



# PUBLIC NOTICE

**Federal Communications Commission**  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

News Media Information 202 / 418-0500  
Internet: <http://www.fcc.gov>  
TTY: 1-888-835-5322

**DA 18-148**  
**Released: February 14, 2018**

**WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON FLINT HILLS  
RESOURCES PINE BEND, LLC, REQUEST FOR WAIVER TO LICENSE UHF PUBLIC  
SAFETY CHANNELS IN MINNESOTA**

**File No. 0008061316**

**Comment Date: March 16, 2018**  
**Reply Comment Date: April 2, 2018**

On January 12, 2018, Flint Hills Resources Pine Bend, LLC, (Flint Hills Resources) filed the above-referenced application seeking to license three UHF Public Safety Radio Pool channels for use in its radio system in Minnesota.<sup>1</sup> In connection with this application, Flint Hills Resources requests a waiver of the eligibility requirements listed in section 90.20 of the Commission's rules.<sup>2</sup>

Flint Hills Resources operates one of the largest oil refineries in the United States, in Rosemount, Minnesota. It states that its aging analog radio system is no longer supported by the vendor, and seeks to replace it with a new Terrestrial Trunked Radio system. It states that the proposed system will serve its plant operations for purposes of plant safety, and that the refinery maintains its own fire crew and equipment to prevent, manage, and mitigate fire related issues at the refinery, thus relieving local area fire departments of primary responsibility for handling those matters. Flint Hills Resources works closely with local fire, EMS, and police departments, and supports those communities when called upon by their emergency responders.

Flint Hills Resources states that, because of the number of buildings and metal obstacles on the refinery property, two sites are needed to ensure reliable coverage. It has been unable, however, to secure enough exclusive spectrum for which it is eligible. Consequently, Flint Hills Resources proposes to use three 450-470 MHz band Public Safety Pool channels at one location.<sup>3</sup> After the transition to the new system, Flint Hills Resources will cancel any existing channels that are not needed for operational purposes. Flint Hills Resources's frequency coordinator certified that no appropriate Industrial/Business channels are available at that location, and obtained concurrence from Public Safety Pool frequency coordinators that the requested channels are unassigned and will not cause interference to existing operations.

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<sup>1</sup> See File No. 0008061316 (filed Jan. 12, 2018).

<sup>2</sup> 47 CFR § 90.20.

<sup>3</sup> Specifically, Flint Hills Resources seeks to license Public Safety Pool frequency pairs 460/465.100 MHz, 460/465.250 MHz, and 460/465.525 MHz at Location 1 on its application.

Flint Hills Resources argues that its proposed operations with directional down-tilt antennas and five watts effective radiated power will not preclude reuse of these channels by Public Safety eligibles in the general area, and that such reuse is not even likely to be needed because there already are a substantial number of unused UHF Public Safety Pool channels in the vicinity.

We seek comment on the waiver request. Commenters should address whether the public interest would be served by granting a waiver of the eligibility requirements of section 90.20(a) to allow Flint Hills Resources to license a base station on three Public Safety Pool channels. In particular, we seek comment from parties whose current or future operations could be impacted by grant of the waiver.

### **Procedural matters**

Pursuant to Sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, 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 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),<sup>4</sup> 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.*"<sup>5</sup> 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.

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<sup>4</sup> 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](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-06-125A1.pdf).

<sup>5</sup> See 47 C.F.R. Part 1.

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 two copies of each filing.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission’s Secretary must be delivered to FCC Headquarters at 445 12<sup>th</sup> St., SW, Room TW-A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. The filing hours at this location are 8:00 a.m. to 7:00 p.m.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12<sup>th</sup> Street, SW, Washington DC 20554.

The application, 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 Waiver Request, comments and reply comments will be available for inspection and duplication during regular business hours in the FCC Reference Information Center (RIC) of the Consumer and Governmental Affairs Bureau, Federal Communications Commission, 445 12<sup>th</sup> Street, S.W., Room CY-A257, Washington, DC 20554.

This proceeding has been designated as a “permit-but-disclose” proceeding in accordance with

the Commission's *ex parte* rules.<sup>6</sup> 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.

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](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

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](mailto:Melvin.Spann@fcc.gov).

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

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<sup>6</sup> See 47 CFR §§ 1.1200(a), 1.1206.