



Federal Communications Commission
Washington, D.C. 20554

DA 11-1163

July 1, 2011

Mr. William L. Cross
Communications Coordinator
Yuba Sutter Domestic Animal Disaster Assistance
294 Circle Drive
Oroville, CA 95966

Re: File No. 0003188607

Dear Mr. Cross:

On October 3, 2007, Yuba Sutter Domestic Animal Disaster Assistance (YSDADA) filed an application¹ seeking authority to operate three land mobile radio transmitters on frequency 155.160 MHz in Yuba and Sutter Counties, California. Based on the information provided, the Public Safety and Homeland Security Bureau (Bureau) determined that YSDADA had failed to demonstrate that it was eligible to participate in the Public Safety Pool and, accordingly, the Bureau dismissed the application without prejudice.² On October 18, 2007, on behalf of YSDADA, you filed a petition³ pursuant to Section 1.106 of the Commission's rules,⁴ seeking reconsideration of the dismissal. As discussed below, we grant the petition.

Section 1.106(b)(2)⁵ provides that any petition for reconsideration will be entertained only if: (i) the petition relies on facts which relate to events which have occurred or circumstances that have changed since the last opportunity to present such matters;⁶ or (ii) the petition relies on facts unknown to the petitioner until after his last opportunity to present such matters which could not, through the exercise of ordinary diligence, have been learned prior to such opportunity.⁷ Section 1.106(c)⁸ states that a petition for reconsideration which relies on facts not previously presented to the Commission or to the designated authority may be granted only under the following circumstances: (i) the facts fall within one or more of the categories set forth in Section 1.106(b)(2),⁹ or (ii) the Commission or the designated authority determines that consideration of the facts relied on is required in the public interest.¹⁰ Based on our

¹ See File 0003188607 (filed Oct. 3, 2007) (Application).

² See File 0003188607, Notice of Dismissal (Oct. 5, 2007) (Dismissal).

³ Request for Reconsideration under Section 1.106 (filed on Oct. 18, 2007) (Petition).

⁴ *Id.*

⁵ 47 C.F.R. § 1.106(2).

⁶ 47 C.F.R. § 1.106(b)(2)(i).

⁷ 47 C.F.R. § 1.106(b)(2)(ii).

⁸ 47 C.F.R. § 1.106(c).

⁹ 47 C.F.R. § 1.106(c)(1).

¹⁰ 47 C.F.R. § 1.106(c)(2).

review, we find that consideration of the facts relied on is required in the public interest, and therefore grant the petition.

The Petition states that, “YSDADA is a volunteer animal evacuation group organized under the California Disaster Service Worker Volunteer Program.”¹¹ The Petition states that YSDADA is eligible to participate in the Public Safety Pool pursuant to Section 90.20(a)(2)(iv), because “[t]he sole purpose of the organization is [to assist] Public Safety agencies in evacuating and sheltering domestic animals in the event of disaster.”¹² The Petition notes that “[t]he frequency will be used only for official communications during actual disasters, exercises and drills necessary to maintain proficiency.”¹³

In support of the Petition, YSDADA submits letters from authorities from Yuba County and Sutter County, indicating that the requested authorization would be used for official communications during actual disasters.¹⁴ The Office of the Yuba County Administrator states that “YSDADA is a recognized service provider during emergency and/or disasters that affect the County . . .” and that YSDADA’s access to the requested frequency would be a valuable asset “to the larger emergency management system.”¹⁵ The Human Services Department of Sutter County also provided a letter in support of YSDADA, referring to it as “a valuable partner in times of emergency.”¹⁶

Section 90.20(a)(2) governs the eligibility of nongovernmental entities to participate in the Public Safety Pool.¹⁷ Specifically, subsection 90.20(a)(2)(iv) provides that persons or organizations other than governmental entities “operating a rescue squad for transmission of messages pertaining to the safety of life or property and urgent messages necessary for the rendition of an efficient emergency rescue service” are eligible to hold authorizations in the Public Safety Pool.¹⁸ We note that the Commission has designated frequency 155.160 MHz for the Special Emergency Radio Service which is intended for the use of entities whose Public Safety Pool Eligibility stems from subsection 90.20(a)(2)(iv) of the rules.¹⁹

In view of the facts presented, we find that YSDADA satisfies the eligibility requirements of Section 90.20(a)(2) to participate in the Public Safety Pool, because it provides a rescue service for which the transmission of messages pertaining to the safety of life or property – such as the evacuation of domestic pets in times of emergency – are necessary for the rendition of an efficient emergency rescue service. In reaching this determination, we note that YSDADA states that it “is a volunteer animal

¹¹ Petition at 1.

¹² *Id.*

¹³ *Id.*

¹⁴ See Letter dated October 1, 2007, from Aaron Ward, Deputy County Administrator, County of Yuba, to Whom It May Concern (filed Oct. 3, 2007) (Yuba County Letter); Letter dated August 8, 2007, from Edmund C. Smith, Director, Human Services Department, to Ginny Pasachke, Chairman, Yuba Sutter Domestic Animal Assistance (filed Oct. 18, 2007) (Sutter County Letter).

¹⁵ Yuba County Letter at 1.

¹⁶ Sutter County Letter at 1.

¹⁷ See 47 C.F.R. Sec. 90.20(a)(2)(iv).

¹⁸ *Id.*

¹⁹ *Id.* See also 47 C.F.R. § 90.20(c)(3) which designates the frequency 155.160 MHz for coordination by the Special Emergency Coordinator, thus designating this frequency for use in the Special Emergency Radio Service.

evacuation group organized under the California Disaster Service Worker Volunteer Program,”²⁰ and that it “provides emergency veterinary services.”²¹ We also note that YSDADA states that “[t]he sole purpose of the organization is [to assist] Public Safety agencies in evacuating and sheltering domestic animals in the event of disaster,”²² and that “[t]he frequency will be used only for official communications during actual disasters, exercises and drills necessary to maintain proficiency.”²³ Based on these facts, and in consideration of the letters of support filed on YSDADA’s behalf by the local authorities of the Counties of Yuba and Sutter, we conclude that YSDADA is eligible to operate on frequency 155.160 MHz in Yuba and Sutter Counties, California, pursuant to Section 90.20(a)(iv). We therefore conclude that grant of the petition is warranted consistent with the public interest. However, we note that granting YSDADA’s petition, we are solely stating that it is eligible to operate on 155.160 MHz and operation on this channel should only be used for the transmission of messages pertaining to the safety of life or property and urgent messages necessary for the rendition of an efficient emergency rescue service.

ACCORDINGLY, BY THIS ORDER, pursuant to Sections 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), and Sections 1.106(c)(2) and 1.106(k)(1)(i) of the Commission’s rules 47 C.F.R. §§ 1.106(c)(2) and 1.106(k)(1)(i), WE GRANT the Petition for Reconsideration filed by Yuba Sutter Domestic Animal Disaster Assistance associated with File No. 0003188607, and return the application to pending to permit processing.

We take this action 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.

Sincerely,

Thomas J. Beers
Chief, Policy Division
Public Safety and Homeland Security Bureau

²⁰ Petition at 1.

²¹ Updated Letter from William Cross, Communications Coordinator, YSDADA, to Diane M. Tosoni (filed Oct. 3, 2007).

²² *Id.*

²³ *Id.*