



PUBLIC NOTICE

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PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SEEKS COMMENT ON SANDOVAL COUNTY, NEW MEXICO REQUEST FOR WAIVER TO OPERATE VEHICULAR REPEATER UNITS ON AN INDUSTRIAL/BUSINESS FREQUENCY

File No. 0004902839

Comment Date: June 13, 2013

Reply Comment Date: June 24, 2013

The Public Safety and Homeland Security Bureau seeks comment on the application and waiver request filed on March 12, 2012, by the County of Sandoval, New Mexico (Sandoval, or the County) to use Industrial/Business (I/B) Pool frequency 173.325 MHz for vehicular repeaters.¹ The County “will use the requested frequency for public safety communications for its Sheriff and Deputies.”² Sandoval seeks waiver relief pursuant to Section 1.925 of the Commission’s rules.³ Sandoval requests this frequency because “no suitable public safety category frequencies are currently available.”⁴

Sandoval covers 3716 square miles of “diverse geography: mountainous, valley, foothill, riverbed and open space.”⁵ The County asserts that it has many coverage holes in which “little or no reliable communications is possible, particularly using portable radios.”⁶ Sandoval operates a five-site VHF⁷ public safety system under call sign WNGF606. Deputies use 50 vehicular and 50 portable radios.⁸ The County states that vehicular repeaters “significantly improve portable radio coverage within

¹ File No. 0004902839 (filed Oct. 6, 2011, amended March 12, 2012), attached Request for Waiver (dated March 10, 2012)(Waiver Request). *See also* 47 C.F.R. § 90.35.

² Waiver Request at 1.

³ *Id.* at 5. *See also* 47 C.F.R. § 1.925.

⁴ Waiver Request at 1.

⁵ *Id.*

⁶ *Id.* at 2.

⁷ In the context of the Private Land Mobile Radio Service, “VHF” refers to the band 150-174 MHz. *See, e.g.*, 47 C.F.R. § 90.187.

⁸ Waiver Request at 2.

a half mile radius of an equipped vehicle.”⁹ Further, Sandoval states that “such devices would relay critical radio messages to and from portable radios to the County’s dispatch center and other Deputies.”¹⁰

Sandoval states that its engineering contractor investigated the required frequency specifications from two vendors of vehicular repeater devices.¹¹ Both vendors require that the vehicular repeater frequency be separated from the existing transmit and receive frequencies of the collocated mobile radios, with the smallest separation being two megahertz.¹² The County’s mobile radios transmit and receive over several frequencies, which places significant limitations on what public safety VHF frequencies can be assigned to the vehicular repeater.¹³ However, the County operates on several other VHF frequencies pursuant to interoperability agreements with neighboring licensees.¹⁴ As a result, the County must seek a frequency below 148.775 MHz or above 162.345 MHz for the vehicular repeater.¹⁵ The County notes that the spectrum below 148.775 MHz is allocated to amateur and Federal government users.¹⁶ In the VHF spectrum above 162.345 MHz, Sandoval avers that only 23 Public Safety frequencies exist, and all are unavailable due to co-channel incumbent licensees and technical limitations.¹⁷ The County selected I/B Pool frequency 173.325 MHz as the most appropriate candidate because it supports compatible mobile voice operations.¹⁸

Sandoval proposes to operate with a bandwidth of 11 kHz to avoid bandwidth overlap with adjacent frequencies 173.3375 and 173.3125 MHz.¹⁹ The County obtained a notification from public safety frequency coordinator the Association of Public-Safety Communications Officials-International, Inc. (APCO) certifying that it can assign no Public Safety VHF High Band frequencies that will satisfy the requirements of the County’s vehicular repeater equipment.²⁰ The County also obtained a notification from I/B Pool frequency coordinator RadioSoft / Automobile Association of America (RS/AAA) indicating that it has “no issues with the coordination.”²¹

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.* at 3.

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.* at Exhibits D and E. The County includes information from Pyramid Communications, Inc. and FUTURECOM.

¹⁵ Waiver Request at 3.

¹⁶ *Id.* at 4.

¹⁷ *Id.* at Exhibit D.

¹⁸ Waiver Request at 4.

¹⁹ *Id.*

²⁰ See File No. 0004902839, attached notification from APCO International, RE: Sandoval, County of, dated March 6, 2012.

²¹ See File No. 0004902839, attached notification from RS/AAA, RE: Sandoval, County of, dated March 7, 2012.

We note that a petition for rulemaking on vehicular repeaters is pending before the Commission.²² On June 27, 2011, Pyramid Communications, Inc. (Pyramid) filed a petition for rulemaking²³ requesting that the Commission amend its rules to designate certain frequencies in the VHF band for vehicular repeater use by Public Safety licensees. Pyramid identifies two specific VHF allocations for communication between portable radios and vehicular repeater units. First, Pyramid identifies nine frequencies in Section 90.265(c) of the Commission's Rules, which "allocates certain 170, 171, and 172 MHz frequencies for Forest Firefighting and Conservation use."²⁴ Second, Pyramid identifies six frequencies in the 173 MHz band currently designated for fixed remote control and telemetry operations.²⁵ We seek comment on whether any grant to Sandoval should be conditioned on the outcome of any rulemaking proceeding resulting from the petition. For example, in the event that: (1) Sandoval's application is granted; (2) the Commission amends its rules to designate certain VHF frequencies for vehicular repeater use; and (3) at least one of these designated frequencies is available in Sandoval's geographic area, we seek comment on whether Sandoval should be required to relocate from frequency 173.325 MHz to an available, newly-designated, vehicular repeater frequency.²⁶

Pursuant to Sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this *Public Notice*. All comments and reply comments should reference the subject Waiver Request and the DA number indicated on this *Public Notice*. Parties may file statements and replies: (1) electronically by accessing the applicant's file number(s) in the Commission's Universal Service Licensing System (ULS),²⁷ 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

²² Public Safety and Homeland Security Bureau Seeks Comment on Pyramid Communications Inc.'s Petition for Rulemaking to Facilitate the Use of Vehicular Repeater Units by Public Safety Licensees in the VHF Band, RM-11635, *Public Notice*, 26 FCC Rcd 14355 (PSHSB 2011) (*Public Notice*).

²³ Modification of Sections 90.20(d)(24) [sic] and 90.65 [sic] of the Commission's Rules to Facilitate the Use of Vehicular Repeater Units, Petition for Rule Making of the Pyramid Communications, Inc. (filed June 27, 2011); Modification of Sections 90.20(d)(34) and 90.265 of the Commission's Rules to Facilitate the Use of Vehicular Repeater Units, Petition for Rule Making of the Pyramid Communications, Inc. (amended Aug. 16, 2011) (Pyramid Amended Petition). The Pyramid Amended Petition remains pending and will be addressed in a separate proceeding. We do not by this Public Notice seek comment on the petition.

²⁴ Pyramid Amended Petition at 4. See 47 C.F.R. § 90.265(c). These frequencies are assignable on a secondary basis to any U.S. government station. See 47 C.F.R. § 90.265(c)(1).

²⁵ See Pyramid Amended Petition at 6-7. The frequencies are 173.2375, 173.2625, 173.2875, 173.3125, 173.3375, and 173.3625 MHz. Telemetry is "the transmission of non-voice signals for the purpose of automatically indicating or recording measurements at a distance from the measuring equipment." See 47 C.F.R. §§ 90.7, 90.20(d)(34). Two of these frequencies, 173.3125 and 173.3375 MHz, are adjacent to Sandoval's proposed frequency 173.325 MHz.

²⁶ Section 316(a)(1) of the Communications Act of 1934, as amended, permits the Commission to modify a station license if the action will promote public interest, convenience, and necessity. 47 U.S.C. § 316(a)(1).

²⁷ 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.

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.*”²⁸ 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. 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. 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.

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.

²⁸ See 47 C.F.R. Part 1.

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 at this location 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.

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 Waiver Request, comments and reply comments will be available for inspection and duplication during regular business hours in the FCC Reference Information Center (RIC) of the Consumer and Governmental Affairs Bureau, Federal Communications Commission, 445 12th Street, S.W., Room CY-A257, Washington, DC 20554. Copies may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, S.W., Room CY-B402, Washington, DC 20554. Customers may contact BCPI through its web site, <http://www.bcpiweb.com>, by email at fcc@bcpiweb.com, by phone at (202) 488-5300 or (800) 378-3160, or by facsimile at (202) 488-5563. For further information regarding the public reference file for this waiver request, contact Lisa Williams, RIC, (202) 418-1352.

Because of the policy implications and potential impact of this proceeding on persons not party to these Applications, it is in the public interest to treat this case as a permit-but-disclose proceeding under the *ex parte* rules. See Sections 1.1200(a) and 1.1206 of the Commission's rules, 47 C.F.R. §§ 1.1200(a) and 1.1206. Therefore, subsequent to the release of this *Public Notice*, *ex parte* presentations that are made with respect to the issues involved in the subject waiver request will be allowed, but must be disclosed in accordance with the requirements of Section 1.1206(b) of the Commission's rules, 47 C.F.R. § 1.1206(b).

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).

For further information, contact Mr. David Siehl of the Policy and Licensing Division, Public Safety and Homeland Security Bureau at (202) 418-1313 (voice), (202) 418-7233 (tty), or via e-mail to David.Siehl@fcc.gov.

By the Deputy Chief, Public Safety and Homeland Security Bureau.

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