



PUBLIC NOTICE

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

WT Docket 99-87

Comment Date: October 23, 2012
Reply Comment Date: November 2, 2012

By this *Public Notice*, we seek comment on a request for waiver of the Commission's January 1, 2013 VHF-UHF narrowbanding deadline, filed on May 8, 2012,¹ by the City of Chicago Office of Emergency Management Communications (City of Chicago). Section 90.209(b)(5) of the Commission's rules 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 Specifically, the City of Chicago is seeking a twenty-four-month conditional extension of time to complete the narrowbanding of its VHF/UHF facilities by January 1, 2015.

The City of Chicago is the third largest city in the United States, with 9.8 million inhabitants. The City of Chicago metropolitan area extends outside the county seat of Cook County, Illinois, into neighboring DuPage County. The City is comprised of approximately 234 square miles of urban landscape, including 6.9 miles of the Lake Michigan waterfront, and both the Calumet and Chicago rivers flow entirely or partially through key parts of the City. The City of Chicago is both the second largest central business district and labor pool in the nation, and hosts millions of domestic and international visitors each year as one of the most important worldwide international centers for commerce, finance, and trade.

To help manage and protect the City's residents and visitors, Chicago employs thousands of first responders and other employees who require the use of public safety communications. However, due to budgetary and hiring constraints, the City employs only sixteen radio technicians, who are solely responsible for the maintenance, installation, and upgrading of the City's numerous and intricate radio systems. Despite limited manpower and resources, these technicians have been able to perform

¹ See Request for Waiver of Commission Rules (filed May 8, 2012) (Waiver Request).

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).

maintenance and to complete a significant number of necessary and mandated upgrades to the City of Chicago's extensive public safety radio networks.

The City of Chicago's request describes its past and continuing efforts to bring its mission critical communications networks into compliance with the January 1, 2013 narrowbanding mandate, and states it is near completion of its multi-site UHF T-band fire digital system, among other public safety radio projects.³ The City of Chicago notes, however, that it has "been occupied in responding to other regional and national initiatives such as expanding its video surveillance system and engagement in Operation Virtual Shield in cooperation with the Department of Homeland Security and Department of Justice."⁴

The City of Chicago claims that it has been working diligently and in good faith towards narrowbanding, making substantial investments in new infrastructure and reprogramming existing equipment.⁵ However, because of budget constraints and the diversion of financial resources to other federal projects, the City of Chicago claims that it is unable to complete narrowbanding by the January 1, 2013 target. Therefore, given its considerable efforts towards narrowbanding to date, the City of Chicago contends that it is entitled to a waiver and extension of the deadline.

We seek comments on 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.⁶ In particular, we seek comment from parties whose operations could be impacted by grant of the waiver.

³ Waiver Request at 6.

⁴ *Id.*

⁵ *Id.*

⁶ 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: Extending the narrowbanding deadline by twenty-four months, to January 1, 2015, for the following frequencies and call signs:

CALL SIGNS FOR WHICH WAIVER OF SECTION 90.209(B) IS REQUESTED
City of Chicago VHF 150-174 MHz Channels
(FRN 0002833416)

Frequency	Call Sign(s)
153.7700	KSC711
153.7925	KSC711
153.8300	KSC711
153.9275	KSC711
153.9500	KSC711
154.0100	KSC711
154.1300	KBA321, KSC711
154.2200	KSC711
154.3850	KSC711
154.6500	KA5489
154.7400	KA5489
154.8000	KA5489
154.8300	KA5025
155.7450	KRW306
155.9400	KNDV404
155.9700	KC5285
156.0000	KC5285
158.2500	KGW529, WQCT234
158.7600	KBW414, KBW415, KBW416, KBW421, KF5671
158.8050	KJY777, KJY778, KJY779, KK9884
158.8500	KSF382
158.8800	KKG461
158.8950	WPQG213
158.9100	KC5285
158.9400	KC5285
158.9700	KC5285
159.0300	KSF382
159.1500	KA5489
159.3900	KC5285
159.4500	KC5285

**City of Chicago UHF 450 — 470 MHz Channels
(FRN 0002833416)**

Frequency	Call Sign(s)
453.0500	KBJ773
453.1000	KBJ308
453.5000	KRM715
453.5500	KRM715
453.6250	KWB673
453.6500	KRM715
453.6750	KRM715
453.7250	KRM715
458.7750	KRM715
453.8250	KRM715
453.9750	KRM715
458.0500	KY7503
458.1000	KBJ308
458.5000	KRM715
458.5500	KRM715
458.6250	KZ9579
458.6500	KRM715
458.6750	KRM715
458.7250	KRM715
458.7750	KRM715
458.8250	KRM715
458.9750	KRM715
460.5375	KB54951
460.6000	KXZ273
460.6250	KXZ273
462.9500	KNFH932
462.9750	KNFH932
465.6000	KNEW594, KNEW595, KNGN514, KNGN516, WFK423, WGQ939
465.6250	KNEW594, KNEW595, KNGN514, KNGN516, WFK423, WGQ939
467.9500	KNFH932
467.9750	KNFH932

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.⁷

- 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.

⁷ 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.⁸ 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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⁸ See 47 C.F.R. §§ 1.1200(a), 1.1206.