



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 08-966

Released: April 25, 2008

PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SEEKS COMMENT ON REQUEST FOR WAIVER FILED BY THE TOWNSHIP OF CINNAMINSON, NEW JERSEY TO OPERATE A PUBLIC SAFETY RADIO SYSTEM USING UHF PART 22 POINT-TO-MULTIPOINT PAGING CONTROL FREQUENCIES

File No. 0002965857

Comment Date: May 9, 2008

Reply Comment Date: May 16, 2008

The Public Safety and Homeland Security Bureau seeks comment on the above-captioned application and waiver request, as amended, filed on March 26, 2007 by the Township of Cinnaminson, New Jersey (Cinnaminson or the Township).¹ Cinnaminson seeks waiver relief pursuant to Section 337(c) of the Communications Act of 1934, as amended, 47 U.S.C. § 337(c), to use, for public safety communications purposes, two point-to-multipoint control frequencies allocated for Part 22 public mobile service.² In the alternative, Cinnaminson requests waiver relief pursuant to Section 1.925 of the Commission's rules, 47 C.F.R. § 1.925.

Part 22 allocates the requested frequencies, 506.0125 and 509.0125 MHz, for point-to-multipoint service for paging operations in the Philadelphia, Pennsylvania urban area.³ Because Part 20 provides that these frequencies shall be regulated as a commercial mobile radio service,⁴ these frequencies are not allocated for public safety operations. Accordingly, Cinnaminson requests a waiver of Sections 20.9(a)(6) and 22.621.⁵

Cinnaminson states that it seeks to use the requested frequencies because public safety spectrum is not immediately available in the Philadelphia metropolitan area.⁶ Cinnaminson asserts that use of the unassigned Part 22 point-to-multipoint paging control frequencies, 506/509.0125 MHz, is necessary to

¹ See File No. 0002965857 (filed March 26, 2007, amended Aug. 22, 2007, Aug. 23, 2007, and Nov. 21, 2007) (Waiver Request).

² Specifically, Cinnaminson seeks to modify its license for Station WIL992 by adding frequencies 506.0125 and 509.0125 MHz. *Id.* at 1.

³ See 47 C.F.R. § 22.621.

⁴ See 47 C.F.R. § 20.9(a)(6).

⁵ 47 C.F.R. §§ 20.9(a)(6), 22.621. Cinnaminson initially sought a waiver of Section 22.621, along with Sections 22.7, 22.501, 22.651, 90.311. 47 C.F.R. §§ 22.7, 22.501, 22.621, 22.651, 90.311; see File No. 0002965857.

⁶ See Waiver Request at 1, 3.

enable it to leverage municipal resources, including government and public safety agencies, “in all facets of response, coordination, mitigation and detection in addition to emergency response.”⁷ Cinnaminson states that the requested frequencies will allow the counties and cities surrounding Philadelphia and Trenton, New Jersey, to communicate with Cinnaminson through their existing communications resources in the same UHF band.⁸ According to Cinnaminson, use of the requested frequencies is a critical element in its plan not only to modernize the interoperability capability of law enforcement and public safety agencies throughout the Township but also to promote broad based region wide communications.⁹

Cinnaminson contends that its analysis of the 30-50 MHz, 150-174 MHz and 220 MHz frequency bands indicates no available frequencies that meet the channel requirements of its proposal.¹⁰ Cinnaminson asserts that, while its frequency search of the 450-466 MHz and 470-480 MHz bands indicates many available 6.25 kHz frequencies, no manufacturer yet provides proven and dependable equipment for this narrow bandwidth.¹¹ Cinnaminson also claims that there are no land mobile channels available in the 806-812/851-866 MHz band.¹² In support of the Waiver Request, Cinnaminson provides a letter from the IMSA frequency coordinator, stating that there are no frequency pairs in the range of frequency bands sought by Cinnaminson that are “comparable” to frequency pair 506/509.0125 MHz because “bordering communities are using the 500 [MHz] T-Band.”¹³ Cinnaminson also asserts that use of the requested frequencies will not cause harmful interference to either other public safety users or adjacent users entitled to protection from interference.¹⁴

While Cinnaminson has asserted that the 764-776/794-806 MHz band is not available because “immediate use of this band is prohibited by current TV stations licensed and in operation,”¹⁵ as a part of the analysis under Section 337 of the Act, as well as the Commission’s waiver criteria, we seek comment on whether the 700 MHz public safety band would provide a viable alternative, in light of the approaching February 17, 2009 digital television transition date, and the Commission’s recent actions in facilitating a nationwide, interoperable public safety network.¹⁶

⁷ *Id.* at 4.

⁸ *See id.* at 2.

⁹ *See* Waiver Request at 1, 4 (referring to Burlington and Camden Counties, New Jersey and municipal agencies in the Philadelphia/Trenton area).

¹⁰ *See id.* at 3.

¹¹ *See id.*

¹² *Id.*

¹³ *See* File No. 0002965857, attached Letter from IMSA to David Seal [sic], Policy Division, Public Safety and Homeland Security Bureau, FCC (filed Aug. 23, 2007) (also stating that “[a]t this time no one in the area is using this [frequency] pair.”).

¹⁴ *See* Cinnaminson Technical Analysis at 2.

¹⁵ *See* Waiver Request at 3.

¹⁶ *See* Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band, PS Docket No. 06-229; Development of Operational, Technical and Spectrum Requirements for Meeting Federal State and Local Public Safety Communications Requirements through the Year 2010, WT Docket No. 96-86, *Second Report and Order*, 22 FCC Rcd 15289 (2007).

Interested parties may file comments on the Waiver Request on or before May 9, 2008. Parties interested in submitting reply comments must do so on or before May 16, 2008. All comments and reply comments should reference the 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 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, 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 Lisa Williams, RIC, (202) 418-1352.

Because of the policy implications and potential impact of this proceeding on persons not parties to the Waiver Request, it is 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 or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

For further information, contact Mr. David Siehl of the Policy Division, Public Safety and Homeland Security Bureau at (202) 418-1313 (voice), (202) 418-7233 (tty), or via e-mail to David.Siehl@fcc.gov.

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

- FCC -