



PUBLIC NOTICE

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PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SEEKS COMMENT ON REQUEST FOR WAIVER FILED BY THE COUNTY OF FRANKLIN, PENNSYLVANIA TO OPERATE A COUNTY-WIDE SIMULCAST PUBLIC SAFETY RADIO SYSTEM USING FREQUENCIES IN THE TELEVISION CHANNEL 18 (494-500 MHZ) BAND

File Nos. 0003390336 and 0003388020

Comment Date: September 4, 2009

Reply Comment Date: September 14, 2009

The Public Safety and Homeland Security Bureau seeks comment on the applications and waiver request, initially filed on April 9, 2008, by the County of Franklin, Pennsylvania (“Franklin” or “the County”).¹ Franklin seeks waiver relief pursuant to Section 337(c) of the Communications Act of 1934, as amended (the Act), 47 U.S.C. § 337(c), to use, for public safety communications purposes, frequencies in the television (TV) Channel 18 Band (494-500 MHz).² Specifically, Franklin seeks to license seven simulcast, repeater stations, arranged throughout the county.³ The County requests twenty-two repeater frequency pairs and six simplex, mobile-only frequencies for fire-ground and tactical operations.⁴ In the alternative to Section 337(c) of the Act, Franklin requests waiver relief pursuant to Section 1.925 of the Commission’s rules, 47 C.F.R. § 1.925.

TV Channel 18 is allocated to the private land mobile radio service (PLMRS) in the Washington, DC/MD/VA urbanized area, and base stations can be authorized within 80 km of the geographic center of the cities listed in the rules.⁵ The County states that “Franklin County is beyond 80 km from any city authorized by rule to utilize television (“T-Band”) channels.”⁶ Therefore, the TV Channel 18 band is allocated for neither PLMRS use nor the subset of public safety use at Franklin’s location. Accordingly, Franklin requests a waiver of Sections 2.106(NG66), 90.303, 90.305(a), and 90.307(d) of the Commission’s rules, 47 C.F.R. §§ 2.106(NG66), 90.303, 90.305(a), and 90.307(d).

¹ See File Nos. 0003390336 and 0003388020 (filed April 9, 2008) and associated “System Description, Request for Waiver, Request for Extended Implementation And Shared Infrastructure” (System Description) and “County of Franklin, Pennsylvania Request for Waivers Sections 2.106, 90.303, 90.305(a), and 90.311” (Request for Waivers).

² See Frequency Information attached to File No. 0003390336.

³ See System Description at 7.

⁴ *Id.*

⁵ See 47 C.F.R. §§ 90.303, 90.305.

⁶ System Description at 3.

Franklin states that it “is planning to upgrade its radio system, with a modern, multi-site, simulcast system.”⁷ In addition, the County states that “its existing system consists of a mix of low band VHF, high band VHF, and UHF radio equipment.”⁸ The County asserts that “[t]he multiple bands make county-wide interoperability nearly impossible.”⁹ The County states that “it is the County’s intention to standardize on a UHF system that will be utilized by the various departments and agencies in the county.”¹⁰

The County states that “[i]n an attempt to improve interoperability and coverage, the County contracted with the consulting firm of L. Robert Kimball [Kimball] & Associates to review the current radio systems, determine what improvements are needed, and provide a design for a new radios system.”¹¹ Franklin asserts that “[b]ecause of the coverage provided by UHF and because of the potential for the County to utilize much of its current UHF infrastructure, Kimball recommended that the new system be developed on UHF frequencies.”¹² Franklin states that “[t]he system consists of seven sites, simulcast, repeater stations, arranged throughout the county.”¹³ In addition, Franklin states that “[e]ach repeater site will be linked to a central controller such that the stations function as one system” in order to promote interoperability and adequate system coverage.¹⁴

Franklin states that “[t]he County requested Fox Ridge Communications, Inc. (“Fox Ridge”) to review its existing UHF channels and also conduct a frequency search for other UHF channels that could be utilized for the new system.”¹⁵ Franklin asserts that “Fox Ridge found that of all of the potential UHF public safety channels, only one was potentially available and use of that channel would likely result in interference to incumbent licensees.”¹⁶ Franklin maintains that “[a]ll other channels were blocked by the incumbent licensees and thus did not comply with the centralized trunking rules found in Section 90.187(b) of the Commission’s rules.”¹⁷

Franklin asserts that “[w]ith the lack of available UHF land mobile channels, the County considered the possibility of utilizing channels shared with television stations on channels 14-20.”¹⁸ Furthermore, Franklin states that its goal is to find an interference-free channel that would not cause interference to other television stations and that “[c]hannel 18 meets that criteria [sic].”¹⁹ The County states that “[a]ll simulcast, channels will be operating with a maximum bandwidth of 12.5 kHz.”²⁰

⁷ Request for Waivers at 1.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ System Description at 1-2.

¹² *Id.* at 2.

¹³ *Id.* at 7.

¹⁴ *Id.*

¹⁵ *Id.* at 2.

¹⁶ *Id.*

¹⁷ *Id.* at 2-3.

¹⁸ *Id.* at 3.

¹⁹ Request for Waivers at 3.

²⁰ System Description at 7.

Franklin County states that “[t]he intent of the new system is to provide excellent coverage to Franklin County, which requires use of wide-area technology.”²¹ The County also states that it “desires to share the system with other Public Safety organizations once it becomes operational.”²²

As a part of the analysis under Section 337(c) of the Act, as well as the Commission’s waiver criteria, we also seek comment on whether the 700 MHz public safety band would provide a viable alternative, particularly since the digital television transition date has passed, and in light of the Commission’s actions facilitating a nationwide, interoperable public safety network.²³ In particular, we request comment on the effect on television broadcasters of decreasing the potentially available spectrum for their use in Franklin County and in the areas beyond Franklin where they would be unable to use TV Channel 18 for television broadcast service as a result of the County’s proposed use of frequencies in the TV Channel 18 band for public safety. Would Franklin County be able to complete its proposed upgrade and improve interoperability by using frequencies in the 700 MHz public safety band, rather than using the television T band frequencies?

Pursuant to Sections 1.415 and 1.419 of the Commission’s rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this *Public Notice*. All comments and reply comments should reference the subject Waiver Request and the DA number indicated on this *Public Notice*. Comments may be filed: (1) electronically by accessing the applicant’s file number(s) in the Commission’s Universal Service Licensing System (ULS),²⁴ or (2) by filing paper copies.

- Electronic Filers: Pleadings may be submitted electronically as follows:

From the ULS website at <http://wireless.fcc.gov/uls/>, begin the process of submitting a pleading by clicking on the “ULS Pleadings” link in the menu on the lower left side of the ULS web page. The link will take you to the “*Pleading Information*” screen for “Non-docketed Pleadings” where you select “Reply” in the drop-down window for the type of pleading and then enter the pleadings filer information. Completion of the contact information is optional. Upon completion of this screen, please note the instructions for the filing: “*Pleadings must be dated and must include a signature, in this instance an electronic signature, and the address and phone number of the signing party.*”²⁵ Click on “CONTINUE.”

The second step is to complete the *File Numbers/Call Signs* screen. Click if the pleading pertains to a File Number or Call Sign and enter the File Number or Call Sign. Please note that you must enter a File Number or Call Sign to continue. If the pleading pertains to multiple applications or licenses, you

²¹ *Id.*

²² *Id.* at 10.

²³ 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). See also Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band, PS Docket No. 06-229, *Third Further Notice of Proposed Rulemaking*, 23 FCC Rcd 14301 (2008); *Second Further Notice of Proposed Rulemaking*, 22 FCC Rcd 8047 (2008).

²⁴ See “Wireless Telecommunications Bureau Enhances the Commission’s Universal Licensing System to Implement Electronic Filing for Pleadings,” *Public Notice*, 21 FCC Rcd 424 (WTB 2006). See http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-06-125A1.pdf.

²⁵ See 47 C.F.R. Part 1.

must enter each File Number or Call Sign as appropriate. After clicking the “SUBMIT” button, the screen will update to show all the File Numbers/Call Signs associated with the pleading. At this time, you may delete selected File Numbers/Call Signs from the page before continuing.

The third step is to complete the *Attach File* screen to attach the pleading document. Use the drop down box to select Pleading or Confidential Pleading. The “BROWSE” button opens a file upload window where you will locate and select your pleading file. The Description field allows you to enter a brief description for the pleading. Click the “ADD ATTACHMENT” button to upload your pleading. You may submit up to thirty files for each pleading but each file must be smaller than 10 MB in size. You also have the opportunity to delete any selected file from the pleading.

Finally, to complete your electronic pleading submission, click on the “SUBMIT PLEADING” button and the *Confirmation* screen will be displayed. The *Confirmation* screen will display your Confirmation Number as well as your entered pleadings information. You may print this page for your records by selecting the Print Page link at the top of the page and have the option of submitting another pleading or returning to the ULS website by selecting a link at the bottom of the page.

The ULS Application and License Search results will display pleadings under the ADMIN tab when a comment or reply comment has been filed. Users can view the pleading by clicking on the link for the specific comment or reply comment in the Description field. The general public will not be able to view confidential pleadings.

For additional information or assistance on how to file a comment or reply comment or other relevant pleading, you may visit the Web at <http://esupport.fcc.gov>. You may also call the FCC ULS Customer Support Center at (877) 480-3201 and select option 2, or (888) 225-5322 and select Option 2, or (717) 338-2888. For TTY, please call (717) 338-2824. Assistance from the FCC ULS Customer Support Center is available between the hours of 8 a.m. to 6:00 p.m. Eastern Time, Monday through Friday (except Federal holidays). To provide quality service and ensure security, all telephone calls to FCC ULS Customer Support Center are recorded.

- Paper Filers: Parties who choose to file by paper must submit an original and four copies of each filing.

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, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

The application(s), waiver request, and comments and reply comments 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, DC 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, DC 20554. Customers may contact BCPI through its web site, <http://www.bcpiweb.com>, by email at fcc@bcpiweb.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 party to these Applications, 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) and 1.1206 of the Commission's rules, 47 C.F.R. §§ 1.1200(a) and 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).

People with Disabilities: 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 Chief, Public Safety and Homeland Security Bureau.

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