



PUBLIC NOTICE

Federal Communications Commission
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**PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SEEKS COMMENT ON REQUEST
BY STATE OF MONTANA TO USE FREQUENCY 155.4750 MHZ FOR MULTI-DISCIPLINE
MUTUAL AID COMMUNICATION WITHIN 16 KM OF THE U.S.-CANADA BORDER**

Call Sign WNQN689

COMMENTS DUE: October 18, 2012

REPLY COMMENTS DUE: October 29, 2012

By this Public Notice, the Public Safety and Homeland Security Bureau (PSHSB) seeks comment on a waiver request filed by the State of Montana (Montana) to use frequency 155.4750 MHz (Blue Channel or VLAW31) for interagency coordination of all public safety responders within 16 kilometers of the U.S. – Canada border.¹

On June 1, 2011, the Northern Tier Interoperability Consortium (NTIC), represented by the Interoperability Montana Project (IMP), was awarded a grant under the Border Interoperability Demonstration Project (BIDP).² Under the grant, Montana proposes to use the Blue Channel for general interagency border communications during an emergency.³ Specifically, Montana would allow state, local, tribal and Canadian first responders to communicate on the Blue Channel for mutual U.S./Canadian operations at or within 16 kilometers of the border.⁴ Montana argues this plan would achieve the following objectives:

- 1) Improve day-to-day interoperable emergency communications among local, state, tribal, and federal entities as well as international partners along and across international borders;
- 2) Improve interoperable emergency communications among emergency response providers responding to threats and natural disasters on the border; and

¹ Waiver Request to Utilize Frequency 155.4750 MHz for Multi-Discipline Mutual Aid Communication Operations Within 16 km of the U.S./Canadian Border, State of Montana, attached to License WNQN689 on Sep. 24, 2012 (Montana Waiver Request). Montana defines the border as the 49th Parallel.

² *Id.* at 2.

³ *Id.* at 2.

⁴ *Id.* at 2. Montana mentions a 10-kilometer zone on page 2 of its waiver request but refers to a 16-kilometer zone throughout the rest of the document. Thus, we assume the reference to a 10-kilometer zone on page 2 is a typographical error.

- 3) Facilitate interoperable communications among emergency response providers in border communities of varying population densities.⁵

Under Commission rules, frequency 155.475 MHz is reserved nationwide for use in police emergency communications networks operated under statewide law enforcement emergency communications plans.⁶ However, in support of its waiver request, Montana notes that communities along the border are sparsely populated with limited resources so it is common for law enforcement personnel to also participate in other emergency incidents.⁷ Montana further explains that it is licensed to operate on the Blue Channel, and has 20 base station licenses with coverage in or near the area of concern.⁸ Finally, Montana argues most patrol and emergency situations at or near the border will involve law enforcement personnel interacting with other law enforcement or emergency services; and this plan will assist any Canadian user who needs to contact someone in the unlikely event he or she is operating on the U.S. side of the border.⁹

Montana claims it has satisfied the requirements for a waiver under Sections 1.925 and 1.3 of the Commission's rules.¹⁰ It argues that expanded use of the Blue Channel serves the best interest of the public as well as law enforcement and other response organizations (including Canadian responders on the U.S. side of the border) by providing a "centralized resource" over which all units may communicate.¹¹ Montana also argues it would be unduly burdensome to restrict communications on the Blue Channel to law enforcement given the extreme and rural nature of the topography and population along the border, and the reliance of multi-disciplined local, tribal, state, federal, and international response groups on one another in times of emergency.¹²

By this Public Notice, we seek comment on Montana's Waiver Request and announce the pleading cycle during which comments and replies may be filed.

Parties may file comments on the Waiver Request on or before October 18, 2012. Reply comments may be filed on or before October 29, 2012.

All comments and reply comments should reference the subject "Montana 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),¹³ or (2) by filing paper copies.

⁵ *Id.* at 3 (*quoting* Northern Tier Border Interoperability Demonstration Project (BIDP) Grant Application, Interoperability Montana at 3.).

⁶ 47 C.F.R. § 90.20(c)(3)(d)(41).

⁷ Montana Waiver Request at 3.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.* at 5.

¹¹ *Id.* at 4.

¹² *Id.*

¹³ 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.

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.*”¹⁴ 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.¹⁵ Please note that you must enter a File Number or Call Sign to continue. If the pleading pertains to multiple applications or licenses, you 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

¹⁴ See 47 C.F.R. Part 1.

¹⁵ Montana’s call sign is WNQN689

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.

- Send hand-delivered or messenger-delivered paper filings for the Commission's Secretary to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of 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, M.D. 20743.
- Send U.S. Postal Service first-class, Express, and Priority to 445 12th Street, SW, Washington, D.C. 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 Montana Waiver Request, comments and reply comments will be available for 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 may also be purchased from BCPI. Email fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau, (voice) (202) 418-0530, (TTY) (202)-418-0432 to request materials in formats accessible to people with disabilities, e.g. Braille, large print, electronic files, audio format.

For further information, contact: Brian Marengo, Policy and Licensing Division, Public Safety and Homeland Security Bureau, at (202) 418-0838 or Brian.Marengo@fcc.gov.

Action by the Chief, Public Safety and Homeland Security Bureau.

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