



PUBLIC NOTICE

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DA 12-1345

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WIRELESS TELECOMMUNICATIONS BUREAU AND PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SEEK COMMENT ON THE CITY OF NEW YORK'S REQUEST FOR WAIVER OF THE JANUARY 1, 2013 VHF-UHF NARROWBANDING DEADLINE

WT Docket 99-87

Comment Date: September 7, 2012

Reply Comment Date: September 17, 2012

By this *Public Notice*, comment is sought on the request, filed on June 13, 2012,¹ of the City of New York City on behalf of the City's Police Department (NYPD), Fire Department (FDNY), Department of Corrections (DOC), Department of Environmental Protection (DEP), and Department of Information Technology and Telecommunications (DoITT), for a waiver of the Commission's January 1, 2013 VHF-UHF narrowbanding deadline, which requires private land mobile radio (PLMR) licensees in the 150-174 MHz and 450-512 MHz bands to operate using channel bandwidth of no more than 12.5 kHz or equivalent efficiency by January 1, 2013.²

The City is seeking two waiver dates:

- First, in order to accommodate the FDNY's and the NYPD's operations using spectrum that is subject to narrowbanding which are closely interwoven with operations in the T-Band, the City seeks a waiver for specific call signs (set out below) until two years after completion of competitive bidding for re-use of the UHF T-Band is complete.
- For the remaining City operations, the City seeks a waiver for specific call signs (set out below) extending the narrowbanding deadline to December 31, 2014.

New York City, with a population exceeding 8 million residents, is among the most densely populated areas of the nation. The City's five boroughs comprise approximately 300 square miles of land and are bordered by 600 miles of shoreline. Its diverse architecture, varied topography and land use, plus

¹ See Request for Waiver of Commission Rules (filed June 13, 2012).

² See 47 C.F.R. § 90.209(b)(5); see also Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended; Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies, *Third Memorandum Opinion and Order and Third Further Notice of Proposed Rule Making and Order*, WT Docket No. 99-87, RM-9332, 19 FCC Rcd 25045 (2004). On April 26, 2012, the Wireless Telecommunications Bureau, Public Safety and Homeland Security Bureau, and Office of Engineering and Technology waived the January 1, 2013 narrowbanding deadline for 470-512 MHz band frequencies. See Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended; Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies, *Order*, WT Docket No. 99-87, 27 FCC Rcd 4213 (WTB/PSHSB/OET 2012).

the in-building, tunnels, below ground and surrounding waterway environments, present in total an extremely varied and challenging radio frequency environment for effective wireless communications.

The City's request details its extensive efforts to bring its communications systems into compliance with the January 1, 2013 narrowbanding mandate. The City claims that, various interdependencies associated with operation of the City's networks, and unanticipated problems associated with transitioning to narrowband transmissions in a system as complex as the City's, with its varied topography and dense population, have made it impossible to comply with the January 1, 2013 deadline, while also assuring uninterrupted effective communications for the systems described below.

We seek comments evaluating the waiver request in light of the July 13, 2011 *Public Notice* providing guidance on the submission of requests for waiver of the narrowband deadline.³ In particular, we seek comment from parties whose operations could be impacted by grant of the waiver.

³ See Wireless Telecommunications Bureau, Public Safety and Homeland Security Bureau, and Office of Engineering and Technology Provide Reminders of the January 1, 2013 Deadline for Transition to Narrowband Operations in the 150-174 MHz and 421-512 MHz Bands and Guidance for Submission of Requests for Waiver and Other Matters, *Public Notice*, 26 FCC Rcd 9647 (WTB/PSHSB/OET 2011); see also Wireless Telecommunications Bureau and Public Safety and Homeland Security Bureau Provide Supplemental Guidance for Licensees in the 150-174 MHz and 421-512 MHz Bands Seeking Waivers of the January 1, 2013 Narrowbanding Deadline, *Public Notice*, 27 FCC Rcd 1936 (WTB/PSHSB 2012).

Waiver Request Date #1: Extending the narrowbanding deadline to two years after completion of competitive bidding for re-use of the UHF T-Band is complete, as specified in the Middle Class Tax Relief and Job Creation Act of 2012 for the following frequencies and call signs.

**CALL SIGNS FOR WHICH WAIVER OF SECTION 90.209(B) IS REQUESTED
NYPD UHF 450-470 MHz Frequency Licenses
(FRN 0003462421)**

Frequency	Call Signs
453.825	KQP434; KSI296
453.950	KQP434
453.250	KEH307; WJC79
458.825	KQP434; KQP434; KSI296 KQP434; KQP434;
458.950	KQP434
458.250	KJ7505; WJC79; WJC80; WJC81; WJC82; WJC83
460.525	WQNA692
465.525	WQNA692

**(FRN 0003462512)
NYPD Tactical UHF 450 — 470 MHz Channels**

Frequency	Call Signs
465.1125	WBPQ 332
465.1875	WBPQ 332
465.2375	WBPQ 332
465.3125	WBPQ 332
465.4625	WBPQ 332
465.4875	WBPQ 332
460.1125	WBPQ 332
460.1875	WBPQ 332; WPKY 646
460.2375	WBPQ 332; WPKY 646
460.3125	WBPQ 332
460.4625	WBPQ 332
460.4875	WBPQ 332

**(FRN 0003462512)
FDNY Subway Radio UHF 450 — 470 MHz Channels**

FDNY-SUBWAY 1 RPT	460.5750	KY8033, KL0329-332, WNXT814, WQAZ843, QAZ885, WQAZ891, WQNO540
FDNY-SUBWAY 2 RPT	460.6250	KLR496, KY8033, KLO329-332, KY8033, WNXT814, WQAZ843, WQAZ844, WQAZ885, WQAZ889, WQAZ891, WQNO540
FDNY-SUBWAY 1 RPT-MO	465.5750	KY8033, WQNO540
FDNY-SUBWAY 2 RPT-MO	465.6250	KY8033

Waiver Request Date #2: Extending the narrowbanding deadline to December 31, 2014 for the following frequencies and call signs.

(FRN 0003462512)
FDNY Dispatch VHF Channels 150 - 174 MHz Channels

154.1900	KEB523, KEB524, KEB525, KEB526, KEB527, KED962, KYE994
154.2500	KEB523, KEB524, KEB525, KEB526, KEB527, KED962, KYE994
154.3700	KEB523, KEB524, KEB525, KEB526, KEB527, KED962, KYE994
154.4000	KEB523, KEB524, KEB525, KEB526, KEB527, KED962, KYE994
154.4300	KEB523, KEB524, KEB525, KEB526, KEB527, KED962, KYE994, KV2288, WNJG268, WNSU962, WPFS461
154.8300	KV2288, WPFS461
154.0700	KV2288
154.0100	KV2288
153.9500	KV2288
153.7700	KV2288
153.8900	KV2288

(FRN 0003462512)
FDNY UHF MED Channels 450 - 470 MHz Channels

MED 1	463.000/468.000	KA3875, KGC452, KKL715, KUN595, KUN596, KUN597, KUN598, WRU931
MED 2	463.025/468.025	KA3875, KGC452, KKL715, KUN595, KUN596, KUN597, KUN598, WRU931
MED 3	463.050/468.050	KA3875, KGC452, KKL715, KUN595, KUN596, KUN597, KUN598, WRU931
MED 4	463.075/468.075	KA3875, KGC452, KKL715, KUN595, KUN596, KUN597, KUN598, WRU931
MED 5	463.100/468.100	KA3875, KGC452, KKL715, KUN595, KUN596, KUN597, KUN598, WRU931
MED 6	463.125/468.125	KA3875, KGC452, KKL715, KUN595, KUN596, KUN597, KUN598, WRU931
MED 7	463.150/468.150	KA3875, KGC452, KKL715, KUN595, KUN596, KUN597, KUN598, WRU931
MED 8	463.175/468.175	KA3875, KGC452, KKL715, KMB268, KUN595, KUN596, KUN597, KUN598, WRU931, WRU933
MED 9	462.950/467.950	KGC452, KKL715, KMB268, KUN595, KUN596, KUN597, KUN598, WRU933
MED 10	462.975/467.975	KGC452, KKL715, KMB268, KUN595, KUN596, KUN597, KUN598, WRU933

(FRN 0003462512)
DOC UHF Jail Channels 450 — 470 MHz Channels

155.310/.370/.520	KB21980, WQMC843
155.5950	WYC886, WYC876, WYC877, WYC878, WYC879, KA35345
158.9100	KB76551
453.1000	KJV315-318
453.7500	KF0831, KJV301, KJV303, WNJM507
458.100/.175/.200/.300	KH9216, KNBA923, WNMC275, WPTC265
453.2125/458.2125	WPKY646
453.3625/453.3625	WPKY646
453.4125/458.4125	WPKY646
460.3625/465.3625	WPKY646, WPGA632
460.1250/465.1250	WNYF842
460.4125/465.4125	WNYI442
453.4875/458.4875	KD41458
453.5125/458.5125	KD41458
453.5375/458.5375	KD41458
453.0625/458.0625	KD41458
453.3125/458.3125	KD41458
453.2625/458.2625	KD41458
460.0375/465.0375	WNYI446

(FRN 0003462512)
DEP UHF Water Treatment Channels 450 — 470 MHz Channels

451.1625/456.1625	WNYZ288
451.1625/456.1625	WNY401
451.4125	WPIB472
453.2000/453.2000	KNBA923, WNMC275
453.6625/458.6625; 458.7625	WQGY510
458.2250	WPGV747
458.2500	KCQ79, KNGJ554, KNGJ555, WAV66, WYR2549
458.2250	WPDC661
453.6125/458.6125	WNUZ671
453.9000/458.9000	KCT611, KDB505, KGV249, KJC708, KWI649, KXM866, KXM867

Procedural Matters

Interested parties may file comments and reply comments in response to the waiver request on or before the dates listed on the first page of this *Public Notice*. All pleadings must reference WT Docket No. 99-87. Parties may file comments using (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies.⁴

- **Electronic Filers:** File comments electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- If multiple docket or rulemaking numbers appear in the caption of this proceeding, ECFS filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.
- **Paper Filers:** Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Send filings 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). Address filings to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- Deliver hand-delivered or messenger-delivered paper filings to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554 between 8:00 AM and 7:00 PM. Use rubber bands or fasteners to hold deliveries together. Dispose of all envelopes before entering the building.
- Send commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- Send U.S. Postal Service first-class, Express, and Priority mail to 445 12th Street, SW, Washington DC 20554.

Parties are requested to send one copy of their comments and reply comments to Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, (800) 378-3160, e-mail FCC@BCPIWEB.com.

Documents in WT Docket No. 99-87 available for viewing on ECFS, <http://www.fcc.gov/cgb/ecfs>, by entering the docket number, WT 99-87. These documents are available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th St. SW, Room CY-A257, Washington, D.C. 20554. The documents are also available for purchase from Best Copy and Printing, Inc., telephone (800) 378-3160, facsimile (301) 816-0169, e-mail FCC@BCPIWEB.com, telephone (202) 488-5300, facsimile (202) 488-5563, TTY (202) 488-5562, e-mail fcc@bcpiweb.com.

Alternate formats of this *Public Notice* (computer diskette, large print, audio recording, and Braille) are available to persons with disabilities by contacting the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY), or send an e-mail to fcc504@fcc.gov.

⁴ See Electronic Filing of Documents in Rulemaking Proceedings, *Report and Order*, GC Docket No. 97-113, 13 FCC Rcd 11322 (1998).

This proceeding has been designated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.⁵ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

For further information, contact Mr. Melvin Spann of the Wireless Telecommunications Bureau at (202) 418-1333, or via e-mail at Melvin.Spann@fcc.gov or Mr. Roberto Mussenden of the Public Safety and Homeland Security Bureau at (202) 418-1428, or via e-mail at Roberto.Mussenden@fcc.gov.

Action by the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau and the Deputy Chief, Policy and Licensing Division, Public Safety and Homeland Security Bureau.

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⁵ See 47 C.F.R. §§ 1.1200(a), 1.1206.