



PUBLIC NOTICE

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DA 13-2092

Released: October 30, 2013

**PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SEEKS COMMENT ON
APPLICATION AND WAIVER REQUEST FILED BY FLATHEAD COUNTY, MONTANA
FOR 150 MHZ INDUSTRIAL/BUSINESS FREQUENCIES**

FCC File Number 0005696877

Comment Date: November 29, 2013

Reply Comment Date: December 14, 2013

Public Safety licensee, Flathead County, Montana (Flathead County) has filed an application to address coverage deficiencies in its VHF land mobile radio system in northwest Montana near the U.S./Canada border.¹ Since the channels Flathead County seeks to add are in the Industrial/Business Pool (I/B Pool), Flathead County seeks a waiver of Section 90.35(a) of the Commission's rules.²

Flathead County proposes to operate eight I/B Pool channels at two "FB8/MO8"³ sites located within the county.⁴ Flathead County states that its request is "critical to the public safety communications network deployed within Flathead County which migrated from analog technology to a P25 digital network."⁵ Flathead County notes that all public safety licensees in the area use its radio system including "the Sheriff's Office, 3 Police Departments, Fire and Rescue, County Roads, Local Fire, Fish, Wildlife, and Parks, and Federal agencies such as USFS, US Marshalls Service, FBI, ATF, and soon the US Border Patrol."⁶

Flathead County claims that in changing from analog to digital Project 25 (P25) technology its network became "far less effective" due to "[l]oss of coverage and severe multipath problems" in two

¹ See File No. 0005696877 (filed Mar. 19, 2013, amended Mar. 28, 2013, Aug. 29, 2013 and Aug. 30, 2013).

² See Waiver attached to FCC File No. 0005696877 (dated Nov. 1, 2012) (Waiver Request); Use of IB Channel Request (dated August 28, 2013) (Amended Waiver Request).

³ FB8 refers to a repeater operating within a centralized trunked radio system which has exclusive use of the designated frequency within a given geographic area. MO8 refers to a mobile or hand-held transceiver operating in a centralized trunked radio system within an exclusive geographic area.

⁴ These frequencies include: 151.8500 MHz; 151.9100 MHz; 159.7650 MHz; 159.6975 MHz; 159.7425 MHz; 152.9375 MHz; 152.420 MHz; and 157.680 MHz.

⁵ Waiver Request at 1.

⁶ *Id.*

major areas of operation.⁷ Further, Flathead County argues that—because Canada has objected to the public safety frequencies first proposed by Flathead County – Flathead County has no alternative but to use its proposed I/B channels.⁸ Canada, however, has concurred in Flathead County’s use of the proposed eight I/B Pool frequencies at the two base station locations listed in its application,⁹ Consequently, Flathead County seeks a waiver of Section 90.35(a) of the Commission’s rules to permit it to use the I/B channels for which it otherwise would be ineligible.¹⁰

In support of its waiver request, Flathead County includes a letter from the Association of Public Safety Communications Officials-International, Inc. (APCO) Montana Frequency Advisor demonstrating how the high terrain at Flathead County’s sites and the sites’ proximity to Canada foreclose Flathead County from using public safety frequencies.¹¹ The Frequency Advisor also states that public safety frequencies in the UHF, 700 MHz and 800 MHz bands are not a viable option for the County because its system is part of the State of Montana P25 digital trunking system, which is completely VHF.¹² Flathead County also provides letters of concurrence from AAA, a Commission-certified I/B Pool frequency coordinator, concurring that the I/B Pool channels Flathead County seeks to license were properly coordinated.¹³ Flathead County submits that “[a] complete review and search was conducted to find any possible usable [Public Safety] VHF frequencies in the [Northwest] Montana region, and none could be found which would function under the FB8 system P25 trunking.”¹⁴ Flathead County contends that “[s]hared use of VHF channels in Public Safety [...] would lead to catastrophic issues” and is impractical because “non P25 users cannot understand the voice transmission of P25, and have no way to determine if the channel is clear and that [it] is ready for use.”¹⁵

We seek comment on Flathead County’s waiver request to incorporate I/B Pool frequencies into its public safety radio system. In particular, we seek comment from any parties who would be impacted by Flathead County’s use of these frequencies.

Interested parties may file comments on or before November 29, 2013.¹⁶ Parties may file replies on or before December 14, 2013.¹⁷ Parties may file statements and replies electronically¹⁸ or by paper.

⁷ *Id.*

⁸ *Id.* See also 47 C.F.R. § 1.928 (detailing rule requirements for coordinating frequency assignments with Canada).

⁹ See File No. 0005696877 and associated COSER numbers.

¹⁰ Waiver Request at 1.

¹¹ See Letter APCO Montana Frequency Advisor to FCC (dated Mar. 18, 2013) (attached to FCC File No. 0005696877) (APCO Letter).

¹² *Id.*

¹³ See letters from RS/AAA to the Federal Communications Commission (June 29, 2012) and (Aug. 21, 2012) (attached to File No. 0005696877) (AAA Concurrence).

¹⁴ See Amended Waiver Request at 1.

¹⁵ *Id.* at 2.

¹⁶ 47 C.F.R. § 1.405.

¹⁷ *Id.*

¹⁸ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

All comments and reply comments should reference the subject Flathead County 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),¹⁹ 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.*"²⁰ 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.

¹⁹ 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.

²⁰ See 47 C.F.R. Part 1.

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 Flathead County 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 John A. Evanoff, Esq., Policy and Licensing Division, Public Safety and Homeland Security Bureau, (voice) (202) 418-0848 or John.Evanoff@fcc.gov.

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