



PUBLIC NOTICE

Federal Communications Commission
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March 23, 2015

WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON REQUEST FOR WAIVER OF PART 80 POWER LIMITS FOR COUNTY OF COLUMBIA, NEW YORK LAND MOBILE RADIO OPERATIONS ON MARITIME FREQUENCIES

WT Docket No. 15-72

Comment Date: April 22, 2015

Reply Date: May 8, 2015

On March 13, 2015, Motorola Solutions, Inc. (Motorola), on behalf of the County of Columbia, New York (the County), filed a request for waiver of Section 80.123(e) of the Commission's Rules¹ to permit the operation of mobile units with 50 watts transmitter power output (TPO) and 50 watts effective radiated power (ERP) on VHF Public Coast (VPC) frequencies.²

In 2007, the Wireless Telecommunications Bureau granted applications for consent to partition and disaggregate portions of sixteen VPC geographic licenses to Motorola with requests for waivers to permit Motorola to provide this spectrum to third parties to satisfy public safety and other first responder requirements. Later in 2007, the Commission amended the Part 80 rules to afford VPC licensees additional operational flexibility to provide service to units on land, provided that certain conditions are met, including use of equipment that complies with Part 80 technical limits and providing priority for marine-originating communications. Section 80.123(e) requires licensees to meet the power limits set forth in Section 80.215, which generally restricts mobile units to 25 watts TPO and 18 watts ERP.

Motorola now seeks to partition and disaggregate VPC spectrum to the County to support a private land mobile system to meet the needs of its public safety-related and homeland security operations. Motorola believes that the proposed operations at a higher TPO will not cause interference to maritime operations or adversely affect priority to maritime communications provided by licensees on the channels and in the geographic areas not being acquired by the County. Motorola states that the proposed mobiles will have limited antenna gain and some line loss, which it believes would not increase the potential for interference any more than mobiles operating under the allowable level with a gain of 3 dB. Additionally, Motorola states that the +5 dBu contour of the County's operations would not extend to or overlap major navigable waterways. Consequently, Motorola requests a waiver to permit the operation of the County's mobile units with 50 watts TPO and 50 watts ERP. The County agrees to protect against interference to maritime operations. We seek comment on the waiver request.

¹ 47 C.F.R. § 80.123(e).

² See FCC File No. 0006637147, Description of Application and Request for Waiver.

Procedural Matters

Interested parties may file comments and reply comments in response to the waiver request on or before the dates listed on the first page of this *Public Notice*. All pleadings must reference WT Docket No. 15-72. Parties may file comments using (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies.³

- Electronic Filers: File comments electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing.

Send filings by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. Address filings to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- Deliver hand-delivered or messenger-delivered paper filings to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554 between 8:00 AM and 7:00 PM. Use rubber bands or fasteners to hold deliveries together. Dispose of all envelopes 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, MD 20743.
- Send U.S. Postal Service first-class, Express, and Priority mail to 445 12th Street, SW, Washington DC 20554.

Parties are requested to send one copy of their comments and reply comments to Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, (800) 378-3160, e-mail FCC@BCPIWEB.com.

The application and waiver request can be accessed electronically via the Commission's Universal Licensing System, <http://wireless.fcc.gov/uls>. The request, and comments and reply comments filed in response to this *Public Notice* are available for viewing via the Commission's Electronic Comment Filing System (ECFS) by entering the docket number, WT No. 15-72. The documents also will be available for public inspection and copying during business hours in the FCC Reference Information Center, Portals II, 445 12th Street S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from Best Copy and Printing, Inc., telephone (800) 378-3160, facsimile (202) 488-5563, TTY (202) 488-5562, e-mail FCC@BCPIWEB.com.

Alternate formats of this *Public Notice* (computer diskette, large print, audio recording, and Braille) are available to persons with disabilities by contacting the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY), or send an e-mail to fcc504@fcc.gov.

³ See Electronic Filing of Documents in Rulemaking Proceedings, *Report and Order*, GC Docket No. 97-113, 13 FCC Rcd 11322 (1998).

This proceeding has been designated as a “permit-but-disclose” proceeding in accordance with the Commission's *ex parte* rules.⁴ 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 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). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, 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.

For further information, contact Mr. Jim Shaffer of the Wireless Telecommunications Bureau, Mobility Division, at (202) 418-0687, james.shaffer@fcc.gov.

Action by the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau.

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⁴ See 47 C.F.R. §§ 1.1200(a), 1.1206.