

**Before the
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)	
)	
CITY OF NEW YORK)	WT Docket No. 99-87
)	
Request for Waiver of Section 90.209(b) of the Commission's Rules)	
)	

ORDER

Adopted: December 26, 2012

Released: December 26, 2012

By the Deputy Chief, Policy and Licensing Division, Public Safety and Homeland Security Bureau and
Deputy Chief, Mobility Division, Wireless Telecommunications Bureau:

I. INTRODUCTION

1. On June 13, 2012, the City of New York (the City) filed a request for waiver,¹ 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 421-512 MHz bands to operate using channel bandwidth of no more than 12.5 kHz or equivalent efficiency by January 1, 2013.²

2. The City seeks separate extension dates for two different components of its radio system:

- The main portion of the UHF system used by FDNY and NYPD operates on frequencies in the "T-Band" (470-512 MHz), for which the January 1, 2013 narrowbanding deadline has previously been waived in the *T-Band Narrowbanding Waiver Order*.³ The City now seeks a similar waiver for additional non-T-Band channels that are operationally integrated with the T-Band systems.⁴
- The City seeks a separate waiver until December 31, 2014 for certain other systems used by

¹ Request for Waiver on Behalf of the City of New York of Commission Rules Regarding the Migration of Private Mobile Land Radio Services to 12.5 kHz Or Narrower Technology by January 1, 2013, WT Docket 99-87 (filed Jun. 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).

³ 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, RM-9332, 27 FCC Rcd 4213 (WTB/PSHSB/OET 2012) (*T-Band Narrowbanding Waiver Order*).

⁴ Waiver Request at Appendix A.

FDNY, DEP, and DOC that are not integrated with the City's T-Band systems.⁵

3. By this *Order*, we grant waiver relief with respect to both portions of the City's request. With respect to the non-T-Band channels used by FDNY and NYPD that are operationally integrated with the T-Band systems, we extend the same waiver relief previously granted to the City's T-Band facilities pursuant to the *T-Band Narrowbanding Waiver Order*. With respect to DEP, we grant an extension until May 1, 2013. With respect to the other systems used by FDNY and DOC, we grant a waiver until December 31, 2014.

II. BACKGROUND

4. New York City, with a population of more than 8 million residents, is among the most densely populated areas of the U.S. The City's five boroughs comprise approximately 300 square miles of land and are bordered by 600 miles of shoreline. The City also hosts a massive transportation infrastructure for highway, rail, subways, airports, and harbors. Its diverse architecture, varied topography, and intensive land use, plus the in-building, tunnels, below-ground and surrounding waterway environments, present an extremely varied and challenging radio frequency (RF) environment for effective wireless communications. Finally, the City faces heightened public safety and emergency preparedness demands in the wake of the September 11, 2001 attacks and the damage caused by Superstorm Sandy in October 2012.

A. NYPD

5. NYPD is the largest municipal police force in the nation, responsible for policing over 300 square miles of land and all waterways within and around the City.⁶ It employs over 47,000 uniformed officers and 14,804 civilians, all of whom utilize the NYPD radio system in the performance of their duties.⁷ The NYPD radio system operates primarily in the T-Band and includes nearly 160 base station repeaters, 1,400 receivers at more than 300 radio sites, and 130 Emergency Control Stations for emergency wireless backup capability in the event of wired network failure.⁸

6. NYPD has made significant progress in narrowbanding its radio operations. It has converted most of its voice channels from 25 kilohertz (kHz) analog to 12.5 kHz analog transmission, with some channels being converted from 25 kHz analog to 12.5 kHz APCO Project 25 (P25) digital encrypted channels. In addition, all of its equipment is dual-mode (*i.e.*, can operate on both 25 and 12.5 kHz), although it is currently operating in 25 kHz analog mode.⁹ NYPD's only remaining task to complete narrowbanding is the reprogramming of subscriber units.¹⁰

7. While NYPD has taken substantial steps towards narrowbanding, it is not currently subject to a narrowbanding obligation with respect to its T-Band operations. In April 2012, in response to the requirement in Section 6103 of the Middle Class Tax Relief and Job Creation Act of 2012 (Public Safety

⁵ *Id.*

⁶ Waiver Request at 5.

⁷ *Id.* This includes 35,354 sworn police officers, 2,539 Traffic Enforcement Agents, 4,954 School Safety Agents, and 4,369 Auxiliary Police Officers. *See id.*

⁸ *Id.* at 6.

⁹ *Id.* at 7. *See also* Wireless Telecommunications Bureau, Public Safety & Homeland Security Bureau, & Office of Engineering & Technology Provide Reminder of January 1, 2013 Deadline for Transition to Narrowband Operations in the 150-174 MHz & 421-512 MHz Bands & Guidance for Submission of Requests for Waiver & Other Matters, *Public Notice*, 26 FCC Rcd 9647 (2011).

¹⁰ Waiver Request at 7-8.

Spectrum Act) to clear T-Band public safety frequencies for eventual sale by competitive bidding,¹¹ the Wireless Telecommunications Bureau, Public Safety and Homeland Security Bureau, and Office of Engineering and Technology issued the *T-Band Narrowbanding Waiver Order*, which waived the January 1, 2013 narrowbanding deadline for all T-Band frequencies.¹² Because NYPD operates primarily on T-Band channels, the City notes that the T-Band waiver resulted in “only a small subset” of non-T-Band frequencies used by NYPD remaining subject to the narrowbanding mandate.¹³ The City further notes that these non-T-Band channels – most of which are low-power tactical channels – are operationally integrated with the T-Band channels for which a waiver has been granted.¹⁴

8. The City argues that in light of the T-Band waiver, the underlying purpose of narrowbanding would not be served if applied to the NYPD’s non-T-Band channels. It contends that the “intent of the narrowband mandate is to provide additional channels within the land mobile radio bands to accommodate prospective licensees” and that since the low-power tactical channels used by the NYPD are spaced 12.5 kHz from incumbent 25 kHz licensees, “no new channels will become available for prospective licensees regardless of whether the NYPD narrowbands their low power tactical channels in the 450-470 MHz band.”¹⁵

9. The City further argues that strict application of the deadline to NYPD’s non-T-Band channels would be contrary to the public interest, because “[n]arrowbanding interstitial point-to-point tactical channels will result in a loss of range, degrading operational capability and potentially compromising officer safety.”¹⁶ It further insists that “[s]ince these channels are dynamically assigned and are used in the absence of a supporting network, infrastructure modifications or enhancements cannot remedy the problem.”¹⁷

10. Moreover, the City contends that programming both T-Band and non-T-Band tactical channels into the same radio with 25 and 12.5 kHz channel bandwidths, respectively, would result in different coverage patterns that could compromise officer safety, as officers would likely be unaware of the coverage disparity and how to differentiate between wideband and narrowband tactical channels on a radio that can utilize both.¹⁸ The City also cites technical issues and operational problems arising from digital modulation in radios engaged in unit-to-unit tactical communications.¹⁹

11. The City also claims that “[t]he continued use of 450-470 MHz, 25 kHz low-power interstitial tactical channels within the geographic limits of the City of New York will not impact any other licensee” and that “since all other network channels used by the NYPD are T-Band channels, which have been exempted from the narrowband waiver, the requirement to narrowband three network channels places an undue burden on the NYPD, both from a financial and a technical perspective.”²⁰ Challenged by a persistent fiscal crisis, the City argues that it would be imprudent to undertake the cost of narrowbanding

¹¹ Middle Class Tax Relief and Job Creation Act of 2012, 47 U.S.C.A. § 1413 (West).

¹² *T-Band Narrowbanding Waiver Order*, 27 FCC Rcd 4213 (WTB/PSHSB/OET 2012).

¹³ Waiver Request at 8-9.

¹⁴ *Id.* at 12.

¹⁵ *Id.* at 9.

¹⁶ *Id.* At 9-10.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.* at 10-11 (emphasis omitted).

operations that will subsequently need to move to a different frequency range.²¹ The City also highlights its unique RF environment, noting that “loss of coverage due to narrowbanding is particularly acute in tactical or point-to-point applications since there is no infrastructure that can be modified to compensate for coverage loss.”²²

12. Finally, the City contends that “[c]ontinuing to provide uniform coverage and avoiding a time-consuming and expensive re-programming effort, which would ultimately be unnecessary due to the relocation of the T-Band, would be consistent with the purpose of the T-Band Waiver.”²³ Accordingly, to allow the NYPD to maintain its 25 kHz radio air interface technology on non-T-Band as well as T-Band channels, the City seeks a waiver on behalf of NYPD until two years after completion of competitive bidding for reallocated T-Band public safety channels pursuant to the Public Safety Spectrum Act.²⁴

B. FDNY

13. FDNY provides fire protection and emergency medical services (EMS) to the City’s residents and visitors, with more than 200 firehouses, thirty EMS stations, and 2,000 vehicles.²⁵ It uses various frequencies and types of subscriber equipment, including over 8,700 portable radios, 3,000 mobile radios, and hundreds of base stations through the City.²⁶

14. *FDNY Subway Radio Channels.* FDNY supports fire ground operations with a variety of radio systems for voice communications by FDNY personnel in different environments. These systems use T-Band channels for dispatch, tactical point-to-point radio communications, and in-building repeaters, and use non-T-Band channels for amplifiers to extend coverage into the City’s subway system.²⁷ FDNY is also in the process of transitioning its legacy operations onto a T-Band simulcast system and a T-Band trunked radio system.²⁸ While the new T-Band systems are narrowband-capable, FDNY is operating its simulcast system in wideband mode to allow seamless operation with legacy systems that have not been transitioned, including the non-T-band subway channels.²⁹ Because of the interdependency between the T-Band simulcast system and the non-T-Band-subway channels, the city seeks a waiver on behalf of FDNY to allow continued wideband operation of the subway channels until two years after the completion of competitive bidding for the reallocated T-Band public safety channels.³⁰

15. *Other FDNY Channels.* FDNY also utilizes certain UHF and VHF channels that are not integrated with its T-Band operations.³¹ The City states that FDNY has made progress toward

²¹ *Id.* at 11.

²² *Id.* The City emphasizes the dense urban environment of New York City, and notes that the NYPD “responds to a great number of emergency calls requiring Officers to enter large buildings, and therefore particularly concerned with indoor radio coverage.”

²³ *Id.* at 12.

²⁴ *Id.* at 12.

²⁵ *Id.* at 13.

²⁶ *Id.*

²⁷ *Id.* at 14

²⁸ *Id.* FDNY has partnered with DoITT to launch the simulcast system for fire and EMS dispatch and the trunked radio system, which serves FDNY and other City agencies.

²⁹ *Id.* at 17.

³⁰ *Id.*

³¹ *Id.* at 13-14. These include VHF dispatch channels and UHF EMS channels. *See* Appendix A.

narrowbanding these channels: it has identified which subscribers are reprogrammable, has purchased software and upgrades for reprogrammable equipment and new equipment for those that could not be upgraded, has completed the transition to narrowband for all municipal EMS ambulances and officer response vehicles, as well as replaced all portable subscriber units used by municipal EMS personnel.³²

16. Nevertheless, the City contends that FDNY requires an extension until December 31, 2014 to complete narrowbanding of these operations, particularly its EMS MED system for medical telemetry devices that enables EMS technicians to communicate in real time with a physician in critical moments during emergency response.³³ The City emphasizes that “the FDNY-owned EMS MED equipment provides a reliable communications path [for medical telemetry], especially at scenes where cellphone connections become unavailable.”³⁴ Because most existing FDNY EMS MED equipment is not narrowband-capable, FDNY is in the process of replacing that equipment. The City notes, however, that some facilities that must be narrowbanded are outside FDNY’s control.³⁵ In particular, certain systems that operate on FDNY’s behalf are owned and maintained by others, including the NYC Subway Underground Radio System,³⁶ Volunteer Emergency Service Provider system(s),³⁷ and Voluntary Hospital Service Provider system(s).³⁸ The City contends that the separate ownership and operation of these facilities has prevented FDNY from obtaining public grant funding to support their narrowbanding and therefore requires FDNY to provide direct funding in spite of a persistently bad fiscal climate. In light of these challenges, FDNY anticipates that it will need until December 31, 2014 to complete

³² *Id.* at 14.

³³ *Id.* at 15.

³⁴ *Id.*, citing <http://newyork.cbslocal.com/2011/08/26/cell-phone-outage-concerns-rise-as-hurricane-irene-barrels-up-east-coast/> (last accessed Nov. 30, 2012); http://www.cio.com/article/127901/Minneapolis_Bridge_Collapse_Why_Cellular_Service_Goes_Down_During_Disasters?page=1&taxonomyid=3061 (last accessed Nov. 30, 2012).

³⁵ *Id.* at 16.

³⁶ The City’s Transit Authority (NYCTA) hosts an underground radio system that includes FDNY’s Fire Operation and EMS channels, provides coverage throughout the subway system, and maintains and operates equipment on behalf of FDNY. The network is a series of systems, each with its own base stations, signal boosters, and related equipment. The FDNY’s Fire Operations operate on two channels and uses NYCTA’s narrowband-capable equipment, and the City argues that “the FDNY’s fire ground operations must remain intact at 25 kHz as these two subway channels are integral to all other T-Band frequencies including dispatch (T-Band UHF), citywide fire ground point-to-point radio (T-Band UHF) as well as all other in-building repeaters (T-Band UHF).” NYCTA was granted a waiver of the Commission’s deadline until June 30, 2016. *See id.* at 16-17. *See also* In the Matter of New York City Transit Authority, *Order*, WT Docket No. 99-87, 27 FCC Rcd 8964 (2012).

³⁷ FDNY has volunteer ambulance corps (VAC) and volunteer fire departments (VFD) to supplement the City’s 911 services. Like FDNY’s use of NYCTA’s underground system, VACs and VFDs use equipment not necessarily owned by FDNY but that operates on FDNY channels. FDNY makes recommendations to each affected entity about how best to proceed toward narrowband compliance. Though FDNY assists financially when possible, each VAC and VFD relies on donations to fund and support operations and are each responsible for purchasing FDNY-recommended equipment. FDNY states that these groups could achieve narrowband compliance if given an extension to December 31, 2014. *See id.* at 18.

³⁸ Voluntary hospital service providers (Voluntaries) are for-profit ambulance companies that assist FDNY with 911 response services, support hospitals in the city and provide up to one-third of the City’s ambulances. Each Voluntary is required to purchase and maintain FDNY-recommended subscriber equipment, but many also face financial difficulties with procurement. FDNY estimates that narrowbanding could be complete for Voluntaries by December 31, 2014. *See id.* at 18-19.

narrowbanding of these systems.³⁹

C. DEP

17. The DEP manages the City's water supply, collects and treats 1.3 billion gallons of wastewater produced daily, and regulates air quality, hazardous waste, and quality of life issues.⁴⁰ In order to narrowband, the DEP plans to replace localized UHF repeater systems at fourteen DEP water treatment plants and has determined that 75 percent of its portable radios and 62.5 percent of its repeaters need replacement.⁴¹ The City has further decided to take this opportunity to standardize all plant operations and transition to digital operations in one streamlined project.⁴² The City states that DEP "has been working diligently to meet the narrowband mandate but has encountered many difficulties in its efforts to meet the January 1, 2013 deadline."⁴³ However, the City has submitted a timetable and seeks an extension of the deadline to December 31, 2014 to narrowband DEP's radio infrastructure.⁴⁴

D. DOC

18. The DOC operates and manages fifteen inmate facilities, two hospital prison wards, and a number of holding facilities for the Criminal, Supreme, and Family Courts for each City borough, handling over 100,000 admissions each year and managing roughly 14,000 inmates on a daily basis.⁴⁵ On most weekdays the DOC logs over 3,000 miles transporting inmates to courts or other medical or jail facilities through the City and State.⁴⁶ Most of DOC's facilities are found in the Rikers Island complex, which houses ten different jails. Outside of Rikers Island, the DOC operates four jail facilities, sixteen court detention facilities, and three hospital wards throughout Manhattan, Queens, Brooklyn, and the Bronx, with a combined capacity of approximately 3,000 detainees facing or currently in trial.⁴⁷

19. The DOC holds radio licenses for several UHF frequencies used at Rikers Island and throughout the five Boroughs.⁴⁸ After an inventory analysis, the DOC found that it needs to purchase 1,500 portable radios and 43 repeaters to be fully narrowband compliant.⁴⁹ Though it has commenced the procurement process and is already installing and programming repeaters at several facilities, the City says that the DOC has encountered "unanticipated resource constraints, as well as complex migration issues in the unusually difficult New York City wireless transmission and reception environment," taking longer than DOC anticipated in migrating radio users to narrowband operation.⁵⁰ The DOC seeks an extension of the narrowband deadline to December 31, 2014.

20. On August 17, 2012, the Wireless Telecommunications Bureau and the Public Safety and

³⁹ *Id.* at 19-20.

⁴⁰ *Id.* at 20.

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.* at 21-22.

⁴⁸ *Id.* at 22.

⁴⁹ *Id.*

⁵⁰ *Id.*

Homeland Security Bureau issued a *Public Notice* seeking comment on the City's waiver request.⁵¹ No parties submitted comments in this proceeding.

III. DISCUSSION

21. Section 1.925 of the Commission's Rules states that in order to obtain a waiver of the Commission's Rules, a petitioner must demonstrate either that (i) the underlying purpose of the rule(s) would not be served or would be frustrated by application to the present case, and that a grant of the waiver would be in the public interest;⁵² or (ii) in view of unique or unusual factual circumstances of the instant case, application of the rule(s) would be inequitable, unduly burdensome, or contrary to the public interest or the applicant has no reasonable alternative.⁵³

22. Applying this standard to narrowbanding, we have stated in the *Narrowbanding Waiver Guidance Notice*, jointly issued by the Wireless Telecommunications Bureau, the Public Safety and Homeland Security Bureau, and the Office of Engineering and Technology, that narrowbanding waiver requests "will be subject to a high level of scrutiny" under the waiver standard.⁵⁴ We have also provided recommended guidance on the factors that licensees should address in their requests and have recommended that in addressing these factors, licensees should seek to demonstrate that "(i) they have worked diligently and in good faith to narrowband their systems expeditiously; (ii) their specific circumstances warrant a temporary extension of the deadline; and (iii) the amount of time for which a waiver is requested is no more than is reasonably necessary to complete the narrowbanding process."⁵⁵

A. Non-T-Band Frequencies Integrated With T-Band Frequencies

23. We first address the City's request to waive the narrowbanding deadline with respect to non-T-Band channels used by NYPD and FDNY that are integrated with their T-Band systems. As a result of Section 6103 of the Public Safety Spectrum Act, NYPD and FDNY must eventually relocate their T-Band operations to alternative spectrum. In light of this statutory requirement, the *T-Band Narrowbanding Waiver Order* held that enforcing the narrowbanding deadline in the T-Band would be inequitable and contrary to the public interest.⁵⁶

24. Although in the *T-Band Narrowbanding Waiver Order*, we indicated that T-Band licensees that also operate on non T-band were required to meet the narrowbanding deadline with respect to those non-T-band frequencies, we conclude that in this instance the waiver relief granted by the *T-Band Narrowbanding Waiver Order* should also be extended to the non-T-Band channels identified by NYPD and FDNY. The record indicates that while these non-T-Band-channels are operationally integrated into

⁵¹ Public Safety and Homeland Security Bureau Seeks Comment on Requests for Waiver of the Dec. 31, 2016 700 MHz Narrowbanding Deadline filed by the City of New York, *Public Notice*, DA 12-1345, 27 FCC Rcd 9606 (rel. Aug. 17, 2012).

⁵² 47 C.F.R. § 1.925(b)(3)(i).

⁵³ 47 C.F.R. § 1.925(b)(3)(ii).

⁵⁴ Wireless Telecommunications Bureau, Public Safety and Homeland Security Bureau, and Office of Engineering and Technology Provide Reminder of 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 (2011) (*Narrowbanding Waiver Guidance Notice*); see also Wireless Telecommunications Bureau and Public Safety and Homeland Security Bureau Provide Supplemental Guidance for Licensees in the 150-174 and 421-512 MHz Bands Seeking Waivers of the January 1, 2013 Narrowbanding Deadline, *Public Notice*, 27 FCC Rcd 1936 (WTB/PSHSB 2012).

⁵⁵ *Narrowbanding Waiver Guidance Notice*, 26 FCC Rcd at 9649.

⁵⁶ *T-Band Narrowbanding Waiver Order*, 27 FCC Rcd at 4214-4215.

NYPD and FDNY's T-Band systems, they only represent a small subset of the total channels in use in these systems.⁵⁷ Thus, strict application of the narrowbanding requirement to the non-T-Band channels while leaving the T-Band channels in wideband mode could significantly disrupt the operation of critical public safety systems, without freeing up a significant amount of spectrum, a result which does not promote efficient spectrum use and therefore would not serve the underlying purpose of the rule. Finally, there is no evidence that NYPD's and FDNY's continued use of non-T-Band channels within the geographic limits of the City will negatively impact any other licensee. For all of these reasons, we conclude that a grant of the waiver is in the public interest.

25. We modify the waiver requested by the City in one respect. The City asks for an extension of the narrowbanding deadline until two years after the Commission completes the competitive bidding process required by Section 6103 of the Public Safety Spectrum Act for public safety frequencies in the T-Band.⁵⁸ We decline to do so, as this date has not yet been determined. Instead, we grant waiver relief co-extensive with the relief previously granted by the *T-Band Narrowbanding Waiver Order*.⁵⁹

B. Other Frequencies

26. We also grant relief with respect to the remaining part of the waiver request, seeking an extension of the narrowband deadline for FDNY VHF dispatch and UHF medical telemetry channels and the channels used by DOC until December 31, 2014. With respect to the FDNY channels, we find that the requested relief is warranted under the second prong of our waiver standard. Furthermore, the record shows that FDNY has made significant progress toward narrowbanding these channels and has provided a clear timeline for completion.

27. Similarly, we find that the requested relief is warranted for the DOC channels in light of the City's uniquely challenging RF environment, combined with public safety concerns in maintaining the stability of correctional facilities and waste management, present circumstances that make the strict application of the deadline unduly burdensome and inequitable. We also place significant weight on the fact that DOC has worked diligently and in good faith to narrowband its systems expeditiously, as evidenced by clear timelines and the work that has been done to date toward narrowband compliance. Therefore, with respect to all FDNY and DOC channels identified in this portion of the City's waiver request, we find that the requested two year extension is reasonable under the circumstances, and therefore grant a waiver of the narrowbanding deadline until December 31, 2014.

28. With regard to the DEP channels, we find that DEP has not shown sufficient evidence to warrant relief until December 31, 2014. We note that the DEP states that under its current schedule it will complete its narrowbanding transition by May 1, 2013.⁶⁰ We have requested licensees to demonstrate the amount of time for which a waiver is requested is no more than is reasonably necessary to complete the narrowbanding process.⁶¹ The record is silent as to why DEP requires an additional 19 months of wideband operation after the conclusion of its narrowbanding transition. We therefore will grant DEP a

⁵⁷ *Id* at 8.

⁵⁸ Waiver Request at 17, Appendix A.

⁵⁹ *T-Band Narrowbanding Waiver Order*, 27 FCC Rcd at 4215 ¶7 (“Specifically, we waive the requirement that Industrial/Business and Public Safety Radio Pool licensees in the 470-512 MHz band migrate to 12.5 kHz channel bandwidth or utilize a technology that achieves equivalent efficiency by January 1, 2013 ... The Commission will consider how long this waiver relief should remain in effect once it takes further steps that clarify the status of incumbent T-Band licensees.”).

⁶⁰ Waiver Request at 21.

⁶¹ *Narrowbanding Waiver Guidance Notice* at 9649.

waiver of the narrowbanding deadline only until May 1, 2013. If DEP needs additional time beyond that, it must, in advance of the expiration of this extension, file a request for further extension that demonstrates that the additional amount of time requested is no more than is reasonably necessary.

IV. ORDERING CLAUSES

29. Accordingly, IT IS ORDERED pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 1.925(b)(3) of the Commission's rules, 47 C.F.R. § 1.925(b)(3), that the Request for Extension of Narrowbanding Deadline, filed on June 13, 2012 by the City of New York IS GRANTED to the extent specified in this order.

30. This action is taken under delegated authority pursuant to Sections 0.191 and 0.392 of the Commission's rules, 47 C.F.R. §§ 0.191, 0.392.

FEDERAL COMMUNICATIONS COMMISSION

Zenji Nakazawa
Deputy Chief, Policy and Licensing Division
Public Safety and Homeland Security Bureau

Scot Stone
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau

APPENDIX

Waiver Request Date #1: We grant waiver relief co-extensive with the relief previously granted by the *T-Band Narrowbanding Waiver Order* for the following call signs and frequencies

**NYPD UHF
450-470 MHz Frequency Licenses
(FRN 0003462421)**

<u>Frequency</u>	<u>Call Signs</u>
453.825	KQP434; K5I296
453.950	KQP434
453.250	KEH307; WJC79
458.825	KQP434; KQP434; K5I296 KQP434; K5I296 KQP434; 458.950 KQP434
458.250	KJ7505; WJC79; WJC80; WJC81; WJC82; WJC 83
460.525	WQNA692
465.525	WQNA692

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

<u>Frequency</u>	<u>Call Signs</u>
465.1125	WBPQ 332
465.1875	WBPQ 332; WPKY 646
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
FDNY-SUBWAY 2 RPT	460.6250	KY8033, KL0329-332
FDNY-SUBWAY 1 RPT-MO	465.5750	KY8033
FDNY-SUBWAY 2 RPT-MO	465.6250	KY8033

Waiver Request Date #2: We grant relief of the narrowbanding deadline until December 31, 2014 for the following frequencies and call signs.

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

154.1900	KEB527, KED962, KYE994, KEB523, KEB524, KEB525, KEB526,
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, WN5U962
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	KGC452, KKL715, KMB268, KUN595, KUN596, KUN597, KUN598, 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
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(FRN 0003462512)
DOC UHF Jail Channels 450 — 470 MHz Channels

155.310/.370/.520	KB21980
155.5950	WYC886, WYC876, WYC877, WYC878, WYC879, KA35345
158.9100	KB76551
453.1000	KJV315 through 318
453.7500	KF0831, KJV301, KJV303, WNJM507
458.100/.175/.200/.300	KH9216
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	WNY1442
453.4875/458.4875	KD41458, WQAA847
453.5125/458.5125	KD41458, WQAA847
453.5375/458.5375	KD41458, WQAA847
453.0625/458.0625	KD41458, WQAA847
453.3125/458.3125	KD41458, WQAA847
453.2625/458.2625	KD41458, WQAA847
460.0375/465.0375	WNY1446

Waiver Request Date #3: We grant relief of the narrowbanding deadline until May 1, 2013 for the following frequencies and call signs.

(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	WNMC275
453.6625/458.6625;458.7625	WQGY510
458.2250	WPGV747
458.2500	WYR2549
458.2250	WPDC661
453.6125/458.6125	WNUZ671
453.9000/458.9000	KCT611, KDB505, KGV249, KJC708, KWI649, KXM866, KXM867