

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
COUNTY of WASHOE, NEVADA)
)
Request for Waiver of Section 90.209(b)(5) of the)
Commission's Rules)

ORDER

Adopted: January 9, 2013

Released: January 9, 2013

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

I. INTRODUCTION

1. The County of Washoe, Nevada (Washoe or the County) seeks a waiver¹ of Section 90.209(b)(5) of the Commission's rules,² to permit it to continue to operate its paging system on frequency 154.995 MHz at 25 kHz bandwidth after the Commission's January 1, 2013 deadline by which public safety licensees are to operate using channel bandwidth of no more than 12.5 kilohertz, or equivalent efficiency.³ For the reason stated below, we dismiss Washoe's Waiver Request as moot.

II. BACKGROUND

2. Washoe, a public safety licensee, operates a paging system on frequency 154.995 MHz under call signs KNBB763 and WQCV614.⁴ This frequency is in the Public Safety Radio Pool.⁵ When the County filed its waiver request, it operated with an authorized bandwidth of 20 kHz in a channel bandwidth of 25 kHz.⁶ In August 2011, Washoe modified its licenses to add narrowbanding emissions designators.⁷

¹ Waiver Request of the County of Washoe, Nevada, attached to the license for Station KNBB763, dated March 27, 2007, filed April 2, 2007 (also refiled Sept. 5, 2007 in the Commission's ULS licensing database) (Waiver Request). The County clarified that Station WQCV614 is also part of its paging system. *See* Erratum and Supplemental Waiver Request of the County of Washoe, Nevada, attached to the licenses for Station KNBB763 and WQCV614, dated April 16, 2008, filed April 17, 2008 (First Supplement).

² 47 C.F.R. § 90.209(b)(5).

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, *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, 25046 ¶ 2 (2004) (*Narrowbanding Third MO&O*).

⁴ *See* licenses for Stations KNBB763 and WQCV614.

⁵ *See* 47 C.F.R. § 90.20.

⁶ *See* licenses for Stations KNBB763 and WQCV614.

⁷ *See* licenses for Stations KNBB763 (modified Aug. 9, 2011) and WQCV614 (modified Aug. 11, 2011).

III. DISCUSSION

3. We find that Washoe adding narrowband emission designators to Stations KNBB763 and WQCV614 indicates its intention to meet the Commission's narrowbanding requirement, rendering its Waiver Request moot. However, we note that the Waiver Request reflects heavy use of Washoe's paging frequency by multiple entities.⁸ Accordingly, we urge Washoe to conduct a review of the current various users on its paging system to ensure that its operations under both licenses comply with Section 90.179 of the Commission's rules.⁹

IV. ORDERING CLAUSES

4. Accordingly, BY THIS ORDER, WE DISMISS AS MOOT, to the extent indicated herein, the pending Waiver Request filed by the County of Washoe, Nevada, requesting a waiver of Section 90.209(b)(5) of the Commission's rules.

5. We take this action under delegated authority pursuant to Sections 0.191 and 0.392 of the Commission's rules, 47 C.F.R. §§ 0.191 and 0.392.

FEDERAL COMMUNICATIONS COMMISSION

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

⁸ The County states that "[t]oday, however, there are over three hundred volunteer Search and Rescue personnel using the system." Further, "there are in excess of three thousand pagers on the system" because "[o]ther agencies have also been added to the system," including the cities of Reno and Sparks, the State of Nevada Division of Forestry, federal agencies such as the Bureau of Land Management and the FBI, the Washoe County School District, and several other agencies. Waiver Request at 1-2.

⁹ See 47 C.F.R. § 90.179(b) (requiring that "licensees are responsible for assuring that the authorized facility is used only by persons and only for purposes consistent with the requirements of this rule part."). In other words, all of the users on Washoe's paging system must meet the eligibility requirements under Section 90.20(a) of the Commission's rules. See 47 C.F.R. § 90.20(a). Also, Washoe must be in compliance with the other subsections of Section 90.179 that are relevant and applicable to sharing the use of its system. See, e.g., 47 C.F.R. § 90.179(d), (g) (imposing specific requirements, respectively, for a written agreement between the licensee and each participant and for sharing facilities with Federal Government entities).