



PUBLIC NOTICE

Federal Communications Commission
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WIRELESS TELECOMMUNICATION BUREAU SEEKS COMMENT ON AMERICAN ELECTRIC POWER SERVICE CORPORATION REQUEST FOR WAIVER REGARDING 800 MHZ FREQUENCIES RESERVED FOR PUBLIC SAFETY LICENSEES

FCC File No. 0007352620

Comment Date: October 24, 2016

Reply Comment Date: November 8, 2016

The Wireless Telecommunication Bureau seeks comment on a request for waiver of sections 90.617 and 90.621 of the Commission's rules¹ filed on July 26, 2016 by American Electric Power Service Corporation (AEP) to license seven Business/Industrial/Land Transportation (B/ILT) Category channels at Sugarcreek, Ohio.² A waiver of section 90.617 is requested because the requested channels are available exclusively for licensing to public safety eligible entities until February 10, 2018, three years after the channels were made available for licensing.³ A waiver of section 90.621 is requested because the proposed operations are short-spaced to Sprint vacated licenses.⁴

¹ 47 CFR §§ 90.617, 90.621. According to the Commission's Vacated Channel Search Engine (VCSE) at http://wireless2.fcc.gov/reband800/search_basic.htm, the channels AEP seeks to license are available for licensing to public safety eligible entities only until three years from the date the Commission released a public notice announcing that the channels were vacated by Sprint Corporation as part of the 800 MHz band reconfiguration process, and to public safety or critical infrastructure (CII) eligible entities only from three to five years after that release of such public notice. See 47 CFR §§ 90.617(g)(1) and (2).

² See FCC File No. 0007352620 (filed July 26, 2016), Waiver Request. The requested channels are 854.9375 MHz, 856.3625 MHz, 857.3625 MHz, 857.8125 MHz, 858.8125 MHz, 859.8125 MHz, and 859.8375 MHz.

³ See 47 CFR § 90.617(g)(1); *Public Safety and Homeland Security Bureau and Wireless Telecommunications Bureau Announce the Completion of 800 MHz Band Reconfiguration in Certain NPSPAC Regions and the Availability of Additional Sprint Vacated Channels*, Public Notice, 29 FCC Rcd 16290, 16294-95 (PSHSB/WTB 2014).

⁴ See 47 CFR § 90.621(b)(4), (5); *Public Safety and Homeland Security Bureau Announces Application and Licensing Procedures for Channels Relinquished by Sprint Nextel Corporation in the 809-809.5/854-854.5 MHz Band*, Public Notice, 23 FCC Rcd 18343, 18344-45 (PSHSB 2008) (permitting public safety and CII eligible entities to license Sprint-vacated site-based channels provided the 22 dBu F(50,10) contour of the proposed facilities remains within the 22 dBu F(50,10) contour of the originally licensed facilities).

AEP is one of the largest utilities in the United States, serving nearly 5.4 million customers in eleven states. As a critical infrastructure industry entity, it will be eligible to apply for the requested channels only on February 10, 2018. AEP states that it needs the requested channels at the new location in order to fill in coverage gaps and increase spectrum capacity.⁵ AEP states that there are no other alternative channels for which AEP would be currently eligible and no public safety eligible entities have requested channels vacated by Sprint in this area of Ohio to date.⁶ Because the channels have been vacated by Sprint as part of the 800 MHz rebanding and thus are no longer active, AEP states that it is not feasible to obtain a letter of consent.⁷

We seek comment on AEP's waiver request. In particular, we seek comment from any party who would be affected by AEP's use of these channels.

Procedural matters

Pursuant to section 1.925 of the Commission's rules, 47 CFR § 1.925, interested parties may file comments and reply comments on or before the dates indicated on the first page of this *Public Notice*. All comments and reply comments should reference the subject American Electric Power Service Corporation 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),⁸ 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.*"⁹ 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

⁵ Waiver Request at 1.

⁶ *See id.* at 2.

⁷ *See id.*

⁸ *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).

⁹ *See* 47 CFR Part 1.

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.

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 American Electric Power Service Corporation 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.

Because of the policy implications and potential impact of this proceeding on persons not party to the Application, it is in the public interest to treat this case as a permit-but-disclose proceeding under the *ex parte* rules. See sections 1.1200(a) and 1.1206 of the Commission's rules, 47 CFR §§ 1.1200(a), 1.1206. Therefore, subsequent to the release of this *Public Notice*, *ex parte* presentations that are made with respect to the issues involved in the subject waiver request will be allowed, but must be disclosed in accordance with the requirements of section 1.1206(b) of the Commission's rules, 47 CFR § 1.1206(b).

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

For further information regarding this proceeding contact Stana Kimball, Attorney-Advisor, Mobility Division, Wireless Telecommunication Bureau, (voice) (202) 418-1306 or stanislava.kimball@fcc.gov.

By the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau.

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