



PUBLIC NOTICE

Federal Communications Commission
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WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON ARIZONA PUBLIC SERVICE COMPANY REQUEST FOR WAIVER OF 800 MHZ LICENSING FREEZE FOR PROPOSED STATEWIDE TRUNKED RADIO SYSTEM

WT Docket No. 17-168

Comment Date: July 31, 2017

Reply Comment Date: August 15, 2017

Between October 16, 2016, and April 17, 2017, Arizona Public Service Company (APSC) filed 54 applications¹ for 800 MHz channels at 53 locations for a new statewide trunked radio system.² APSC seeks waiver relief in order to permit licensing and implementation of the new system.³

APSC is Arizona's largest electric service company, serving more than 1.2 million customers. Two-way radio is essential to its safe and efficient operations, particularly during outages and other emergencies. APSC states that its legacy 800 MHz radio system relies on equipment that has been discontinued and will no longer be supported by the manufacturer, so APSC proposes to implement a completely new Project 25 radio system in parallel with the existing system in order to facilitate uninterrupted service. The proposed system also will improve coverage in APSC's service area and along key transmission line corridors. APSC states that it needs additional spectrum to accommodate the simultaneous operation and addition of tower sites. The applications seek two new channels at sites where APSC has an existing license and three channels at new sites.⁴

The requested operations are in National Public Safety Planning Advisory Committee (NPSPAC) regions along the border with Mexico. These areas currently are subject to a freeze on 800 MHz non-rebanding applications, in order to preserve vacant channels for licensees retuning their systems according to the Public Safety and Homeland Security Bureau's updated band plan for licensees operating along the

¹ See File Nos. 0007518243, 0007518245, 0007518246, 0007518247, 0007518248, 0007518250, 0007518251, 0007518252, 0007518253, 0007518254, 0007518255, 0007518256, 0007518257, 0007518258, 0007518259, 0007518262, 0007518264, 0007518265, 0007518266, 0007518270, 0007518272, 0007528277, 0007537851, 0007537852, 0007537853, 0007538013, 0007538015, 0007538019, 0007538021, 0007538024, 0007538026, 0007538031, 0007538034, 0007701649, 0007701650, 0007701651, 0007701652, 0007701653, 0007701654, 0007701655, 0007701656, 0007701657, 0007701658, 0007701659, 0007701661, 0007701904, 0007703571, 0007703572, 0007703574, 0007703575, 0007703576, 0007739411, 0007739412, and 0007740598.

² Three of the applications propose base stations in New Mexico (File Nos. 0007518248 and 0007518262) and California (File No. 0007701904). The remaining sites are in Arizona.

³ Each application is accompanied by an identical waiver request.

⁴ Four channels are requested at APSC corporate headquarters for a simulcast system. See File No. 00077011658.

border with Mexico.⁵ APSC states that it selected frequencies that will neither cause interference to incumbent licensees nor disrupt the rebanding process. Consequently, it requests a waiver of the licensing freeze.

We note that many of the applications⁶ request frequencies in the 800 MHz Expansion Band.⁷ Expansion Band frequencies do not become available for licensing until the Wireless Telecommunications Bureau and Public Safety and Homeland Security Bureau (the Bureaus) announce that the required level of clearing has been achieved in that NPSAC region.⁸ Moreover, the Bureaus recently concluded that Expansion Band frequencies should not be made available for licensing even in NPSAC regions where rebanding is complete, because doing so would prejudice the pending rulemaking proceeding regarding a proposal to afford filing priority to 800 MHz incumbent licensees.⁹

We seek comment on APSC's request. Commenters should address whether the public interest would be served by granting a waiver to allow APSC to operate its proposed new 800 MHz trunked radio system. In particular, we seek comment from parties whose operations could be impacted by grant of a 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. 17-168. 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.¹⁰

- 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

⁵ See Public Safety and Homeland Security Bureau Extends 800 MHz Application Freeze along Border with Mexico, *Public Notice*, 32 FCC Rcd 1817, 1817 (PSHSB 2017).

⁶ See File Nos. 0007518246, 0007518247, 0007518252, 0007518254, 0007518255, 0007518256, 0007518259, 0007518262, 0007518265, 0007518270, 0007537851, 0007537852, 0007537853, 0007538015, 0007538019, 0007538026, 0007538031, 0007701653, 0007701654, and 0007703575.

⁷ As part of the rebanding of the 800 MHz band to resolve interference between commercial and public safety systems, the Commission created the Expansion (815-816/860-861 MHz) and Guard (816-817/861-862 MHz) Bands in order to provide spectral separation between commercial licensees operating Enhanced Specialized Mobile Radio systems above 817/862 MHz and public safety licensees operating below 815/860 MHz. See *Improving Public Safety Communications in the 800 MHz Band*, Report and Order, Fifth Report and Order, Fourth Memorandum Opinion and Order, and Order, 19 FCC Rcd 14969, 15053-55, paras. 154-58 (2004).

⁸ See *Improving Public Safety Communications in the 800 MHz Band*, Order, 23 FCC Rcd 15966, 15972-73, para. 17 (2008).

⁹ See *Public Safety and Homeland Security Bureau and Wireless Telecommunications Bureau Announce the Completion of 800 MHz Band Reconfiguration in Certain NPSAC Regions and the Availability of Additional Sprint Vacated Channels*, Public Notice, 31 FCC Rcd 12891, 12896-97 (PSHSB/WTB 2016).

¹⁰ See *Electronic Filing of Documents in Rulemaking Proceedings*, Report and Order, 13 FCC Rcd 11322 (1998).

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 two copies 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.

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. 17-168. 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. The waiver request also can be accessed electronically via the Commission’s Universal Licensing System, <http://wireless.fcc.gov/uls>.

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.

This proceeding has been designated as a “permit-but-disclose” proceeding in accordance with the Commission's *ex parte* rules.¹¹ 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

¹¹ See 47 CFR §§ 1.1200(a), 1.1206.

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. Melvin Spann of the Wireless Telecommunications Bureau at (202) 418-1333 (voice), (202) 418-7233 (TTY), or via e-mail to Melvin.Spann@fcc.gov.

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

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