



PUBLIC NOTICE

Federal Communications Commission
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DA 13-1207

Released: May 23, 2013

PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SEEKS COMMENT ON REQUEST FOR WAIVER OF THE DECEMBER 31, 2016, 700 MHZ NARROWBAND DEADLINE FILED BY CENTRAL MARYLAND AREA RADIO COMMUNICATIONS

PS DOCKET 13-87

COMMENTS DUE: June 17, 2013

By this Public Notice, the Public Safety and Homeland Security Bureau (PSHSB) seeks comment on a petition for waiver¹ filed by Central Maryland Area Radio Communications (CMARC). CMARC's requested waiver would allow it to operate a regional interoperable communications system in the 700 MHz narrowband spectrum utilizing the current 12.5 kHz channel efficiency requirement until January 1, 2024.²

In 2007, CMARC states that it "initiated planning to establish a trunked simulcast Project 25-compliant radio communications system for regional interoperability using channels in the 700 MHz spectrum."³ "To conserve limited resources and address reductions in grant funding," CMARC states that "the interoperability system was designed to leverage existing dual 700/800 MHz band equipment utilized by CMARC agencies for day-to-day emergency communications."⁴ According to CMARC, "[t]his includes approximately 20,000 subscriber units, nearly all of which are only capable of operating with Frequency Division Multiple Access (FDMA), and cannot operate at 6.25 kHz efficiency."⁵ CMARC observes that "[t]he two largest CMARC agencies, the City of Baltimore and Baltimore County, recently

¹ Petition for Waiver of Rules, Central Maryland Area Radio Communications, PS Docket 06-229 (filed April 3, 2013) (CMARC Petition). Section 90.535(d)(2) of the Commission's Rules requires licensees in the 700 MHz band to convert to 6.25 kHz voice channel efficiency by January 1, 2017. 47 C.F.R. § 90.535(d)(2). We note that the Commission has sought comment on modifying or eliminating the rules requiring 700 MHz public safety narrowband licensees to migrate from a 12.5 kHz voice efficiency standard to a 6.25 kHz voice efficiency standard. See Proposed Amendments to the Service Rules Governing Public Safety Narrowband Operations in the 769-775/799-805 MHz Bands, PS Docket No. 13-87, WT Docket No. 96-86, RM-11433, WT Docket No. 96-86, PS Docket No. 06-229 RM-11577, *Seventh Report and Order and Notice of Proposed Rulemaking*, FCC 13-40 ¶ 86 (rel. Apr. 1, 2013). Accordingly, we request that comments filed in response to this Public Notice reference PS Docket 13-87.

² CMARC Petition at 1.

³ *Id.* at 2.

⁴ *Id.*

⁵ *Id.* at 2-3.

upgraded to Project 25-compliant infrastructure using 800 MHz channels, though subscribers on those systems are also limited to FDMA, 12.5 kHz efficiency.”⁶ Therefore, CMARC argues that “compliance with the [December 31, 2016] deadline to convert to 6.25 kHz efficiency would require replacing the vast majority of radios currently in use by CMARC jurisdictions.”⁷

CMARC contends that its member “agencies have no reasonable alternative other than to seek a waiver of the 2017 deadline.”⁸ CMARC argues that “[m]ost of their existing 700 MHz-capable equipment still has at least 8-13 years of useful life, and replacing that equipment would likely require expenditures in excess of \$100 million,” funds that CMARC asserts “simply do not exist.”⁹ CMARC states that moving the “interoperability system to 800 MHz is a theoretical option, but would require abandonment of 700 MHz infrastructure, significant expenditures, and substantial uncertainty as to whether an adequate number of additional 800 MHz band frequencies can be identified.”¹⁰

Notwithstanding CMARC’s stated disadvantages of relocating its 700 MHz system to the 800 MHz band it states that it could do so, *i.e.* it “has access to potential funding to move its interoperability system from 700 MHz to 800 MHz.”¹¹ CMARC claims, however, that “those funds must be expended by 2014.”¹² Thus, CMARC submits that it must have timely disposition of its waiver request (by summer 2013) so that it will know whether it can continue its current 12.5 kHz operations on the 700 MHz interoperability network past December 31, 2016, or “whether it must expend scarce funds for an uncertain 800 MHz replacement.”¹³

By this Public Notice, we seek comment on CMARC’s petition and announce the pleading cycle during which comments may be filed.

This proceeding will be treated as “permit but disclose” for purposes of the Commission’s *ex parte* rules. *See generally* 47 C.F.R. §§ 1.1200-1.1216. As a result of the permit-but-disclose status of this proceeding, *ex parte* presentations will be governed by the procedures set forth in Section 1.1206 of the Commission’s rules applicable to non-restricted proceedings.¹⁴ 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

⁶ *Id.* at 3.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.* at 4.

¹² *Id.*

¹³ *Id.*

¹⁴ 47 C.F.R. § 1.1206.

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). 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.

Parties may file comments on the Petition on or before **June 17, 2013**.

Please place the docket number, **PS Docket 13-87**, on all filings. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).¹⁵

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.
- Paper Filers: 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, filers 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. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
 - All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered 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.
 - 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, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.
- People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

Copies of the Petition and any subsequently filed documents in this matter are also available for inspection in the Commission's Reference Information Center:

445 12th Street, S.W., CY-Level
Washington, D.C. 20554
(202) 418-0270

¹⁵ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

For further information, contact: John A. Evanoff, Esq., Policy and Licensing Division, Public Safety and Homeland Security Bureau, at (202) 418-0848 or john.evanoff@fcc.gov.

Action by the Chief, Public Safety and Homeland Security Bureau.

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