



PUBLIC NOTICE

Federal Communications Commission
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DA 15-752

Released: June 26, 2015

**PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SEEKS COMMENT ON
APPLICATION AND WAIVER REQUEST FILED BY CITY AND COUNTY OF DENVER,
COLORADO FOR 800 MHZ BUSINESS/INDUSTRIAL/LAND TRANSPORTATION
FREQUENCIES**

FCC File Number 0006750075

Comment Date: July 26, 2015

Reply Comment Date: August 10, 2015

The City and County of Denver (Denver) filed an application to address coverage deficiencies in its 800 MHz simulcast system at various locations within Denver's service area.¹ Since the channels Denver seeks to license are allocated to the 800 MHz Business/Industrial/Land Transportation, (B/ILT) Category, Denver seeks a waiver of Section 90.617(b) of the Commission's rules.²

Denver proposes to operate two B/ILT Pool channels at sites located within the county.³ Denver states that it needs to "utilize the channels primarily to correct the problems being experienced by the [Denver] fire departments, as well as, for coverage enhancement for other public safety departments as well."⁴ Denver submits that the fire Departments have been experiencing "in-building" and outdoor coverage deficiencies.⁵ Denver notes that as the most populous municipality in the State of Colorado, "grant of this application is in the public interest" because "all cities and communities within Denver County rely exclusively on Denver for police, fire, and EMS service."⁶

¹ See FCC File No. 0006750075 (filed April 13, 2015, amended May 18, 2015).

² See Waiver Request attached to FCC File No. 0006750075 (dated April 10, 2015). 47 C.F.R. § 90.617(b) (limiting eligibility to applicants eligible in the Industrial/Business Pool).

³ These frequencies include: 855.0625 MHz and 855.5375 MHz.

⁴ Waiver Request at 2.

⁵ *Id.* at 1-2.

⁶ *Id.* at 2.

In support of its waiver request, Denver provides a Co-Channel letter of consent from the Denver Public Schools (DPS) and a Co-Channel Contour Study for both B/ILT proposed channels.⁷ DPS is currently licensed to operate on the channels that Denver requests and Denver's proposed operations on those channels would be short-spaced to DPS' facilities, call signs WNF820 and WNQQ745.⁸ DPS states that it and Denver agree to "accept and/or work to cure any interference resulting from the reduced separation between the systems."⁹ Additionally, Denver claims that it has no alternative but to use the proposed B/ILT channels.¹⁰ In support of that assertion, Denver provides a frequency search showing that there are no public safety channels available for its proposed use.¹¹ Denver also submitted a letter from the American Association of State Highway Transportation Officials (AASHTO), certifying that "the frequencies and locations being applied for do not have any Public Safety frequencies available for licensing."¹²

We seek comment on Denver's waiver request to incorporate B/ILT channels into its 800 MHz simulcast system. In particular, we seek comment from any parties who would be impacted by Denver's use of these frequencies. We further note that although a request for waiver of the freeze on inter-category sharing was not requested, it is implicit when seeking B/ILT channels.¹³

Interested parties may file comments on or before July 26, 2015.¹⁴ Parties may file replies on or before August 10, 2015.¹⁵ Parties may file statements and replies electronically¹⁶ or by paper.

All comments and reply comments should reference the subject Denver Waiver Request and the DA number indicated on this *Public Notice*. Comments may be filed: (1) electronically by accessing the

⁷ See Letter from DPS to Public Safety and Homeland Security Bureau (dated Jan. 21, 2015) (DPS Letter) and Co-Channel Contour Study attached to FCC File No. 0006750075 (dated April 13, 2015).

⁸ DPS Letter at 1.

⁹ *Id.*

¹⁰ Waiver Request at 2. See also 47 C.F.R. § 90.621(e)(1) (detailing rule requirements for public safety entities to be eligible for B/ILT frequencies).

¹¹ *Id.*

¹² See Letter from AASHTO to Wireless Telecommunications Bureau (dated May 18, 2015) *re* FCC File No. 0006750075.

¹³ Section 90.617(b) provides that B/ILT channels are available for inter-category sharing as indicated in Section 90.621(e) of the Commission's rules. 47 C.F.R. §§ 90.617(b) and 90.621(e). However, the Commission currently maintains a freeze on inter-category sharing. See *Inter-Category Sharing of Private Mobile Radio Frequencies in the 806-821/851-866 MHz Bands*, Order, 10 FCC Rcd 7350, 7352-53 ¶¶ 7, 8 (1995).

¹⁴ 47 C.F.R. § 1.405.

¹⁵ *Id.*

¹⁶ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

applicant's file number(s) in the Commission's Universal Service Licensing System (ULS),¹⁷ 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.*"¹⁸ 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.

¹⁷ 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.

¹⁸ See 47 C.F.R. Part 1.

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, MD 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 Denver 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, Attorney-Advisor, Policy and Licensing Division, Public Safety and Homeland Security Bureau, (voice) (202) 418-0848 or john.evanoff@fcc.gov.

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