

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

In the Matter of)
)
CITY OF MESA, ARIZONA)
)
Licensee of Private Land Mobile Radio Station,)
Call Sign WQNW331)
)
Request for Extension of Time)

ORDER

Adopted: June 17, 2015

Released: June 17, 2015

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

1. *Introduction.* Under consideration is the Request for Extension of Time (Request) filed May 12, 2015, by the City of Mesa, Arizona (Mesa).¹ Mesa seeks an extension of time to complete the reprogramming of Mesa's 700 MHz deployable trunked system licensed under call sign WQNW331. For the reasons discussed below, we grant Mesa's extension request.

2. *Background.* In 2011, we granted Mesa a conditional waiver of Section 90.531(b)(1)(iii)² of the Commission's rules to enable Mesa to license six 700 MHz narrowband interoperability channels for a deployable trunked system.³ Mesa's waiver was conditioned on the outcome of a rulemaking proceeding exploring whether to designate the 700 MHz reserve channels for deployable trunked systems.⁴ We stated:

should the Commission authorize mobile trunked infrastructure using narrowband reserve channels, this waiver shall expire and the deployable facility authorized by this waiver must be reprogrammed to operate on narrowband reserve channels. Mesa must bear the cost of reprogramming its deployable facility, shall not be eligible for reimbursement of any costs associated with modifying its deployable facility to migrate to the narrowband reserve channels, and must comply with the technical and licensing rules applicable to those channels.⁵

3. On October 24, 2014, the Commission adopted a *Report and Order* that, among other things, reallocated the reserve channels to General Use subject to Regional Planning Committee (RPC)

¹ City of Mesa Arizona Request for an Extension of Time in Reprogramming the City's Deployable Trunked System, PS Docket No. 13-87 (May 12, 2015) (Petition).

² 47 C.F.R. § 90.531(b)(1)(iii).

³ City of Mesa, Police Department, *Order*, 26 FCC Rcd. 8466 (PSHSB 2011).

⁴ *Id.* at 8468 ¶ 7.

⁵ *Id.* at 8469 ¶ 8.

administration.⁶ The Commission provided the RPCs the flexibility to designate up to eight former reserve channels for deployable trunked systems in non-T-Band markets.⁷ Additionally, the Commission encouraged the RPCs to amend their regional plans within six months of publication of the *Report and Order* in the Federal Register to conform those regional plans to the rules adopted in the *Report and Order*.⁸ The Commission also directed certain licensees, including Mesa, to reprogram their deployable trunked systems to the former reserve channels.⁹

4. By *Public Notice*, the Public Safety and Homeland Security Bureau (PSHSB) announced that RPCs should amend their plans to incorporate the former reserve channels by June 2, 2015.¹⁰ The PSHSB also directed Mesa to reprogram its deployable trunked system to operate on the former reserve channels by June 2, 2015.¹¹ On March 30, 2015, the Commission extended until October 30, 2015, the deadline by which the 700 MHz RPCs must submit their plan amendments to incorporate the former reserve channels.¹²

5. Mesa submits that it is unable to file a license modification application with the FCC until the Region 3 700 MHz RPC (Region 3) submits its plan for Commission approval.¹³ Mesa requests an extension to complete reprogramming within six months after the new channel pairs have been adopted by the Region 3 Planning Committee and the plan has been approved by the FCC.¹⁴ Mesa submits that the extension allows Mesa to add the new channel pairs to the deployable trunked system on the next preventive maintenance cycle and avoids the additional expense of adding them prior to the June 2, 2015 deadline.¹⁵

6. Section 1.46(a) of the Commission's rules states that "[i]t is the policy of the Commission that extensions of time shall not be routinely granted."¹⁶ Here, because Region 3 has not yet amended its plan to specify channels for deployable trunked systems, it is not possible for Mesa to apply to modify its license because the Commission's rules require that such applications be consistent with the Regional Plan and approved by the cognizant RPC.¹⁷ Additionally, grant of the requested extension serves the public interest by minimizing the costs Mesa would incur in reprogramming its deployable trunked system. Accordingly, we grant Mesa's request: Mesa shall reprogram its deployable trunked

⁶ Proposed Amendments to the Service Rules Governing Public Safety Narrowband Operations in the 769-775/799-805 MHz Bands, PS Docket No. 13-87, PS Docket No. 06-229, WT Docket No. 96-86, RM-11433, *Report and Order*, 29 FCC Rcd. 13283 (2014) (*Report and Order*).

⁷ *Id.* at 13297-98 ¶¶ 40 and 46.

⁸ *Id.* at 13298 ¶ 40.

⁹ *Id.* at 13300 ¶ 47.

¹⁰ Public Safety and Homeland Security Bureau Provides Guidance for Licensing Channels in the Former 700 MHz Narrowband Reserve Spectrum, PS Docket No. 13-87, WT Docket No. 02-378, *Public Notice*, 30 FCC Rcd 124, (PSHSB 2015).

¹¹ *Id.* at 126.

¹² Proposed Amendments to the Service Rules Governing Public Safety Narrowband Operations in the 769-775/799-805 MHz Bands, PS Docket No. 13-87, PS Docket No. 06-229, WT Docket No. 96-86, RM-11433, *Order*, 30 FCC Rcd 3699, 3700 ¶ 4 (PSHSB 2015) (*Order*).

¹³ Petition at 2.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ 47 C.F.R. § 1.46(a).

¹⁷ 47 C.F.R. § 90.531(b)(2) (the narrowband reserve channels are designated for General Use subject to Commission approved regional planning committee regional plans and technical rules applicable to General Use channels).

system within six months after October 30, 2015 (*i.e.* no later than April 30, 2016).

7. Accordingly, IT IS ORDERED, pursuant to Section 4(i) of the Commissions Act of 1934, as amended 47 U.S.C. § 154(i), and Section 1.46 of the Commission's rules, 47 C.F.R. § 1.46, that the Request for an Extension of Time filed May 12, 2015 by the City of Mesa, Arizona is GRANTED.

8. IT IS FURTHER ORDERED THAT the City of Mesa SHALL reprogram its deployable trunked system licensed under call sign WQNW331 no later than April 30, 2016.

9. This action is taken under delegated authority pursuant to Sections 0.191(a) and 0.392 of the Commission's Rules, 47 C.F.R. §§ 0.191(a), 0.392.

FEDERAL COMMUNICATIONS COMMISSION

Michael J. Wilhelm
Deputy Chief, Policy and Licensing Division
Public Safety and Homeland Security Bureau