



# PUBLIC NOTICE

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DA 12-176

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## WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON AVISTA CORPORATION REQUEST FOR WAIVER OF THE JANUARY 1, 2013 VHF-UHF NARROWBANDING DEADLINE

WT Docket 99-87

**Comment Date: March 2, 2012**

**Reply Comment Date: March 12, 2012**

By this *Public Notice*, comment is sought on the request, filed on December 13, 2011 and supplemented on February 2, 2012,<sup>1</sup> of Avista Corporation (Avista) for a temporary 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.<sup>2</sup> Avista seeks a 21-month extension of the deadline, until September 30, 2014, for PLMR Stations KA3396, KFM796, KGO651, KNIC261, KOA401, KOA544, KOB227, KOB519, KOE262, KOE290, KOE390, KOE464, KOF407, KOG402, KOG592, KOH901, KOI282, KOK432, KOK940, WNFU403, WNSU658, WPAZ378, WPEQ287, WPMJ881, WQF840, and WQFT245.

Avista provides electric and natural gas service to more than 485,000 customers in a service territory of more than 30,000 square miles in parts of Washington, Idaho, Montana, and Oregon. In June 2009, Avista acquired four Automated Maritime Telecommunications System (AMTS) geographic licenses, which it intended to use to replace its wideband PLMR system in advance of the narrowbanding deadline. While geographic licensees generally are authorized to place stations anywhere within their licensed service areas, the Commission requires individual licensing of AMTS stations in proximity to certain television stations.<sup>3</sup> In December 2009, Avista filed modification applications seeking separate authorization for particular locations. Petitions to deny the applications were filed.

In December 2011, Avista requested an extension of the narrowbanding deadline on the grounds that the continued pendency of its modification applications prevented it from initiating construction of its

<sup>1</sup> See Request for Extension of Narrowbanding Deadline (filed Dec. 13, 2011); Supplement to and Modified Request for Extension of Narrowbanding Deadline (filed Feb. 2, 2012).

<sup>2</sup> 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).

<sup>3</sup> See 47 C.F.R. §§ 80.215(h), 80.385(b), 80.475(a).

AMTS system. It requested a 24-month extension, until December 31, 2014, to ensure that the company would either have time to construct its AMTS network or comply with the Commission's narrowbanding requirement on a deferred basis. It stated that, due to climate and geography in the Pacific Northwest, Avista can safely and reasonably deploy base station equipment only from late spring to early fall, and that construction of its AMTS network was expected to take all or part of three deployment seasons. After the modification applications were granted in January 2012,<sup>4</sup> Avista amended its waiver request to seek a 21-month extension of the narrowbanding deadline, until September 30, 2014, and to offer to provide periodic system implementation reports. Upon construction and implementation of its AMTS network, Avista will relinquish the above-listed PLMR licenses.

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.<sup>5</sup> In particular, we seek comment from parties whose operations could be impacted by grant of the waiver.

## Procedural Matters

Comments are due **no later than March 2, 2012**. Reply comments are due **no later than March 12, 2012**. All filings should reference the docket number of this proceeding, WT 99-87.

This proceeding has been designated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.<sup>6</sup> 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.

The waiver request can be accessed electronically via the Commission's Universal Licensing System, <http://wireless.fcc.gov/uls>, under the call signs listed above. The request, and comments and reply comments filed in response to this *Public Notice*, will be available for public inspection and copying in the Commission's Reference Center, Room CY-A257, 445 12th Street, S.W., Washington, D.C. 20554, and via the Commission's Electronic Comment Filing System (ECFS) by entering the docket number, WT 99-87. Copies of the request are also available from Best Copy and Printing, Inc., telephone (800) 378-3160, facsimile (301) 816-0169, e-mail [FCC@BCPIWEB.com](mailto:FCC@BCPIWEB.com).

Comments may be filed using the ECFS or by filing paper copies. *See* Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Generally, only one

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<sup>4</sup> *See* Avista Corp., *Order*, DA 12-45 (WTB MD rel. Jan. 13, 2012).

<sup>5</sup> *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).

<sup>6</sup> *See* 47 C.F.R. §§ 1.1200(a), 1.1206.

copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters 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 for e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and should include the following words in the body of the message, "get form." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number.

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, as follows:

-All hand-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12<sup>th</sup> St., S.W., Room TW-A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Envelopes must be disposed of before entering the building. The filing hours at this location are 8:00 a.m. to 7:00 p.m. **PLEASE NOTE:** This is the **ONLY** location where hand-delivered or messenger-delivered paper filings for the Commission's Secretary will be accepted. The Commission's former filing location at 236 Massachusetts Ave., N.E., is permanently closed.

-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 mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, DC 20554.

-All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

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](mailto: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](mailto:fcc504@fcc.gov).

For further information, contact Mr. Melvin Spann of the Mobility Division, Wireless Telecommunications Bureau at (202) 418-1333, or via e-mail at [Melvin.Spann@fcc.gov](mailto:Melvin.Spann@fcc.gov).

Action by the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau.

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