



PUBLIC NOTICE

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DA 12-1982

Released: December 10, 2012

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

WT Docket 99-87

Comment Date: December 17, 2012

Reply Comment Date: December 21, 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 September 21, 2012,¹ by the City of Philadelphia's Office of Innovation and Technology (Philadelphia). Section 90.209(b)(5) of the Commission's rules requires private land mobile radio (PLMR) licensees in the 150 – 174 MHz and 450 – 470 MHz bands to operate using channel bandwidth of no more than 12.5 kHz, or equivalent efficiency, by January 1, 2013.² Specifically, Philadelphia is seeking an eighteen-month extension of time to complete the rebanding and narrowbanding of its VHF/UHF facilities by July 1, 2014.³

Philadelphia is the fifth largest city in the United States, with 1.5 million inhabitants.⁴ The Philadelphia metropolitan area extends approximately 143 square miles, and includes both urban and suburban areas.⁵ Its communications system supports activities for law enforcement, fire and rescue, federal law enforcement, homeland security, highway, rail, subway, two airports, a school district, and multiple harbors.⁶ Additionally, Philadelphia is also a participant in the Southeast Pennsylvania Urban

¹ See Request for Waiver of Commission Rules Regarding the Spectral Efficiency of Private Land Mobile Radio Services in the 150-174 and 450-470 MHz bands, Requiring 12.5 kHz Channel Bandwidth or Equivalent Technology By January 1, 2013 (filed September 21, 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).

³ Waiver Request at 2.

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

Areas Security Initiative Region, which promotes and coordinates emergency response across multiple jurisdictions.⁷

Philadelphia contends it has made extensive planning efforts to comply with the Commission's narrowbanding deadline. Philadelphia plans to upgrade to a more efficient P25 based trunking system and has secured adequate funding for the project.⁸ This transition includes new infrastructure, rebanded channels, new subscriber units, and reconfigured subscriber units.⁹ Philadelphia argues that it lacks the personnel resources to meet the narrowbanding deadline, and that various interdependencies with its 800 MHz (National Public Safety Planning Advisory Committee) rebanding and upgrade effort, while also assuring uninterrupted public safety communications, have made full compliance impossible.¹⁰

Philadelphia claims that, in simultaneously rebanding, narrowbanding, and maintaining its current systems at their highest performance levels, it has experienced a shortage of man-power.¹¹ Philadelphia also argues that, because agencies currently using VHF/UHF must continue to do so until the 800 MHz Trunked system is rebanded and subscriber units become available, it will be unable to meet the narrowbanding deadline.¹² Philadelphia claims that operations of a local nature will require continued operation on frequencies in the 150 – 470 MHz range until rebanding is complete.¹³ Philadelphia also claims that operations that require wide area coverage have to be transitioned to the 800 MHz NPSPAC Trunked radio system, and this is impossible until rebanding is complete.¹⁴

Philadelphia expects to complete its rebanding process by March 29, 2013, at which time it will test and certify this rebanded system until June 30, 2013.¹⁵ From July 1, 2013 to December 31, 2013, the City will initiate bidding and purchase order issues to fund the transition of lower frequency operations and/or the cost associated with modifying lower band operations to narrowband.¹⁶ Between January 1, 2014 and July 1, 2014, the City will complete its narrowbanding transition.¹⁷

Philadelphia anticipates no negative impact to any existing licensees as a result of granting this Waiver Request.¹⁸ Philadelphia admits that there will be an "undetermined impact" on the ability of new licensees to license channels at 12.5 kHz, but that it knows of no licensees waiting to obtain licenses within this coverage area which would be impacted by granting this Waiver Request.¹⁹

⁷ *Id.*

⁸ *Id.* at 3.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.* at 3, 9.

¹² *Id.* at 3-4.

¹³ *Id.* at 6.

¹⁴ *Id.*

¹⁵ *Id.* at 7, Appendix C.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.* at 7.

¹⁹ *Id.*

Philadelphia claims that it has been working diligently and in good faith towards meeting the Commission's narrowbanding deadline by securing funding, developing a Narrowbanding Time Schedule, and developing a comprehensive plan for rebanding and narrowbanding its communications systems.²⁰ However, Philadelphia argues that, because of interdependencies with its 800 MHz NPSPAC rebanding and upgrade effort and a lack of personnel resources, it is unable to complete narrowbanding by the January 1, 2013 deadline. Therefore, given its considerable efforts towards narrowbanding to date, Philadelphia contends that it is entitled to a waiver and extension of the deadline.²¹

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.²² In particular, we seek comment from parties whose operations could be impacted by grant of the waiver.

Waiver Request: Extending the narrowbanding deadline by eighteen months, to July 1, 2014, for the following frequencies and call signs:

KAV718	PW	453.4500, 453.8500
KGC742	IG	451.2500
KGF587	PW	453.0500, 453.1500, 453.2000, 453.2500, 453.3000, 453.3500, 453.4000, 453.5000, 453.5500, 453.6000, 453.6500, 453.7500, 453.8000, 453.9500, 460.1500, 460.2500, 460.3500
KGF991	PW	453.7250, 453.7750, 453.9250
KLM719	PW	158.9400
KLS497	PW	158.7750
KNCY656	PW	158.9400
KNCY657	PW	158.9400
KNDN543	PW	453.4500, 453.8500, 458.4500, 458.8500
KNIZ528	PW	465.1500
KWM747	PW	460.1500
KWM748	PW	460.2500
WCT263	IG	456.2500
WDB361	PW	153.8900, 154.0100, 154.4150, 166.2500

²⁰ See Waiver Request.

²¹ *Id.* at 3.

²² 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).

WDE789	PW	458.2500, 458.4000, 458.5500, 458.7500
WDE791	PW	458.2500, 458.4000, 458.5500, 458.7500
WNRD678	PW	159.2100
WNXJ773	PW	153.9350, 154.9650
WPPB590	PW	460.0250, 460.0500, 460.1000, 460.1750, 460.2250, 460.3000, 460.5000, 465.0250, 465.0500, 465.1000, 465.1750, 465.2250, 465.3000, 465.5000
WPTE421	PW	153.8750, 158.7750
WQAB667	PW	154.2800, 155.3400
WQCF247	PW	453.3500, 458.3500
WQCG318	PW	453.2500, 453.4000, 458.2500, 458.4000, 460.1500, 465.1500
WQH265	PW	155.0400
WSL643	PW	158.7750
KA2660	PW	153.8150
KD4811	IG	456.2500
KD6365	PW	458.0500, 458.1500, 458.2000, 458.2500, 458.3000, 458.3500, 458.4000, 458.5000, 458.5500, 458.6000, 458.6500, 458.7500, 458.8000, 458.9500, 465.1500, 465.2500, 465.3500
KF9481	PW	153.8300, 153.8900, 153.9500, 154.0100, 154.1450, 154.4150, 166.2500
KF9482	PW	458.7250, 458.7750, 458.9250
KG7858	PW	158.9400
KJ2176	PW	153.9350
KL7263	PW	158.7750
KNGQ614	PW	158.7750
KVN533	PW	158.7750
WDB363	PW	458.7250, 458.7750, 458.9250
WNUM344	PW	453.1000, 458.1000
WQCP395	PW	153.8750, 158.7750

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.²³

- 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.

²³ See Electronic Filing of Documents in Rulemaking Proceedings, *Report and Order*, GC Docket No. 97-113, 13 FCC Rcd 11322 (1998).

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.

This proceeding has been designated as a “permit-but-disclose” proceeding in accordance with the Commission's *ex parte* rules.²⁴ 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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²⁴ See 47 C.F.R. §§ 1.1200(a), 1.1206.