



PUBLIC NOTICE

Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Fax-On-Demand 202 / 418-2830
TTY 202 / 418-2555
Internet: <http://www.fcc.gov>
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DA 13-1012

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PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SEEKS COMMENT ON APPLICATIONS AND WAIVER REQUEST FILED BY THE STATE OF MONTANA AND JEFFERSON COUNTY TO LICENSE VHF MARITIME RADIO FREQUENCIES

File Numbers Listed in Appendix

Comment Date: June 7, 2013

Reply Comment Date: June 24, 2013

The State of Montana, the Montana Department of Transportation and the County of Jefferson, Montana (collectively Montana) have filed four applications¹ seeking authority to operate trunked and conventional private land mobile radio facilities on VHF frequencies in the 150 MHz band assigned to the VHF Maritime Service.²

Montana filed a waiver request in connection with these applications seeking waiver of the eligibility and operating requirements applicable to licensees operating on these maritime frequencies.³ The County of Jefferson also seeks to license one 450 MHz frequency from the Industrial/Business Pool.⁴

In its waiver request, Montana states that the purpose of the applications is to add new sites to its Interoperability Montana System (IM System) to expand coverage to un-served areas and increase capacity.⁵ Montana's IM System uses VHF trunked digital radio technology to enable interoperable mobile wireless communications between Montana's state and county public safety agencies, Indian tribes, and the Federal government.⁶ Montana contends that interoperable communications are critical because the State's 550-mile border with Canada presents communication challenges to its law enforcement, federal, state, local and tribal entities.⁷

¹ The file numbers for these applications are listed in the attached Appendix.

² 47 C.F.R. § 80.373(f).

³ See Request for Waiver attached to the applications listed in the Appendix (Montana Waiver Request).

⁴ See ULS File No. 0005028256. See also 47 C.F.R. § 90.35(b)(3).

⁵ Montana Waiver Request at 3.

⁶ *Id.* at 1.

⁷ *Id.* at 2-3.

Due to Montana's extensive geography and sparse population, it chose VHF frequencies for its IM System because VHF wireless technology provides an "optimum signal in terms of reliability and geographic coverage."⁸ Montana argues that the "cost savings of a VHF network over 800 MHz, 900 MHz and 700 MHz systems are substantial."⁹

Montana further states that its proposed expansion of the IM System is premised on maximum channel re-use of the public safety frequencies listed in Section 90.20 of the Commission's rules.¹⁰ Nonetheless, due to unanticipated high levels of traffic on the initially constructed sites, Montana claims that additional spectrum is needed to meet the requirements of the IM System.¹¹

Consequently, Montana requests waiver of the Commission's Part 80 regulations so that it may expand the IM System through inclusion of Maritime Service frequencies listed in Section 80.373(f)¹² of the Commission's rules.¹³

Specifically, Montana seeks a waiver of Sections 80.105, 80.106, 80.203, 80.211, 80.213, 80.215 and 80.373¹⁴ of the Commission's rules in order to incorporate Maritime Service frequencies into its IM System.¹⁵ Montana claims it satisfies the five factors which the Commission generally considers when applicants seek to use maritime spectrum for land mobile use.¹⁶

Furthermore, although not specifically addressed in its waiver request, the County of Jefferson also seeks to license a 450 MHz frequency from the Industrial/Business Pool.¹⁷

Interested parties may file comments on or before June 7, 2013¹⁸ and reply comments on or before June 24, 2013.¹⁹ Parties may file comments and replies electronically²⁰ or by paper.

⁸ *Id.* at 3.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.* at 4.

¹² 47 C.F.R. § 80.373(f).

¹³ Montana Waiver Request. at 1, 8-9.

¹⁴ 47 C.F.R. §§ 80.105, 80.106, 80.203, 80.211, 80.213, 80.215, 80.373.

¹⁵ Montana Waiver Request at 8. Montana references Section 80.206 in its waiver request but because there is no such rule section we assume Montana intends to refer to Section 80.106 entitled "Intercommunication in the mobile service." *See* 47 C.F.R. § 80.106.

¹⁶ Montana Waiver Request at 10-11.

¹⁷ The County of Jefferson seeks to license Industrial/Business Pool frequency 452.175 MHz at location 7 on ULS File No. 0005028256.

¹⁸ 47 C.F.R. § 1.405.

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),²¹ or (2) by filing paper copies.

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.*"²² 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.²³ 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.

¹⁹ *Id.*

²⁰ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998)

²¹ 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.

²² See 47 C.F.R. Part 1.

²³ The file numbers of Montana's applications are listed in the Appendix.

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 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 regarding this proceeding contact Brian Marengo, Policy and Licensing Division, Public Safety and Homeland Security Bureau, (voice) (202) 418-0838 or Brian.Marengo@fcc.gov.

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Appendix

Montana Applications Seeking VHF Public Coast and Maritime Frequencies

<u>ULS No.</u>	<u>Applicant</u>	<u>Maritime Sec. 80.373(f) Frequencies</u>	<u>Industrial/Business Frequency</u>
0004961951	County of Jefferson	Yes	No
0005028256 ²⁴	County of Jefferson	Yes	Yes
0005276067 ²⁵	Montana Dept of Transportation	Yes (offset)	No
0005299543	Montana Dept of Transportation	Yes	No

²⁴ This application is in return status pending additional information from the applicant on its request to license frequency 452.175 MHz from the Industrial/Business Pool.

²⁵ This application seeks to license frequency 156.990 MHz which is a non-standard frequency offset between maritime service frequencies 156.975 MHz and 157.000 MHz. See 47 C.F.R. § 80.373(f).