland Security Bureau (Bureau) seeks comment on a waiver request and associated application filed by the Maryland Department of Transportation (Maryland DOT) to operate a five channel, trunked public safety radio communications system on UHF TV frequencies allocated to TV Channel 19.¹ Specifically, Maryland DOT requests a waiver of Sections 90.305(a) and 90.307(d) of the Commission's rules, 47 C.F.R. §§ 90.305(a) and 90.307(d).

The Commission's rules provide that frequencies allocated in the 470-512 MHz band are available for assignment to land mobile radio stations on a geographically shared basis with television broadcast stations.² Under the rules, certain TV channels are allocated for assignment to land mobile radio stations in thirteen urbanized areas of the United States.³ Frequencies in the 500-506 MHz band (TV Channel 19) are available for assignment to land mobile radio stations in the Philadelphia, Pennsylvania, urbanized area.⁴ The authorization and use of frequencies by land mobile radio stations in the 470-512 MHz band is based in part on distance requirements in order to protect TV stations and their targeted viewing audience outside of these urbanized areas from interference.

Section 90.305(a) of the Commission's rules provides that transmitter sites for base stations must be located not more than 80 kilometers (km) (50 miles) from the geographic center of the urbanized area.⁵ Maryland DOT states that its proposed transmitter site is located 88.20 kilometers from the geographic center of the Philadelphia, Pennsylvania, urbanized area. Additionally, Section 90.307(d) of the Commission's rules states that the minimum distance between a land mobile radio base station that has associated mobiles and a protected adjacent channel television station is 145 km (90 miles).⁶ Maryland

¹ FCC File No. 0002795867 (filed Oct. 25, 2006).

² 47 C.F.R. Part 90, Subpart L.

³ 47 C.F.R. § 90.303.

⁴ *Id.*

⁵ 47 C.F.R. § 90.305(a).

⁶ 47 C.F.R. § 90.307(d).

DOT states that its proposed base station is 112.9 km from WDCA-TV operating on TV Channel 20. Consequently, Maryland DOT seeks a waiver of the Sections 90.305(a) and 90.307(d) in order to use frequencies in TV Channel 19 outside of the Philadelphia, Pennsylvania, urbanized area. Maryland DOT argues that because grant of the requested waiver will not cause interference to TV operations, the fundamental purpose served by the Commission's rules in question will not be undermined. In support of its waiver request, Maryland DOT provides an engineering analysis showing that its proposed operations would not cause interference to TV operations.

Interested parties may file comments on the application on or before the date indicated on the first page of this document. All comments should reference the subject application 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. 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 N.E., Suite 110, Washington D.C. 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 attachments can be accessed electronically via the Commission's Universal Licensing System, <http://wireless.fcc.gov/uls>. The full text of the attachments and 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. For further information regarding the public reference file for this application, contact Maria Ringold, Chief, Wireless Branch, RIC, (202) 418-1355. 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, by phone at (202) 488-5300 or (800) 378-3160, or by facsimile at (202) 488-5563. 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).

Because of the policy implications and potential impact of this proceeding on persons not parties to the application, 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).

For further information, contact Mr. Herb Zeiler of the Policy Division, Public Safety and Homeland Security Bureau at (202) 418-0686 or via e-mail to Herbert.Zeiler@fcc.gov.

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