

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

In the Matter of)	
)	
BIT/State Radio Communications Engineering's)	File Nos. 0003081467 et al.
Requests for Extension/Waiver of Time to)	
Construct)	
)	
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)	
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ORDER and PROPOSED ORDER OF MODIFICATION

Adopted: February 4, 2019

Released: February 4, 2019

By the Chief, Mobility Division, Wireless Telecommunications Bureau:

1. *Introduction.* In this Order, the Mobility Division (Division) of the Wireless Telecommunications Bureau (Bureau) addresses BIT/State Radio Communications Engineering's (South Dakota or the State)¹ notifications of construction and requests to waive and/or extend the construction deadline² for certain of its Part 22 VHF/UHF Paging licenses of the South Dakota Interagency Communications System (SDICS or the System) – a statewide, interoperable, digital trunked public safety radio system.³ As explained in detail below, we find that South Dakota has failed to demonstrate substantial service throughout its paging system, and we dismiss the State's construction notifications that do not show any construction. Furthermore, we dismiss the State's pending waiver and extension requests that are untimely,⁴ and we deny the State's timely-filed alternative waiver/extension requests where it has failed to justify its argument for additional time to construct.⁵

2. Based on our review of the record, however, we find on our own motion that the public

¹ In the Commission's Universal Licensing System (ULS), South Dakota's paging licenses are listed under "BIT/State Radio Communications Engineering" which is a reference to the Bureau of Information & Telecommunications of the State of South Dakota.

² See Appendix A, BIT/South Dakota Paging System Licenses/ULS Applications Under Review (Appendix A).

³ See Amended Statement in Support of Substantial Service/Request for Extension of Time to Construct by BIT/State Radio Communications Engineering, State of South Dakota, Bureau of Information & Tel (filed, Oct. 30, 2007) (*2007 Extension/Waiver Request*) (regarding FCC File Nos. 0003215982 et al., Appendix B, Late-Filed Extension Requests/Dismissed, (Appendix B) and FCC File Nos. 0003081395 et al., Appendix C, Pending Construction Notifications (Appendix C)); Statement in Support of Substantial Service/Request for Extension of Time to Construct by BIT/State Radio Communications Engineering (filed, May 11, 2009) (*2009 Extension/Waiver Request*) (regarding FCC File Nos. 0003833280 et al., Appendix D, Timely-Filed Extension Requests (Appendix D)). This Order also addresses pending construction notifications for which South Dakota did not submit corresponding extension requests. For these licenses, South Dakota either failed to submit an extension request along with its construction notification, withdrew its extension request, or misfiled its consolidated request as an attachment to a later occurring amendment to its construction notifications. See Appendix C.

⁴ See Extension Requests listed in Appendix B.

⁵ See Appendix E, Timely-Filed Extension Requests/Denied (Appendix E).

interest supports the grant of a partial waiver of the construction requirements for certain South Dakota paging licenses to permit the State to keep those areas it had constructed by the applicable construction deadlines for each license, rather than terminate the licenses in their entirety. We propose to modify these licenses subject to the partial waiver.⁶ We conclude that such relief is in the public interest given the unique factual circumstances involved and we impose conditions that will promote use of spectrum for important public safety functions, while protecting against harmful interference to adjacent licensees. We also find it in the public interest to grant a waiver for a limited extension of time for three of the State's licenses in order to allow the State to keep essential operational facilities.⁷ Furthermore, we grant a waiver of relevant technical rules to the extent necessary to permit continued operation on the Part 22 paging frequencies in use as of the construction deadline applicable to each license. The technical waivers are conditioned on South Dakota obtaining consent from any neighboring or adjacent licensees that may be impacted by our proposed modification. We also grant special temporary authority to operate while South Dakota brings the system into compliance with our rules.

I. BACKGROUND

3. Construction Requirements. Section 22.503(k) of the Commission's rules requires Part 22 paging licensees to construct and operate sufficient facilities to cover one-third of the population in their paging geographic areas no later than three years after the initial grant of a license, and two-thirds of the population within the final five-year deadline.⁸ A licensee may notify the Commission at the three-year deadline that it elects, alternatively, to provide "substantial service" in the paging geographic area by the five-year construction deadline for the license.⁹ If a licensee fails to make the required substantial service showing,¹⁰ the license automatically terminates as of the construction deadline.¹¹ Licensees must file separate notifications showing they have met the construction requirements for each license.¹²

4. *Procedural History.* In the early 2000s, South Dakota began development of the South Dakota Interagency Communications System, a statewide public safety/law enforcement radio communications network serving the state's law enforcement and public safety and public service agencies. On December 23, 2003, South Dakota obtained Commission permission to operate a public safety communications system as a non-common carrier.¹³ The System supports a variety of public safety operations, including Police and Fire Departments, as well as all ambulance/EMS and emergency care medical facilities through the State Department of Health.¹⁴ The radios on the System allow for inter-agency interoperability, as well as allowing individual agencies to maintain private communications.¹⁵

⁶ See Appendix F, Licenses Showing Partial Market Coverage (Appendix F).

⁷ See Appendix G, Timely-Filed Extension Requests/Granted (Appendix G).

⁸ 47 CFR § 22.503(k).

⁹ *Id.*

¹⁰ See 47 CFR § 22.503(k)(3).

¹¹ *Id.*

¹² *Guidance on Compliance with Construction Requirements for Auction 95 Paging & Radiotelephone Serv. Licenses*, Public Notice, 31 FCC Rcd 11664, 11665 (WTB 2016), citing *ATT: Jeff Sohn, Letter*, 27 FCC Rcd 5864, 5865 (WTB 2012), *Cingular Interactive, L.P., Showing of Substantial Service Pursuant to Section 90.665(c)*, File No. 0000226552, Order, 16 FCC Rcd 19200, 19203 (WTB 2001).

¹³ Letter from Katherine Harris, Deputy Chief, Mobility Division, Wireless Telecommunications Bureau, to Alan Tilles, Shulman, Rogers, Gandal, Pordy & Ecker, P.A. at 2 (Dec. 23, 2003) (on file in ULS, File No. 0001427002). Former Section 22.7 of the Commission's rules provided that only common carriers were eligible to hold authorizations in the Public Mobile Services. See 47 CFR § 22.7 (2003).

¹⁴ *2009 Extension/Waiver Request* at 1.

¹⁵ *Id.* at 2.

5. South Dakota obtained spectrum for its public safety radio system in Auction No. 40¹⁶ and through secondary market assignments. Its network is comprised of two sets of paging licenses – the first set of licenses had an expiration date of June 21, 2012, with a final construction deadline of June 21, 2007 (the 2007 Submissions).¹⁷ The second set of licenses had an expiration date of May 12, 2014, with a final construction deadline of May 12, 2009 (the 2009 Submissions).¹⁸ At the three year interim construction deadline for all of its licenses (June 21, 2005 and May 12, 2007, respectively), South Dakota elected to demonstrate “substantial service” by the five year mark.¹⁹ On October 30, 2007, with respect to its first set of paging licenses, South Dakota submitted amended construction notifications for some of its licenses²⁰ while conceding that it had not deployed facilities by the applicable deadline for the remainder.²¹ It also submitted late-filed extension requests for the licenses it admitted were not constructed. On May 11, 2009, regarding the second set of paging licenses, South Dakota submitted timely construction notifications as well as requests for extension of time to construct in the alternative.²² In both the October 2007 and May 2009 Submissions, South Dakota requested that the Division either accept its construction notifications or alternatively grant an extension of time to allow it to continue deployment.²³ Where South Dakota conceded that it had not deployed facilities to enable service by the five-year deadline, it explicitly requested additional time to build out these sites.²⁴

II. DISCUSSION

A. Waiver of Construction and Technical Rules

6. Section 1.925 of the Commission’s rules states that the Commission may grant a waiver when either the underlying purpose of the rule at issue would not be served or would be frustrated by application to the instant case, and a grant would be in the public interest, or where, “in view of unique or unusual factual circumstances,” application of the rule would be inequitable, unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative.²⁵ In addition, Section 1.946 of the Commission’s rules states that the Commission may grant a request for extension of time “if the licensee shows that failure to meet the construction or coverage deadline is due to involuntary loss of site or other causes beyond its control.”²⁶ However, extensions will not be granted “for failure to meet a construction or coverage deadline due to delays caused by a failure to obtain financing,” or “because the licensee undergoes a transfer of control or because the licensee intends to assign the authorization.”²⁷

¹⁶ See FCC File No. 0000711312, granted by *Wireless Telecommunications Bureau Grants Upper and Lower Paging Bands Licenses*, Public Notice, DA 02-1477, 17 FCC Rcd 12450 (WTB 2002).

¹⁷ See *2007 Extension/Waiver Request* (regarding extension requests and pending construction notifications listed in Appendices B and C).

¹⁸ See *2009 Extension/Waiver Request* (regarding extension requests listed in Appendix D).

¹⁹ See 47 CFR § 22.503(k)(3).

²⁰ See *2007 Extension/Waiver Request* at 1. See also Appendix C.

²¹ See *2007 Extension/Waiver Request* at 4. See also Appendix B.

²² See *2009 Extension/Waiver Request* at 2-4. See also Appendix D.

²³ See *2007 Extension/Waiver Request* at p. 1. See also *2009 Extension/Waiver Request* at p. 1.

²⁴ See *2007 Extension/Waiver Request* at 3. See also *2009 Extension/Waiver Request* at 4.

²⁵ 47 CFR § 1.925(b)(3)(i)-(ii). Section 1.3 allows the Commission to waive any provision of its rules on its own motion for good cause. 47 CFR § 1.3; see also *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

²⁶ 47 CFR § 1.946(e)(1).

²⁷ *Id.* at § 1.946(e)(2)-(3).

7. *Requests for Waiver/Extension of Time.* In its 2007 Submissions, South Dakota filed its extension requests several months after the June 21, 2007 construction deadline, with no justification for the late submission.²⁸ We dismiss these extension requests as untimely, and we dismiss the final construction notifications associated with these licenses for failure to construct. Consequently, these licenses terminated automatically on June 21, 2007.²⁹ Furthermore, after careful review of the record and as described below, we deny South Dakota's timely-filed extension requests where it failed to demonstrate that additional time to construct was warranted.³⁰ South Dakota's timely requests to extend the construction deadline are based on its claims that construction was delayed due to circumstances beyond its control, namely the lack of available funding, and that it did not have access to many frequencies due to incumbent use. South Dakota also argues in support of its waiver request that it is not warehousing spectrum, but provides critical public safety services, and that additional time to build is justified because there was "little bidder interest in these licenses other than from the State, calling into question whether there is any viable alternative use for the Stations."³¹

8. We are not persuaded that South Dakota has justified its request for relief based on either Commission rule section 1.946 or 1.925. Specifically, section 1.946 of the Commission's rules expressly precludes extensions for lack of financing, as this is a foreseeable consequence of conducting business, and within the licensee's control.³² The presence of incumbent licensees is a factor known to bidders participating in the auction for a geographic licensee, and to those acquiring a license on the secondary market. Further, the State provides no support for its argument that low bidding interest in a service should be a relevant factor in considering whether construction relief is warranted for the eventual licensee.

9. *Construction Notifications.* As discussed above, the Commission also has pending before it construction notifications for licenses that are part of South Dakota's public safety paging system.³³ Based on our review of the record, we find that the State's service coverages are quite low overall and no individual license (with the exception of call sign WQAD672 discussed below)³⁴ achieved a level of service that we would consider substantial. Viewing the State's operations from a population coverage standpoint, only three licenses have coverages over thirty percent, while the remaining coverages are significantly lower.³⁵ We find, with respect to South Dakota's licenses that are still showing zero coverage, that these licenses automatically terminated as of the applicable construction deadline.³⁶ We note that the State, even while implementing a state-wide network, was obligated to meet the construction requirements for each of its licenses individually, and to petition for all necessary waivers where, as here, its actual use of the frequencies does not comport with our rules. In any event, and even if South Dakota had demonstrated much greater service coverage, it is operating most, if not all, of the licenses in violation of a Part 22 rule, and therefore its operations cannot continue without a waiver of the relevant technical rules.

10. *Grant of Waiver to Permit Continued Operation of Constructed Facilities.* While we

²⁸ See Extension requests listed in Appendix B.

²⁹ See Appendix H, Licenses Subject to Automatic Termination (Appendix H).

³⁰ See Appendix E.

³¹ 2007 Extension/Waiver Request at 3.

³² See 47 CFR § 1.946(e)(2).

³³ See Appendices A and C.

³⁴ See *infra* ¶ 12.

³⁵ While we do not accept these showings as demonstrating substantial service, they will remain pending until after the issuance of the order of modification discussed below.

³⁶ See Appendix H.

conclude, with limited exceptions, that South Dakota has not justified either an extension of time to meet its construction obligation or a finding that its limited construction meets our substantial service standards, we recognize South Dakota's legitimate interest in continuing to operate its statewide public safety network. We therefore find on our own motion that the unique circumstances present here justify granting limited relief to South Dakota via a conditional waiver of section 22.503(k) to the extent necessary to allow the State to keep portions of the license area where it was operating as of the construction deadline applicable to each license, allowing the State to maintain network functionality.

We find that the State is using the only suitable spectrum available to provide coverage in some areas of its network and a grant of a conditional waiver will allow the network to continue vital operations, while ultimately requiring return of spectrum not in use to the Commission's inventory. Without such a conditional waiver, failure to meet the Commission's construction requirements would result in automatic termination of the entire license, which would disrupt the functioning and interoperability of South Dakota's public safety communications system.

11. We implement the above conditional relief to permit South Dakota to keep the areas of its licenses that were constructed as of the deadline applicable to each license (i.e., the licenses in South Dakota's paging system that demonstrated partial market coverage).³⁷ While we do not accept the State's construction notifications as having demonstrated substantial service by the five-year deadline for each license, we conclude that the public interest supports permitting the State to retain those areas that have been constructed. We also grant a limited waiver of the construction deadline to allow South Dakota to keep and operate three facilities it constructed after the initial five-year deadline applicable to the 2009 Submissions.³⁸ This relief is warranted because neither the public interest nor the underlying purpose of the rule would be served by depriving South Dakota of a critical part of its constructed public safety network.

12. Regarding the State's request for a waiver to extend the construction deadline for Call Sign WQAD672, we also find it in the public interest to grant a limited waiver to consider construction completed after the May 12, 2009 construction deadline. Furthermore, the population coverage for this market is currently 47.12 percent.³⁹ Consistent with precedent regarding analysis of coverage percentages in rural areas, we find that South Dakota satisfied its substantial service requirement for Call Sign WQAD672 as of September 30, 2013,⁴⁰ and we will accept the construction notification in ULS.

13. *Technical Waivers and Special Temporary Authority to Continue Operations.* Our review of South Dakota's initial construction notifications, subsequent amendments, and more recent supplemental data provided to Division Staff, revealed multiple inconsistencies between the operation of the State's Part 22 paging licenses and our technical rules.⁴¹ While we are proposing to permit South

³⁷ See Appendix F.

³⁸ South Dakota has certified that although it did not complete construction by May 12, 2009, for stations WQAD650 and WQAD653, it did successfully complete its deployment of facilities to make use of the frequencies associated with these stations by November 30, 2014. See Email from Gregory Kunkle, Counsel for BIT/State Radio Communications Engineering, to Thomas Reed, Special Attorney Advisor, Mobility Division, Wireless Telecommunications Bureau, FCC (Dec. 4, 2018, 13:39 EDT) (Kunkle Dec. 4, 2018 E-mail).

³⁹ See E-mail from Greg Kunkle, Counsel to BIT/State Radio Communications Engineering, to Gabriel Ubieta, Electrical Engineer, Mobility Division, Wireless Telecommunications Bureau, FCC (Oct. 12, 2018, 16:07 EDT) (Kunkle Oct. 12, 2018 E-mail).

⁴⁰ South Dakota has certified that although it did not complete construction by May 12, 2009, for station WQAD672, it did successfully complete its deployment of facilities to make use of the frequencies associated with this station by September 30, 2013. See Kunkle Dec. 4, 2018 E-mail.

⁴¹ We note that South Dakota was obligated to identify and seek the rule waivers necessary to enable it to incorporate its paging licenses into its system. Licensees may not determine for themselves the Commission rules with which they must comply. Accordingly, our decision herein is without prejudice to further Commission inquiry into this matter and referral for enforcement action, if warranted.

Dakota to retain areas in which it was operating as of the five-year construction deadline associated with each license (or in the case of licenses WQAD650 and WQAD653, by November 30, 2014), and we are accepting the State's substantial service showing for license WQAD672 as of September 30, 2013, South Dakota's operation of these licenses nevertheless remains out of compliance with our rules. We therefore grant limited waivers of certain technical rules to enable continued use of the licenses to facilitate operation of the statewide network and its interoperability for federal, state, and local public safety entities.

14. To bring South Dakota's operations into compliance with the rules, we grant waivers on our own motion for the technical rules discussed below, as well as special temporary authority (STA) for these stations to continue operating for an interim period of six months while the State comes into compliance with the conditions set out in this section.⁴² Each of these waivers is specifically conditioned on South Dakota obtaining the concurrence of licensees who would potentially be affected by South Dakota's operation of its System at the waived technical parameters in order to ensure protection from harmful interference for other licensees. South Dakota is using these licenses to fill gaps where traditional public safety spectrum is not available, and we find that the following waivers, as conditioned, will bring its operations into compliance with the rules while maintaining the System's functionality and minimizing the risk of harmful interference.

- *Section 22.503.* Section 22.503(k) provides that failure by a licensee to meet the substantial service requirements in subparagraph 22.503(k)(3) will result in automatic termination of authorizations for those facilities that were not authorized, constructed, and operating at the time that the geographic area authorization was granted.⁴³ We waive Section 22.503(k) to allow South Dakota to continue operations with respect to call signs WPVF200, WPVF202, WPVF203, WPVF204, WPVF205, WPVF207, and WPVF208, WPGV844, WPGV846, WPGV847, WPGV848, WPGV992, WQAD635, WQAD643, WQAD650, WQAD652, WQAD653, WQAD654, WQAD656, WQAD657, and WQAD659, , and as further conditioned below.

15. *One-Way or Two-Way Mobile Operation.* Section 22.561 provides that certain channels are allocated for paired assignment to transmitters that provide one-way or two-way mobile operation for the paired channel blocks listed in the rule, and that all channels have a bandwidth of 20 kHz and are designated by their center frequencies in megahertz.⁴⁴ These licenses have center frequencies in the 152 through 159 MHz frequency band as identified in Section 22.561. For licenses WPVF200, WPVF202, WPVF203, WPVF204, WPVF205, WPVF207, and WPVF208, WPGV844, WPGV846, WPGV847, WPGV848, WPGV992, WQAD635, WQAD643, WQAD650, WQAD652, WQAD653, WQAD654, WQAD656, WQAD657, WQAD659, and WQAD672, , we grant a waiver of this rule to the extent those licenses are operating outside of the prescribed bandwidth, as conditioned below.

We also understand that South Dakota may be operating WPVF200, WPVF207 and WPVF208, such that the bandwidth exceeds the limits in Section 22.561. These licenses have center frequencies in the 152 through 158 MHz frequency band as identified in Section 22.561. The State of South Dakota has chosen to use channel "offsets" for these licenses, an intentional slight shift of a broadcast channel with an alternate center frequency that resides within the authorized channel block. The offset causes South Dakota to exceed the bandwidth edge, which could cause spectrally adjacent channel interference.⁴⁵ We waive Section 22.561 for the listed call signs, as conditioned below.

⁴² See 47 U.S.C. §§ 154(i), 214(a), 303(r); *see also In re GTE Corp.*, 16 FCC Rcd 15957, 15960 (2001).

⁴³ 47 CFR § 22.503(k).

⁴⁴ 47 CFR § 22.561.

⁴⁵ Due to the designated transmission of 8 kHz, as identified by the emission designator.

Finally, we understand South Dakota has elected to configure certain licenses (specifically, WPVF203, WPVF204, and WPVF205, WPVG847, WPVG848, WPVG992, WQAD652, WQAD653, and WQAD656) in a manner that results in mobile stations communicating with the base stations of other authorizations. We waive Section 22.561 to allow South Dakota to continue to operate with respect to these call signs, but only to the extent South Dakota observes the Part 22 rules limiting mobile station communications to base stations within the same authorization, and as further conditioned below.

- *Transmitting Power Limits.* Section 22.565(a) provides that the effective radiated power (ERP) of base and fixed transmitters must not exceed applicable power limits. South Dakota is currently operating licenses with call signs WPVF202, WPVF203, WPVF205, WPVG844, WPVG848, WQAD635, WQAD643, WQAD650, WQAD653, WQAD654, WQAD657, WQAD659, and WQAD672 outside of the limits contained in Section 22.565(a).⁴⁶ We waive Section 22.565(a) for the listed call signs as applicable in order to allow South Dakota to maintain its current power levels for these licenses, as conditioned below.
- *Conditions.* We find it necessary to condition the relief granted in order to meet the expectations of neighboring licensees that their operations will be free from harmful interference. Failure to comply with these conditions will result in automatic termination of the technical waiver with respect to the license at issue. The technical rule waivers are conditioned on the State of South Dakota obtaining the concurrence of geographic or spectral neighbors that would potentially be affected. Coordination with neighboring geographic or spectral licensees shall be conducted consistent with the process in Sections 22.503(h) and (i) of our rules that seek to protect adjacent geographic and co-channel licensees from harmful interference.⁴⁷ Specifically:
 - Waivers of the following rules have the potential to affect adjacent licensees and are conditioned on the concurrence of those licensees:

Section 22.561 waiver for WPVF200, WPVF202, WPVF203, WPVF204, WPVF205, WPVF207 and WPVF208, WPVG847, WPVG848, WPVG992, WQAD635, WQAD643, WQAD650, WQAD652, WQAD653, WQAD654, WQAD656, WQAD657, WQAD659, WQAD672, WPVG844, and WPVG846.
 - Our waivers of the following rules have the potential to affect co-channel licensees and are conditioned on the concurrence of those licensees:

Section 22.565(a) waiver for WPVF202, WPVF203, and WPVF205, WPVG844, WPVG848, WQAD635, WQAD643, WQAD650, WQAD653, WQAD654, WQAD657, WQAD659, and WQAD672.
 - In seeking concurrence, South Dakota must provide these licensees with any technical information requested for testing purposes, in order to ensure no harmful interference will exist.
 - Within six months of the effective date of this Order, the state of South Dakota must submit copies of concurrences in ULS under the applicable license.
 - In the event the state of South Dakota cannot comply with the conditions of the technical waivers, it may choose to forgo the waiver and implement an alternative operational solution that complies with Part 22 rules, or to cease operations from the applicable site(s).

⁴⁶ 47 CFR § 22.565(a). The effective radiated power limit (ERP) for frequencies operating in the 157-159 MHz range is 150 watts.

⁴⁷ 47 CFR § 22.503(h), (i).

Within six months of the effective date of this Order, South Dakota shall notify the Division that it has implemented an alternative solution that complies with the rules or has ceased operations. Any licenses that do not comply with the Part 22 rules or with the waiver conditions by the end of this six-month timeframe will automatically terminate.

16. *Disposition of Leases.* We note that South Dakota has leased spectrum under two of its paging system licenses (WPVH591 and WPVH595) to Vantek Communications, Inc.⁴⁸ Despite multiple requests from Division staff regarding the operational status of Licenses WPVH591 and WPVH595, the Division has received no information from South Dakota regarding construction or service in these markets. Lacking any evidence that the State or the lessee deployed the requisite facilities, we find that the construction notifications for these licenses must be dismissed for failure to construct and therefore, the licenses automatically terminated as of the applicable construction deadline, June 21, 2007. However, we find that it is in the public interest to provide South Dakota with the opportunity to make arrangements to facilitate the migration of the lessee off of the frequencies associated with the licenses in an orderly manner. We therefore grant, on our own motion, special temporary authority to South Dakota for a period of 60 days from the date of this Order. It is understood that the authority we grant here is solely for the purpose of allowing South Dakota to migrate the current lessee off of the frequencies associated with these licenses and commence an orderly discontinuation of operations under Call Signs WPVH591 and WPVH595. Furthermore, South Dakota shall notify the Mobility Division when the lessee has stopped operations and shall provide the date upon which operations ceased, which in no event can be later than April 5, 2019.

B. Order of Proposed Modification

17. Section 316(a)(1) authorizes the Commission to modify a station license if, in our judgment, “such action will promote the public interest, convenience, and necessity, or the provisions of this chapter [*i.e.*, the Communications Act].”⁴⁹ The authority to modify licenses under Section 316(a)(1) is well established and courts have recognized the Commission’s “broad power” to do so, explaining that the Commission “need only find that the proposed modification serves the public interest, convenience and necessity.”⁵⁰

18. We find that a proposed modification of the following Part 22 Paging licenses will promote the public interest, convenience, and necessity: WPVF200, WPVF202, WPVF203, WPVF204, WPVF205, WPVF207, WPVF208, WPGV844, WPGV846, WPGV847, WPGV848, WPGV992, WQAD635, WQAD643, WQAD650, WQAD652, WQAD653, WQAD654, WQAD656, WQAD657, and WQAD659.⁵¹ Given the role the licenses play in a public safety network that supports a wide variety of public safety operations – fire and rescue, local and state police, and ambulance/EMS and emergency care medical facilities – we also find that the proposed modification is consistent with our fundamental obligation to promote safety of life and property through the use of wire and radio communications.⁵² In view of the foregoing and pursuant to Section 316(a)(1) of the Act, we propose to modify the geographic authorizations as described below, subject to South Dakota satisfying the conditions of the construction

⁴⁸ See State of South Dakota, Bureau of Information (Lessor)/Vantek Communications, Inc. (Lessee), New Lease Application, FCC File No. 0004282926 (filed, Jun. 15, 2010).

⁴⁹ 47 U.S.C. § 316(a)(1).

⁵⁰ *California Metro Mobile Communications v. FCC*, 365 F.3d 38, 45 (D.C. Cir. 2004); see also *Establishing Rules and Policies for the Use of Spectrum for Mobile Satellite Services in the Upper and Lower L-Band*, Report and Order, IB Docket 96-132, FCC 02-24, 17 FCC Rcd 2704, 2714, ¶ 25 (2002) (citing *Rainbow Broadcasting Co. v. FCC*, 949 F.2d 405 (D.C. Cir. 1991) (“the Commission is afforded significant latitude when it exercises its Section 316 authority”)) (subsequent history omitted).

⁵¹ See Appendix F.

⁵² 47 U.S.C. § 151.

and technical waivers above. If South Dakota does not comply with all conditions, we propose to modify the licenses solely to the extent the State is able to provide alternative operational solutions that comply with Part 22 rules, as described above in the conditions and within the six-month timeframe.

19. *Modified License Area.* For each license listed above, we propose that South Dakota retain the areas in which it is using its Part 22 Paging frequencies as described herein, with the modified boundaries of the license determined by the formula in the Part 22 rules.⁵³ The remainder of these specific licensed market areas will be terminated and revert to the Commission.

20. Sections 22.537(d) and 22.567(d) of our rules describe the formulas to be used in determining a VHF channel transmitter's interfering contour (the area beyond which signals from the transmitter are deemed not to be causing interference to another transmitter). Using the technical parameters of South Dakota's operations as of the respective construction deadlines described herein, we have calculated an interfering contour with either Section 22.537(d) or 22.567(d), as applicable,⁵⁴ and propose a modified license boundary for each license at issue based on the interfering contour. These modified license boundaries are shown in Appendix J.

21. The interfering contour as calculated above will define the modified license boundary for each call sign listed, except where that contour would reach beyond the geographic market boundary. In those cases, the modified license area will end at the market boundary.

22. In addition to proposing to limit the modified license areas to the market boundary, the proposed license areas in Appendix J were calculated using South Dakota's technical parameters as of the construction deadline applicable to each license. As discussed above, these parameters require us to waive certain technical rules that have the potential to affect other licensees. Per the conditions of the technical waivers, South Dakota is required to notify the Division within six months of the effective date of this Order that it has obtained the required concurrences or forgone the waiver, and therefore either implemented an alternative solution that complies with our current rules or ceased operation.

23. *Protest Rights and Procedures.* Section 316(a)(1) of the Act provides that no proposed order of modification shall become final until the license holder has been provided at least 30 days to protest the proposed order.⁵⁵ We will thus provide South Dakota with 30 days from the release date of this Proposed Order of Modification to file a protest. Section 316(a)(2) and (3) of the Act also provide that any other licensee or permittee who believes its license or permit would be modified by the proposed action may also protest the proposed action before its effective date and that any protest is subject to the requirements of Section 309 for petitions to deny.⁵⁶ Section 309(d) in turn provides that a petition to deny must show that the party has standing and that the Commission's action would be contrary to the public interest.⁵⁷

III. ORDERING CLAUSES

24. Accordingly, IT IS ORDERED that, pursuant to Section 4(i) of the Communications Act, as amended, 47 U.S.C. § 154(i), and Sections 1.925 and 1.946 of the Commission's rules, 47 CFR §§ 1.925, 1.946, the State of South Dakota's requests for waiver/extension of time (*see* ULS applications listed in Appendix B) to meet the requirements of Section 22.503(k) of the Commission's rules, 47 CFR §

⁵³ 47 CFR §§ 22.537(d), 22.567(d).

⁵⁴ The technical criteria found in Section 22.537(d) apply to channels identified in Section 22.531, while the technical criteria in Section 22.567 are specific to paired frequencies identified in Section 22.561. Accordingly, an interfering contour will be calculated using the technical criteria associated with the applicable licensed channel block.

⁵⁵ 47 U.S.C. § 316(a)(1).

⁵⁶ 47 U.S.C. § 316(a)(3).

⁵⁷ 47 U.S.C. § 309(d). *See also* 47 CFR § 1.939 (petitions to deny).

22.503(k), are DISMISSED.

25. IT IS FURTHER ORDERED that, pursuant to Section 4(i) of the Communications Act, as amended, 47 U.S.C. § 154(i), and Section 1.925 and 1.946 of the Commission's rules, 47 CFR §§ 1.925, 1.946, the State of South Dakota's requests for extension of time (*see* ULS applications listed in Appendix E) to meet the requirements of Section 22.503(k) of the Commission's rules, 47 CFR § 22.503(k), are DENIED.

26. IT IS FURTHER ORDERED that, pursuant to Section 4(i) of the Communications Act, as amended, 47 U.S.C. § 154(i), and Section 22.503(k) of the Commission's rules, 47 CFR § 22.503(k), the State of South Dakota's pending construction notifications listed in Appendix H are DISMISSED.

27. IT IS FURTHER ORDERED that, pursuant to Section 4(i) of the Communications Act, as amended, 47 U.S.C. § 154(i), and Sections 1.925 and 1.946 of the Commission's rules, 47 CFR §§ 1.925, 1.946, the State of South Dakota's requests for extension of time with respect to Call Signs WQAD650, WQAD653, and WQAD672 (File Nos. 0003833449, 0003833462, and 0003833540, respectively) to meet the requirements of Section 22.503(k) of the Commission's rules, 47 CFR § 22.503(k), are hereby GRANTED to the extent provided above.

28. IT IS FURTHER ORDERED that, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Sections 1.3 and 1.925 of the Commission's rules, 47 CFR §§ 1.3, 1.925, waiver of Sections 22.503(k), 22.561, and 22.565(a) of the Commission's rules, 47 CFR §§ 22.503(k), 22.561, and 22.565(a), with respect to the licenses listed in Appendix I and as specified in Section II.A, ¶ 15, is CONDITIONALLY GRANTED TO THE EXTENT PROVIDED ABOVE.

29. IT IS FURTHER ORDERED that, pursuant to Sections 4(i) and 316(a) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 316(a), the Proposed Order of Modification is ADOPTED.

30. IT IS FURTHER PROPOSED that, pursuant to Sections 4(i) and 316(a) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 316(a), the call signs listed in Appendix F and licensed to the State of South Dakota BE MODIFIED consistent with Section II.B and Appendix J of this Order and Proposed Order of Modification.

31. IT IS FURTHER ORDERED that, pursuant to Section 316(a)(1) of the Communications Act of 1934, as amended, 47 U.S.C. § 316(a)(1), the Wireless Telecommunications Bureau SHALL SEND this Order and Proposed Order of Modification by certified mail, return receipt requested, to the State of South Dakota.

32. These actions are taken under delegated authority pursuant to sections 0.131 and 0.331 of the Commission's rules, 47 CFR §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Roger S. Noel
Chief, Mobility Division
Wireless Telecommunications Bureau

APPENDIX A
BIT/South Dakota Paging Licenses/ULS Applications Under Review

Call Sign	Construction Notifications/File Nos.	Extension Requests/File Nos.
WPVF200	0003081467	N/A
WPVF202	0003081469	N/A
WPVF203	0003081470	N/A
WPVF204	0003081471	N/A
WPVF205	0003081472	N/A
WPVF207	0003081474	N/A
WPVF208	0003981475	N/A
WPVF209	0003081476	N/A
WPVF210	0003081477	0003215982
WPVF211	0003081478	0003216054
WPVF212	0003081479	0003216055
WPVF213	0003081480	0003216057
WPVF214	0003081393	0003216064
WPVF215	0003081394	0003216060
WPVG844	0003081395	N/A
WPVG846	0003081397	N/A
WPVG847	0003081398	N/A
WPVG848	0003081399	N/A
WPVG877	0003081401	0003215980
WPVG878	0003081402	0003215981
WPVG879	0003081403	N/A
WPVG880	0003081404	N/A
WPVG881	0003081405	0003215907
WPVG882	0003081406	N/A
WPVG988	0003081407	0003215077
WPVG992	0003081411	N/A
WPVH584	0003071997	0003216105
WPVH586	0003071999	0003216120
WPVH591	0003072004	0003216138
WPVH595	0003072008	0003216067
WQAD634	0003833097	0003833100
WQAD635	0003833217	0003833280
WQAD639	0003833318	0003833320
WQAD640	0003833321	0003833325
WQAD641	0003833330	0003833331
WQAD643	0003833343	0003833344
WQAD645	0003833358	0003833360
WQAD646	0003833362	0003833364
WQAD647	0003833368	0003833371
WQAD650	0003833446	0003833449
WQAD651	0003833452	0003833453
WQAD652	0003833455	0003833456
WQAD653	0003833460	0003833462
WQAD654	0003833464	0003833468
WQAD655	0003833469	0003833470
WQAD656	0003833474	0003833479

WQAD657	0003833480	0003833481
WQAD658	0003833483	0003833484
WQAD659	0003833486	0003833494
WQAD664	0003833497	0003833533
WQAD672	0003833538	0003833540
WQAD674	0003833545	0003833547
WQAD675	0003833549	0003833556
WQAD676	0003833561	0003833565
WQAD677	0003833575	0003833579

APPENDIX B
Late-Filed Extension Requests/Dismissed⁵⁸

Call Sign	Construction Notifications/File Nos.	Extension Requests/File Nos.
WPVF210	0003081477	0003215982
WPVF211	0003081478	0003216054
WPVF212	0003081479	0003216055
WPVF213	0003081480	0003216057
WPVF214	0003081393	0003216064
WPVF215	0003081394	0003216060
WPVG877	0003081401	0003215980
WPVG878	0003081402	0003215981
WPVG881	0003081405	0003215907
WPVG988	0003081407	0003215077
WPVH584	0003071997	0003216105
WPVH586	0003071999	0003216120
WPVH591	0003072004	0003216138
WPVH595	0003072008	0003216067

⁵⁸ On October 30, 2007, South Dakota conceded that the stations associated with these call signs had not yet been deployed. See *2007 Extension/Waiver Request* at 2-3.

APPENDIX C
Pending Construction Notifications⁵⁹

Call Sign	Construction Notifications/File Nos.	Extension Requests/File Nos.
WPVF200	0003081467	N/A
WPVF202	0003081469	N/A
WPVF203	0003081470	N/A
WPVF204	0003081471	N/A
WPVF205	0003081472	N/A
WPVF207	0003081474	N/A
WPVF208	0003981475	N/A
WPVF209	0003081476	N/A
WPVG844	0003081395	N/A
WPVG846	0003081397	N/A
WPVG847	0003081398	N/A
WPVG848	0003081399	N/A
WPVG879	0003081403	N/A
WPVG880	0003081404	N/A
WPVG882	0003081406	N/A
WPVG992	0003081411	N/A

⁵⁹ South Dakota claims that the stations associated with these call signs were constructed and in operation by June 21, 2007, the final construction deadline for these licenses. *See 2007 Extension/Waiver Request* at 1. Specifically, the State listed these licenses in its consolidated Amended Statement in Support of Substantial Service, but did not file corresponding requests in ULS to extend the construction deadline.

APPENDIX D
Timely-Filed Extension Requests⁶⁰

Call Sign	Construction Notifications/File Nos.	Extension Requests/File Nos.
WQAD634	0003833097	0003833100
WQAD635	0003833217	0003833280
WQAD639	0003833318	0003833320
WQAD640	0003833321	0003833325
WQAD641	0003833330	0003833331
WQAD643	0003833343	0003833344
WQAD645	0003833358	0003833360
WQAD646	0003833362	0003833364
WQAD647	0003833368	0003833371
WQAD650	0003833446	0003833449
WQAD651	0003833452	0003833453
WQAD652	0003833455	0003833456
WQAD653	0003833460	0003833462
WQAD654	0003833464	0003833468
WQAD655	0003833469	0003833470
WQAD656	0003833474	0003833479
WQAD657	0003833480	0003833481
WQAD658	0003833483	0003833484
WQAD659	0003833486	0003833494
WQAD664	0003833497	0003833533
WQAD672	0003833538	0003833540
WQAD674	0003833545	0003833547
WQAD675	0003833549	0003833556
WQAD676	0003833561	0003833565
WQAD677	0003833575	0003833579

⁶⁰ On May 11, 2009, South Dakota claimed that by the five-year construction deadline (i.e., May 12, 2009), it had deployed facilities for many of its Part 22 paging licenses, including 10 of the licenses listed in this Appendix. *See 2009 Extension/Waiver Request* at 2 (referencing Call Signs WQAD635, WQAD643, WQAD647, WQAD651, WQAD652, WQAD654, WQAD655, WQAD656, WQAD657, AND WQAD659). The State also conceded that it had not yet deployed facilities for many of its markets, including 15 of the licenses listed here. *See id.* at 4 (referencing Call Signs WQAD634, WQAD639, WQAD640, WQAD641, WQAD645, WQAD646, WQAD650, WQAD653, WQAD658, WQAD664, WQAD672, WQAD674, WQAD675, WQAD676, AND WQAD677).

APPENDIX E
Timely-Filed Extension Requests/Denied

Call Sign	Construction Notifications/File Nos.	Extension Requests/File Nos.
WQAD634	0003833097	0003833100
WQAD635	0003833217	0003833280
WQAD639	0003833318	0003833320
WQAD640	0003833321	0003833325
WQAD641	0003833330	0003833331
WQAD643	0003833343	0003833344
WQAD645	0003833358	0003833360
WQAD646	0003833362	0003833364
WQAD647	0003833368	0003833371
WQAD651	0003833452	0003833453
WQAD652	0003833455	0003833456
WQAD654	0003833464	0003833468
WQAD655	0003833469	0003833470
WQAD656	0003833474	0003833479
WQAD657	0003833480	0003833481
WQAD658	0003833483	0003833484
WQAD659	0003833486	0003833494
WQAD664	0003833497	0003833533
WQAD674	0003833545	0003833547
WQAD675	0003833549	0003833556
WQAD676	0003833561	0003833565
WQAD677	0003833575	0003833579

APPENDIX F
Licenses Showing Partial Market Coverage

Call Sign	Construction Notifications/File Nos.	Extension Requests/File Nos.
WPVF200	0003081467	N/A
WPVF202	0003081469	N/A
WPVF203	0003081470	N/A
WPVF204	0003081471	N/A
WPVF205	0003081472	N/A
WPVF207	0003081474	N/A
WPVF208	0003981475	N/A
WPVG844	0003081395	N/A
WPVG846	0003081397	N/A
WPVG847	0003081398	N/A
WPVG848	0003081399	N/A
WPVG992	0003081407	0003215077
WQAD635	0003833217	0003833280
WQAD645	0003833343	0003833344
WQAD650	0003833446	0003833449
WQAD652	0003833455	0003833456
WQAD653	0003833460	0003833462
WQAD654	0003833464	0003833468
WQAD656	0003833474	0003833479
WQAD657	0003833480	0003833481
WQAD659	0003833486	0003833494

APPENDIX G
Timely-Filed Extension Requests/Granted

Call Sign	Construction Notifications/File Nos.	Extension Requests/File Nos.
WQAD650	0003833446	0003833449
WQAD653	0003833460	0003833462
WQAD672	0003833538	0003833540

APPENDIX H
Licenses Subject to Automatic Termination

As of June 21, 2007

Call Sign	Construction Notifications/File Nos.	Extension Requests/File Nos.
WPVF209	0003081476	N/A
WPVF210	0003081477	0003215982
WPVF211	0003081478	0003216054
WPVF212	0003081479	0003216055
WPVF213	0003081480	0003216057
WPVF214	0003081393	0003216064
WPVF215	0003081394	0003216060
WPVG877	0003081401	0003215980
WPVG878	0003081402	0003215981
WPVG879	0003081403	N/A
WPVG880	0003081404	N/A
WPVG881	0003081405	0003215907
WPVG882	0003081406	N/A
WPVG988	0003081407	0003215077
WPVH584	0003071997	0003216105
WPVH586	0003071999	0003216120
WPVH591	0003072004	0003216138
WPVH595	0003072008	0003216067

As of May 12, 2009

Call Sign	Construction Notifications/File Nos.	Extension Requests/File Nos.
WQAD634	0003833097	0003833100
WQAD639	0003833318	0003833320
WQAD640	0003833321	0003833325
WQAD641	0003833330	0003833331
WQAD645	0003833358	0003833360
WQAD646	0003833362	0003833364
WQAD647	0003833368	0003833371
WQAD651	0003833452	0003833453
WQAD655	0003833469	0003833470
WQAD658	0003833483	0003833484
WQAD664	0003833497	0003833533
WQAD674	0003833545	0003833547
WQAD675	0003833549	0003833556
WQAD676	0003833561	0003833565
WQAD677	0003833575	0003833579

APPENDIX I
Licenses Requiring Technical Waivers To
Continue Operations

§ 22.503(k) Construction Requirements

WQAD635, WQAD643, WQAD650, WQAD652, WQAD653, WQAD654, WQAD656, WQAD657, WQAD659, WPVG844, WPVG846, WPVG847, WPVG848, WPVG992, WPVF200, WPVF202, WPVF203, WPVF204, WPVF205, WPVF207, and WPVF208

§ 22.561 Operating Outside Prescribed Bandwidth

WPVF200, WPVF202, WPVF203, WPVF204, WPVF205, WPVF207, WPVF208, WPVG844, WPVG846, WPVG847, WPVG848, WPVG992, WQAD635, WQAD643, WQAD650, WQAD652, WQAD653, WQAD654, WQAD656, WQAD657, WQAD659, and WQAD672

§ 22.561 Exceeds Bandwidth Limits

WPVF200, WPVF207 and WPVF208

§ 22.561 Mobile to Base Communications

WQAD652, WQAD653, WQAD656, WPVG847, WPVG848, WPVG992, WPVF203, WPVF204, and WPVF205

§ 22.565(a) Exceeds Maximum ERP

WPVF202, WPVF203, and WPVF205, WPVG844, WPVG848, WQAD635, WQAD643, WQAD650, WQAD653, WQAD654, WQAD657, WQAD659, and WQAD672

APPENDIX J

Call Signs

WPVF200, WPVF202, WPVF203, WPVF204, WPVF205, WPVF207, WPVF208, WPGV844, WPGV846, WPGV847, WPGV848, WPGV992, WQAD635, WQAD643, WQAD650, WQAD652, WQAD653, WQAD654, WQAD656, WQAD657, and WQAD659.

Proposed Modified License Areas

The proposed modified boundaries of each license area will be defined by the interference contour(s) of its base transmitter(s) as calculated pursuant to Section 22.537(d) or 22.567(d), as applicable. The following maps depicting the proposed modified license areas of each call sign were derived using technical information provided by the State of South Dakota.⁶¹ The tables below detail the base transmitter information provided by South Dakota, including location(s) of the base transmitter(s) being used for the call sign, effective radiated power (ERP), antenna height, and height above average terrain (HAAT) data.⁶² The tables also specify the distances from each base transmitter to its interfering contour along the eight radials that were calculated using South Dakota's technical data.⁶³

Contour Information for Call Signs subject to Section 22.567(d)

Call Sign	Location	Latitude, Longitude	Elevation(m)	Antenna Height(m)	HAAT(m)	ERP (W)
WQAD635	Corson	N 45 44 43.26, W 100 48 46.91	627.2	50.9	82.9	200
WQAD643	Corson	N 45 44 43.26, W 100 48 46.91	627.2	50.9	82.9	200
WQAD650	McPherson	N 45-43-40.04 N, W 99 05 47.40	606.6	56.7	109.1	160
WQAD652	Herreid	N 45 49 26.33, W 100 01 46.13	529.1	23.5	6.1	270
WQAD653	McPherson	N 45-43-40.04 N, W 99 05 47.40	606.6	56.7	109.1	160
WQAD654	Herreid	N 45 49 26.33, W 100 01 46.13	529.1	23.5	6.1	270
WQAD656	Herreid	N 45 49 26.33, W 100 01 46.13	529.1	23.5	6.1	270
WQAD657	Herreid	N 45 49 26.33, W 100 01 46.13	529.1	23.5	6.1	270
WQAD659	Herreid	N 45 49 26.33, W 100 01 46.13	529.1	23.5	6.1	270
WPGV844	N Minnehaha	N 43 31 56.5, W 96 59 20.11	493.4	25.9	49.1	100
	Orient Hills	N 44 52 27.44, W 99 16 4.51	612.0	21.3	82.9	145
	Winner	N 43 17 46.14, W 99 52 5.02	694.5	25.0	50.9	250
WPGV846	Sioux Falls	N 43 31 49.91, W 96 45 27.25	455.2	18.3	29.9	41
WPGV847	Sioux Falls	N 43 31 49.91, W 96 45 27.25	455.2	18.3	29.9	41
WPGV848	Watertown	N 44 50 52.15, W 97 6 18.72	550.1	23.8	10.1	250

⁶¹ The technical information used was provided in South Dakota's June 21, 2007 and May 12, 2009 construction notifications filed for each license, subsequent amendments to these construction notifications, as well as alternative showings provided via email to FCC staff on July 27, 2018, October 12, 2018, October 18, 2018, and November 6, 2018.

⁶² Latitude/Longitude coordinates, elevation and HAAT information were updated by Commission staff after technical review of information provided by State of South Dakota.

⁶³ The output power and HAAT data provided by South Dakota were averaged values; the individual radial power and HAAT values were derived using these averaged values.

WPVG992	Turkey Ridge	N 43 14 35.88, W 97 22 39.00	520.4	28.3	103.1	170
WPVF200	Sioux Falls	N 43 31 49.91, W 96 45 27.25	455.2	18.3	29.9	41
WPVF202	Yanktown	N 42 50 31.81, W 97 29 4.24	416.3	62.5	74.1	160
	Watertown	N 44 50 52.15, W 97 6 18.72	550.1	23.8	10.1	250
WPVF203	Winner	N 43 17 46.14, W 99 52 5.02	694.5	25.0	50.9	250
WPVF204	Brookings	N 44 20 49.78, W 96 43 46.63	513.9	64.0	72.0	150
	Radar Hill	N 43 04 49.04, W 98 28 59.09	565.8	32.0	135.9	60
WPVF205	Yanktown	N 42 50 31.81, W 97 29 4.24	416.3	62.5	74.1	160
	Watertown	N 44 50 52.15, W 97 6 18.72	550.1	23.8	10.1	250
WPVF207	Brookings	N 44 20 49.78, W 96 43 46.63	513.9	64.0	72.0	150
	Sioux Falls	N 43 31 49.91, W 96 45 27.25	455.2	18.3	29.9	41
WPVF208	Beresford	N 43 03 01.48, W 96 47 02.26	460	85.3	135	75

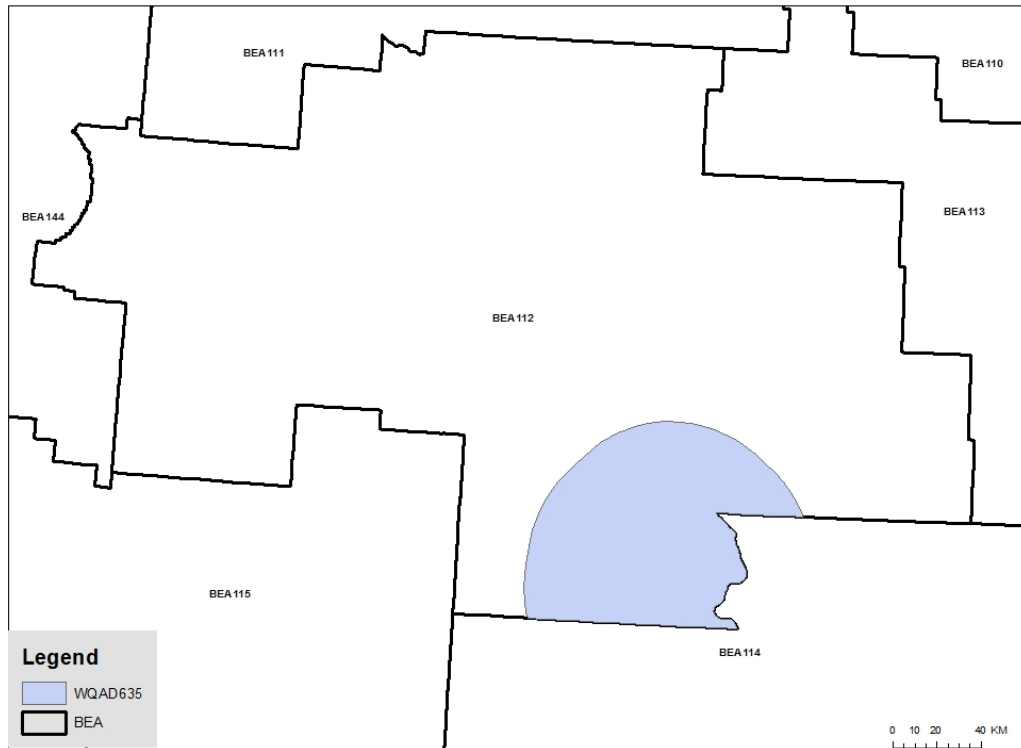
Transmitter Radial Values – per Section 22.567(d)

Location	Azimuth	HAAT (m)	ERP (W)	Distance (km)
Corson	0	59.6	200	62.6
	45	66.8	200	64.3
	90	95.6	200	70.1
	135	123.0	200	74.5
	180	136.0	200	76.3
	225	95.4	200	70.1
	270	48.8	200	59.7
	315	40.9	200	57.2
McPherson	0	64.6	160	61.2
	45	102.7	160	68.4
	90	157.4	160	80.2
	135	156.0	160	80.0
	180	115.4	160	70.3
	225	74.9	160	63.4
	270	72.1	160	62.8
	315	71.6	160	62.7
Herreid	0	3.4	270	56.2
	45	-23.0	270	56.2
	90	-12.6	270	56.2
	135	6.4	270	56.2
	180	33.8	270	57.8
	225	18.1	270	56.2
	270	27.9	270	56.2
	315	25.2	270	56.2
N Minnehaha	0	27.7	100	46.5
	45	42.4	100	50.6

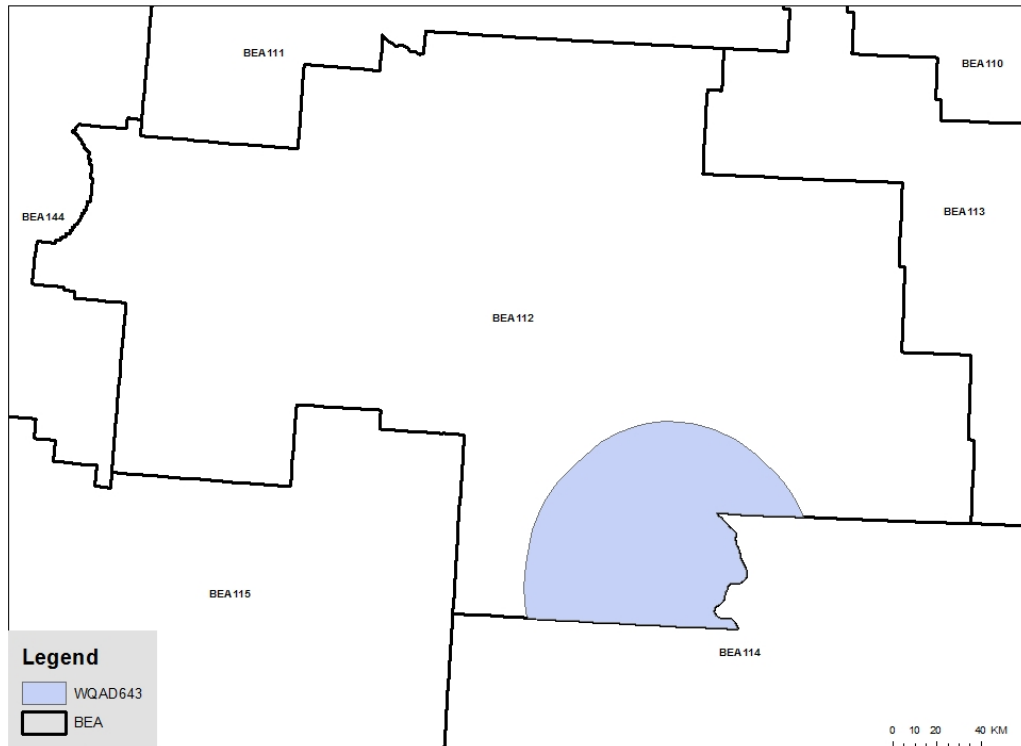
Transmitter Radial Values – per Section 22.567(d)				
Location	Azimuth	HAAT (m)	ERP (W)	Distance (km)
	90	60.1	100	55.0
	135	59.5	100	54.9
	180	70.9	100	57.2
	225	82.1	100	59.3
	270	61.4	100	55.3
	315	30.9	100	46.9
Orient Hills	0	68.6	145	60.9
	45	54.9	145	57.7
	90	96.0	145	66.0
	135	104.3	145	67.4
	180	98.5	145	66.4
	225	80.9	145	63.4
	270	48.2	145	56.0
	315	57.2	145	58.3
Winner	0	117.3	250	76.8
	45	97.2	250	73.4
	90	48.6	250	62.2
	135	18.0	250	55.4
	180	4.9	250	55.4
	225	5.2	250	55.4
	270	30.8	250	55.7
	315	83.3	250	70.8
Sioux Falls	0	21.3	41	39.3
	45	53.7	41	45.2
	90	41.5	41	42.5
	135	38.6	41	41.7
	180	28.9	41	39.3
	225	20.9	41	39.3
	270	13.1	41	39.3
	315	18.7	41	39.3
Watertown	0	42.4	250	60.2
	45	26.1	250	55.4
	90	11.6	250	55.4
	135	41.6	250	59.9
	180	43.0	250	60.4
	225	30.8	250	55.7
	270	42.6	250	60.3
	315	46.4	250	61.5
Turkey Ridge	0	85.7	170	66.2
	45	113.1	170	70.8
	90	111.9	170	70.6
	135	57.7	170	60.2

Transmitter Radial Values – per Section 22.567(d)				
Location	Azimuth	HAAT (m)	ERP (W)	Distance (km)
	180	107.8	170	70.0
	225	125.7	170	72.6
	270	111.5	170	70.5
	315	81.1	170	65.4
Yanktown	0	60.3	160	60.2
	45	102.4	160	68.3
	90	116.6	160	70.5
	135	64.5	160	61.2
	180	50.0	160	57.5
	225	26.2	160	50.9
	270	111.8	160	69.8
	315	33.8	160	52.4
Brookings	0	57.3	150	58.7
	45	37.0	150	52.9
	90	55.1	150	58.2
	135	73.5	150	62.3
	180	85.5	150	64.6
	225	84.6	150	64.5
	270	83.1	150	64.2
	315	67.8	150	61.1
Radar Hill	0	122.6	60	59.2
	45	139.8	60	61.1
	90	133.4	60	60.4
	135	106.2	60	57.2
	180	166.8	60	70.8
	225	128.1	60	59.8
	270	178.9	60	72.0
	315	95.0	60	55.7
Beresford	0	108.5	75	60.0
	45	95.1	75	58.1
	90	128.2	75	62.4
	135	129.2	75	62.6
	180	136.1	75	63.3
	225	151.0	75	71.4
	270	152.9	75	71.6
	315	149.6	75	64.8

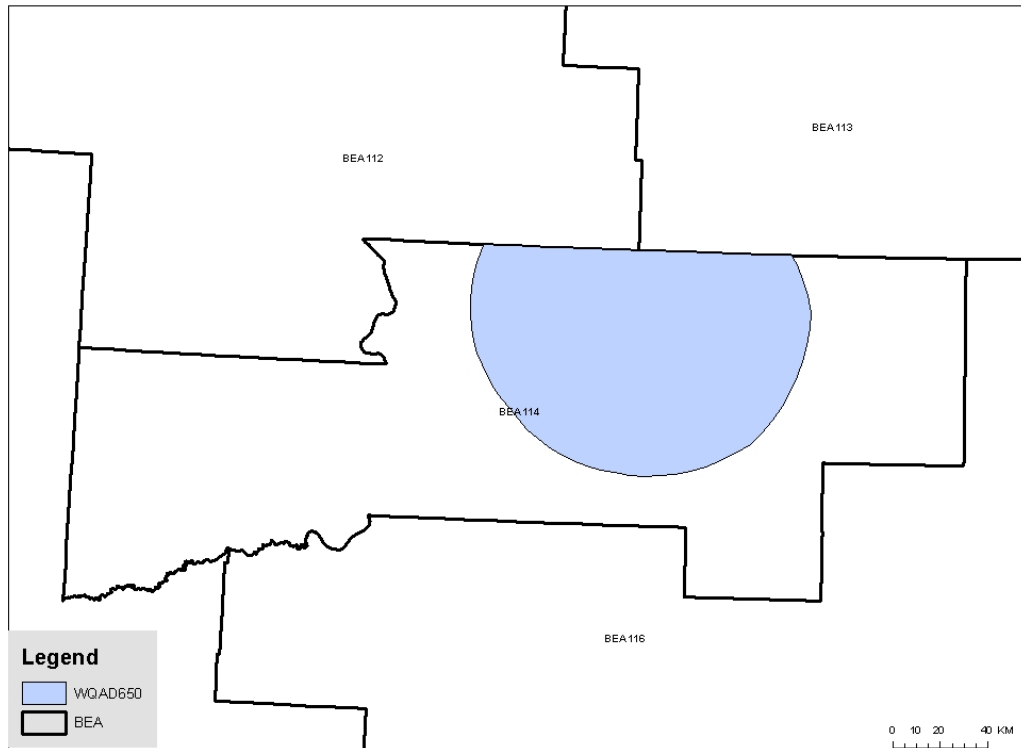
WQAD635 New Market Area



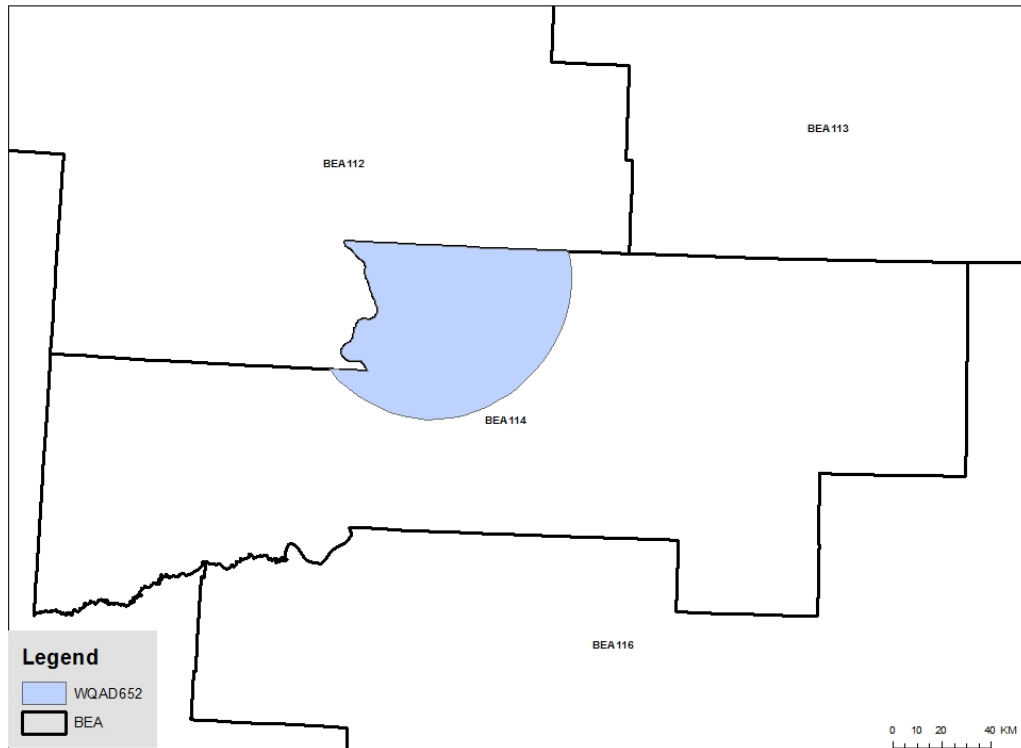
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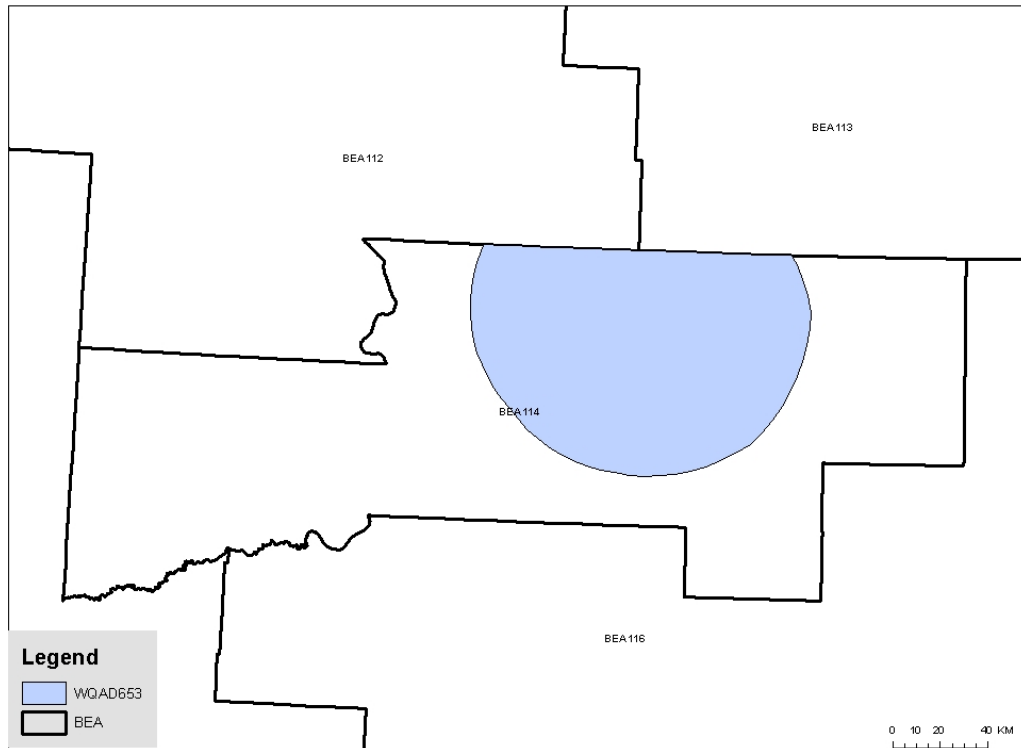
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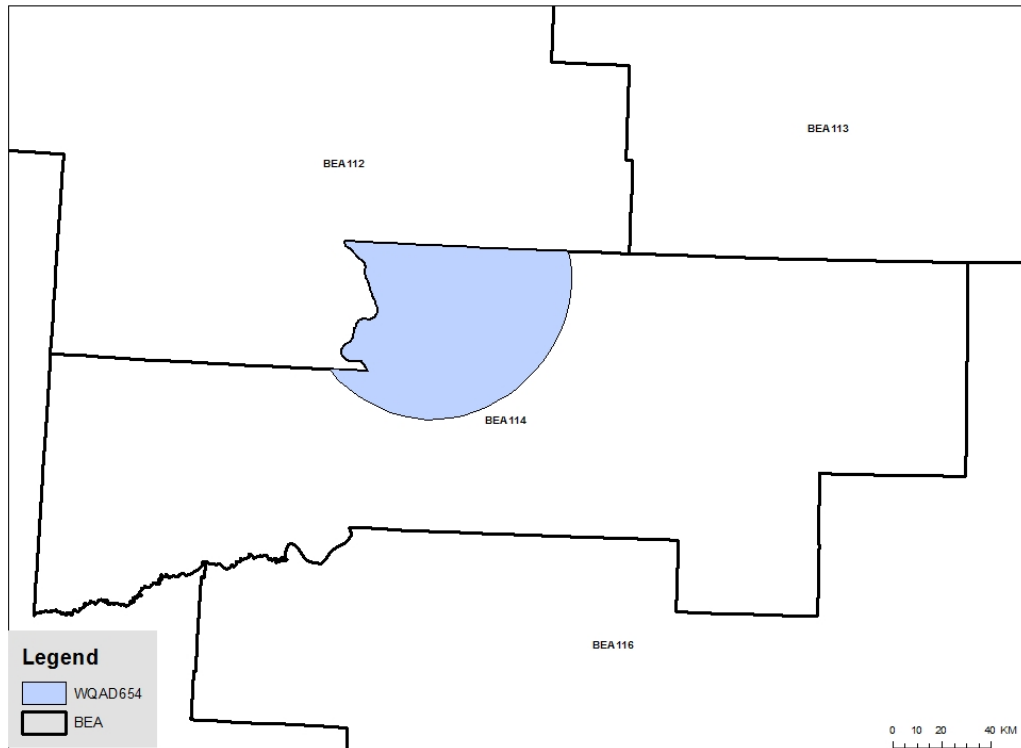
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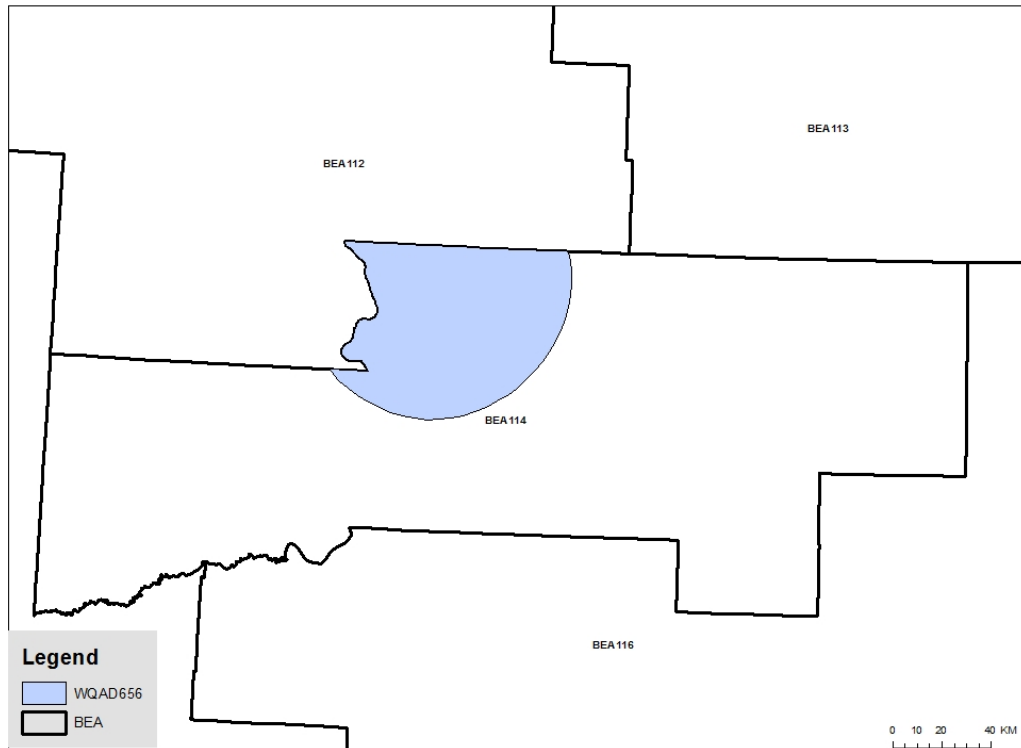
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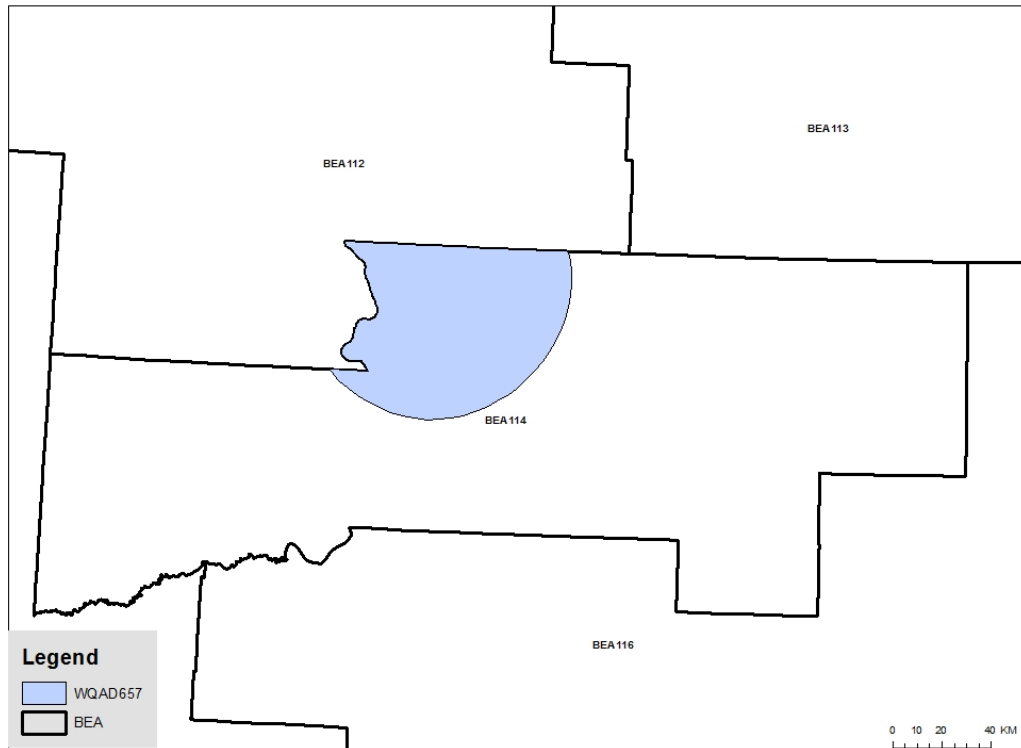
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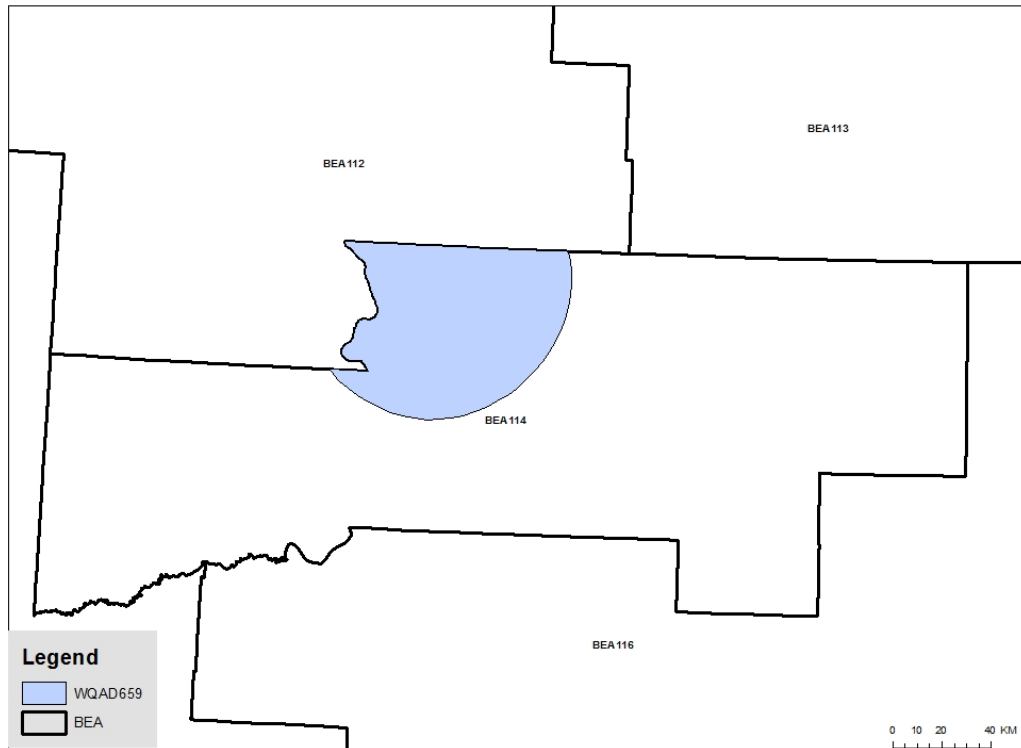
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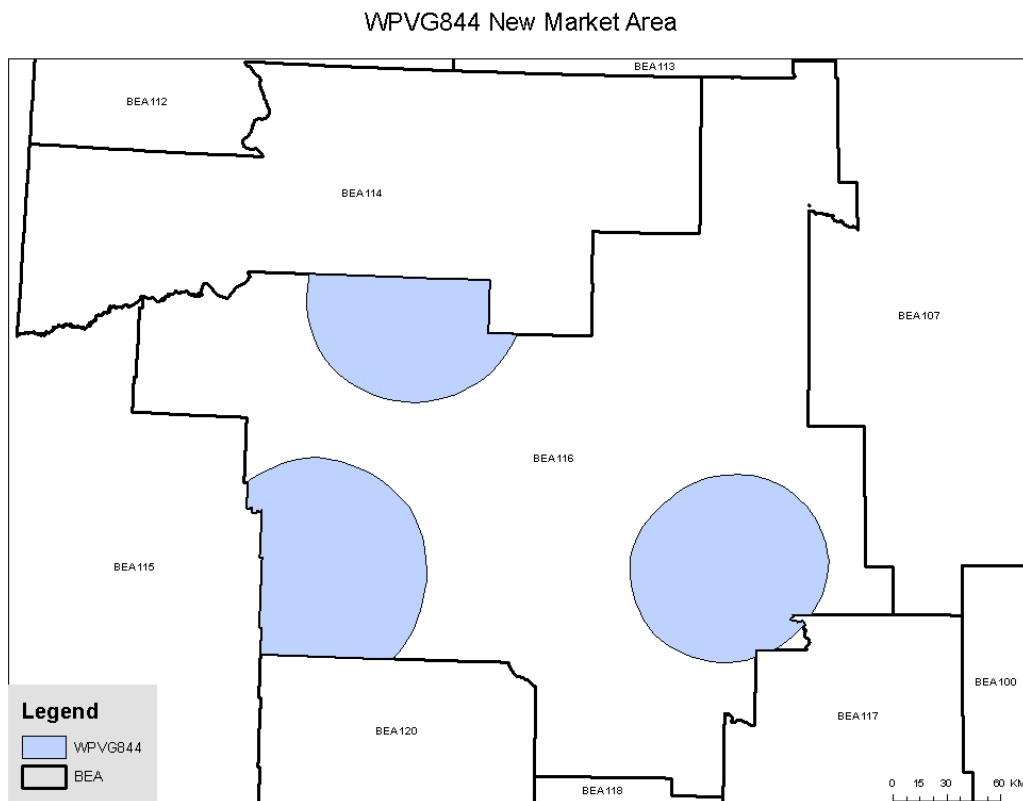


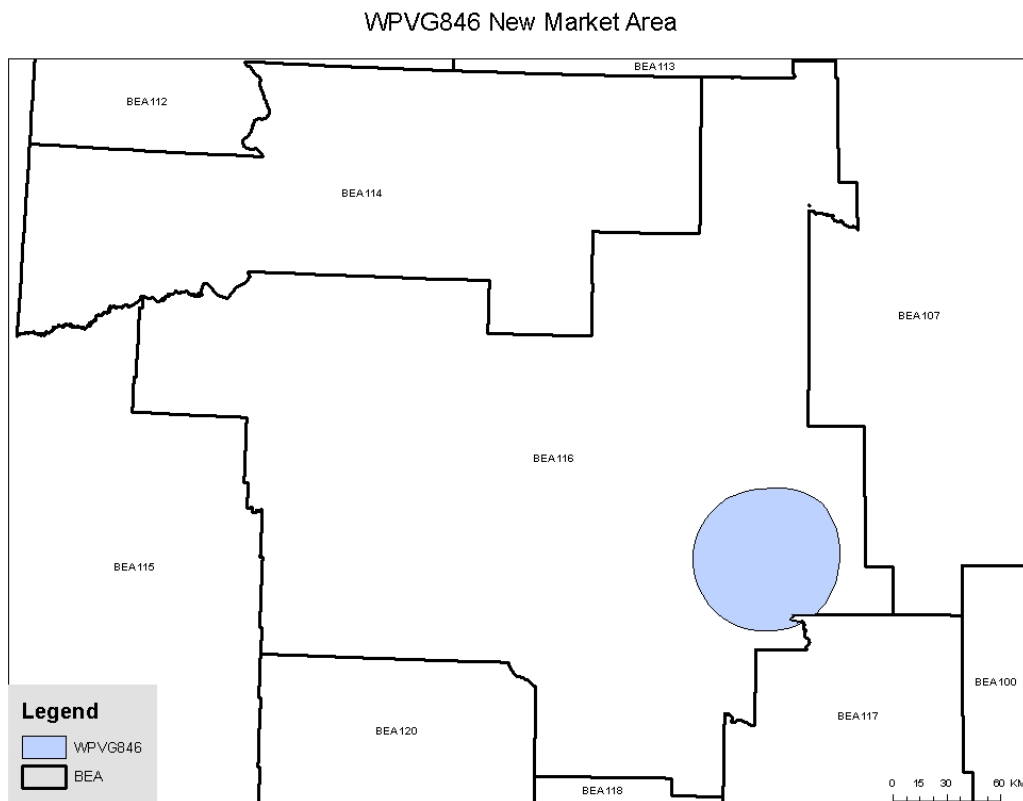
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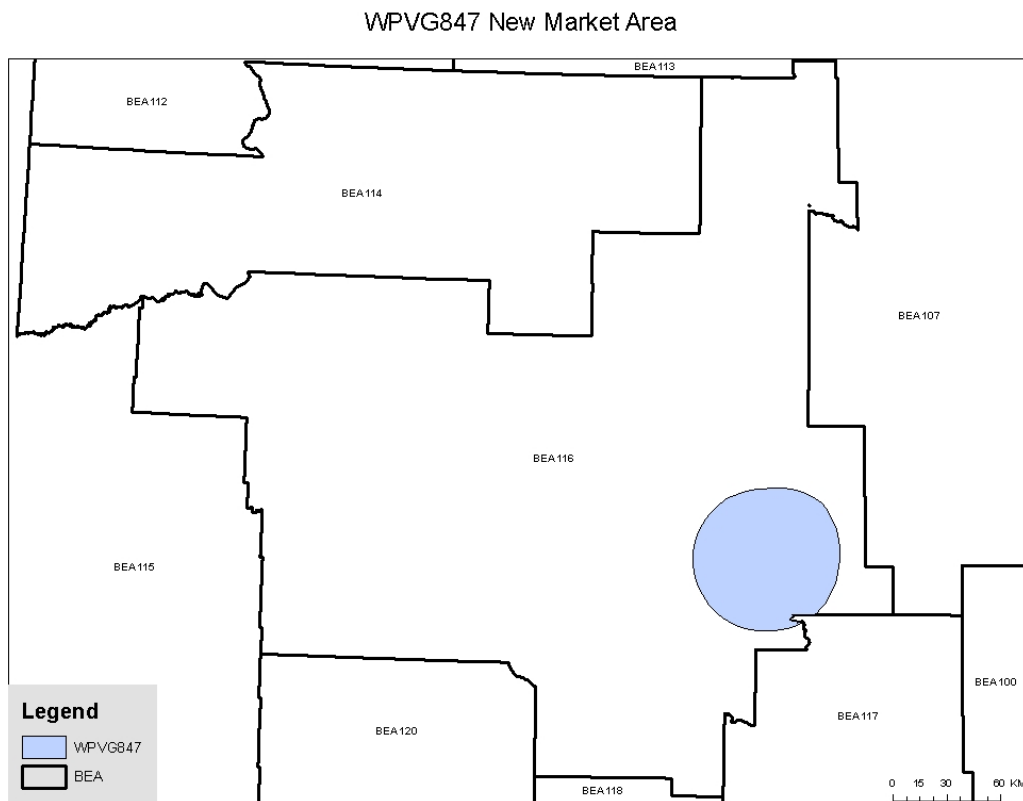


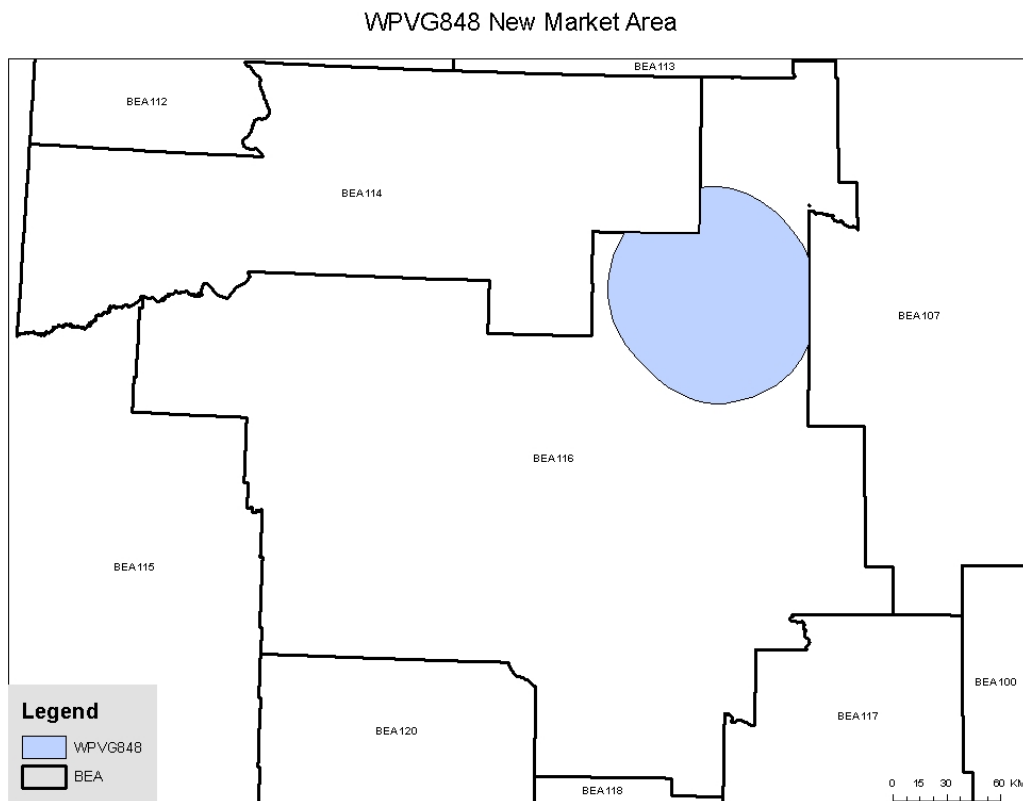
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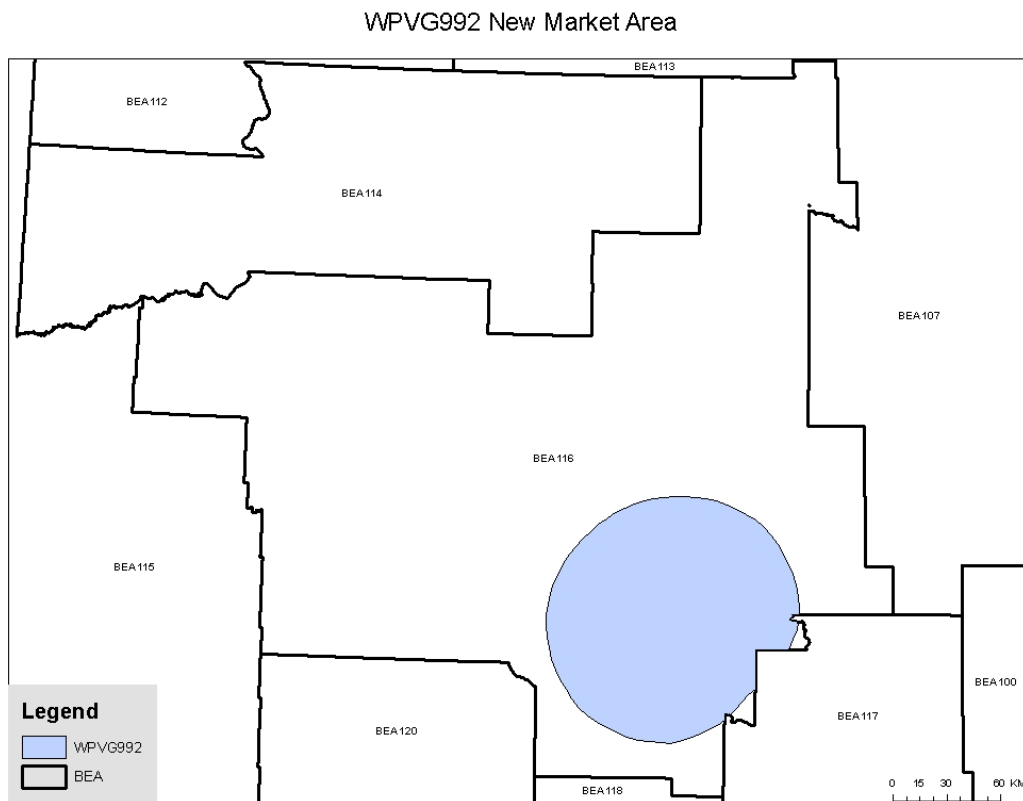


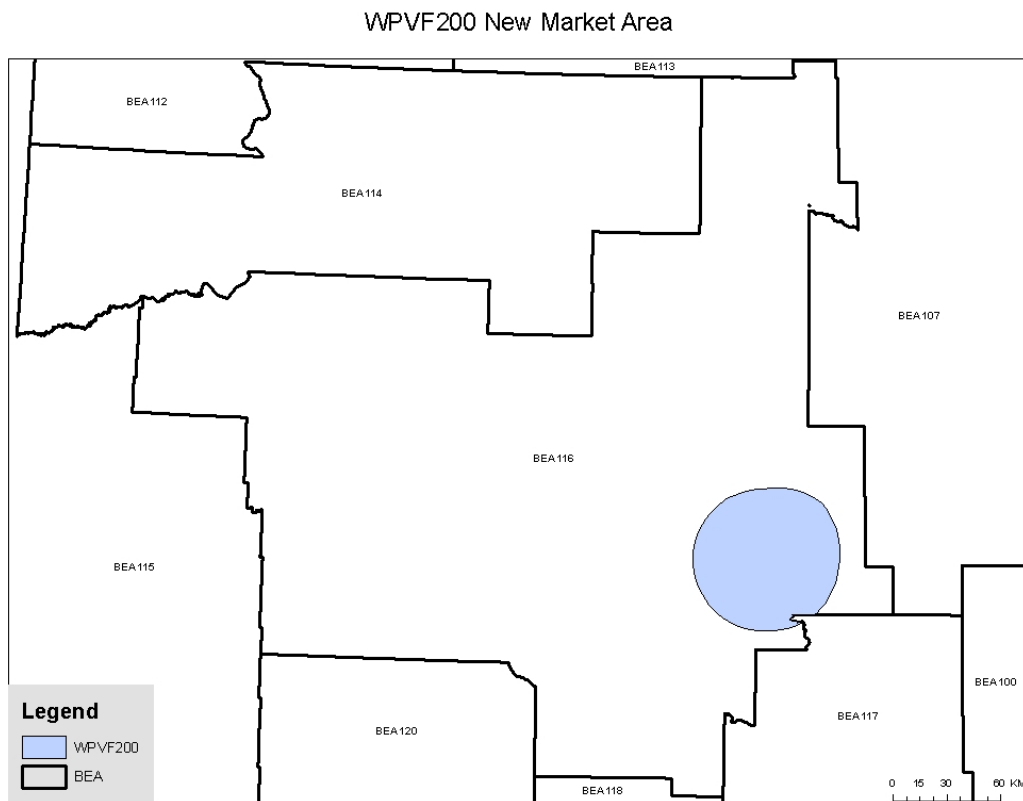


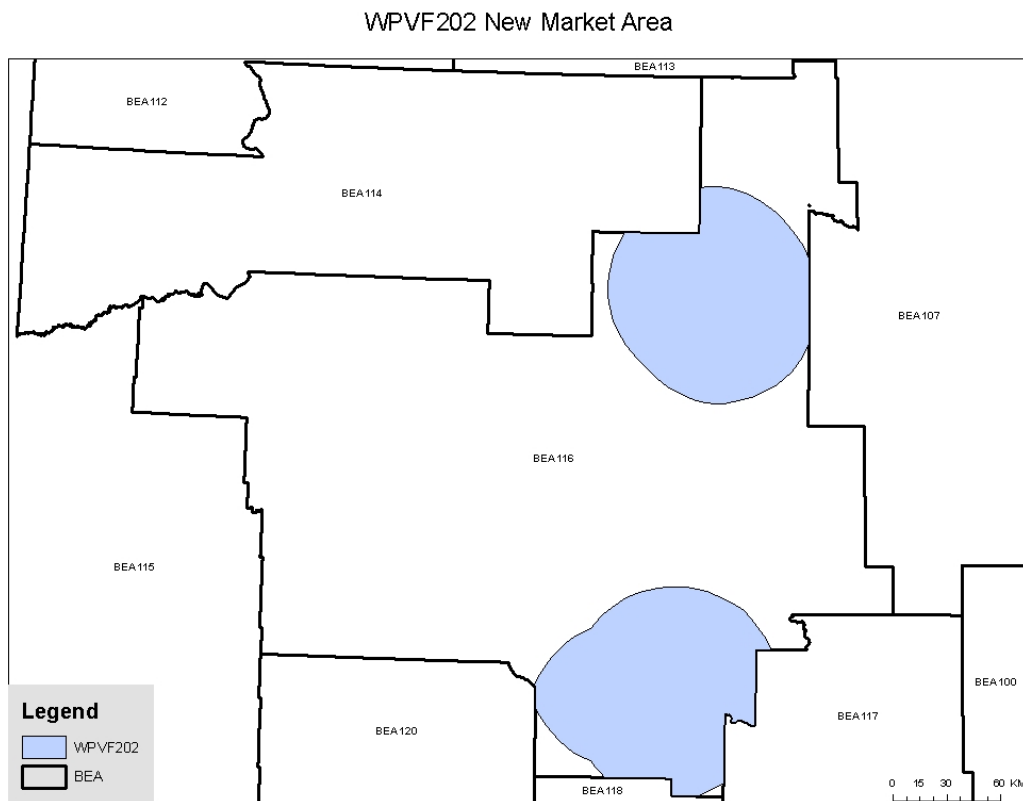


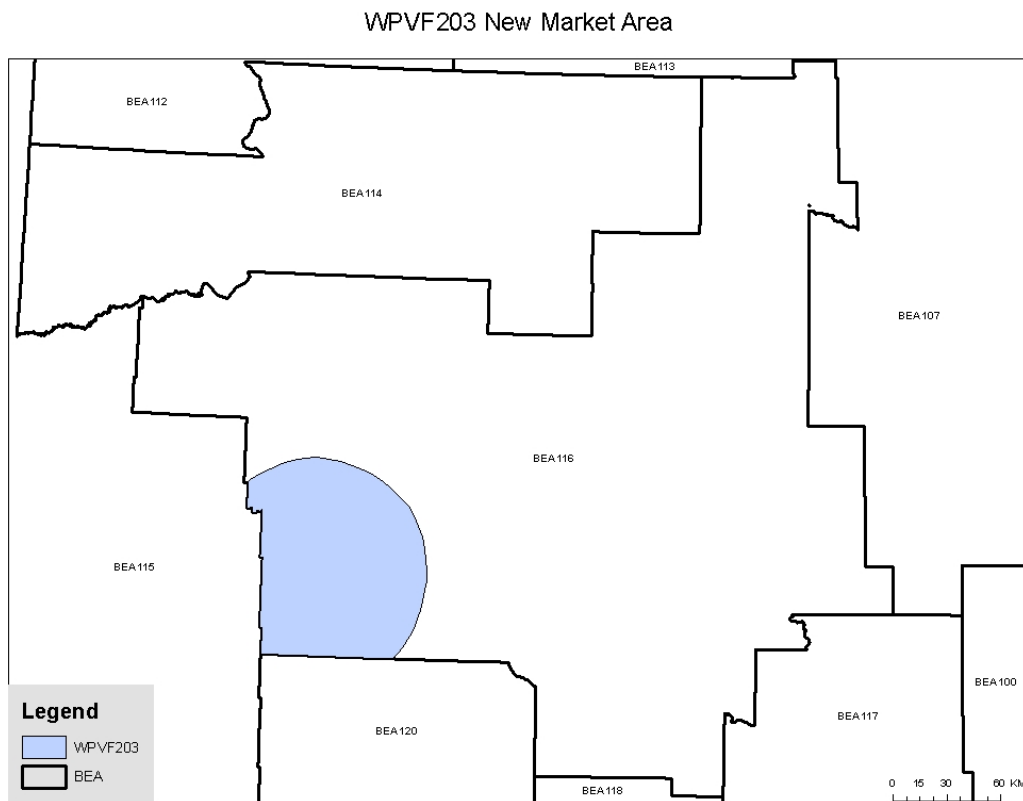




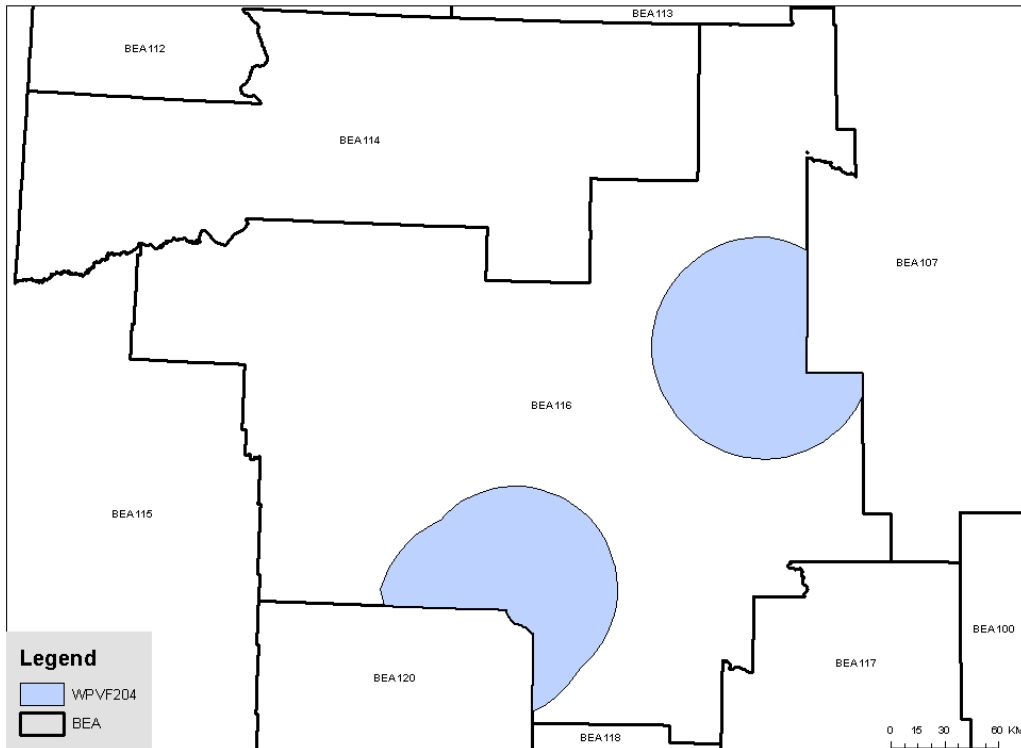


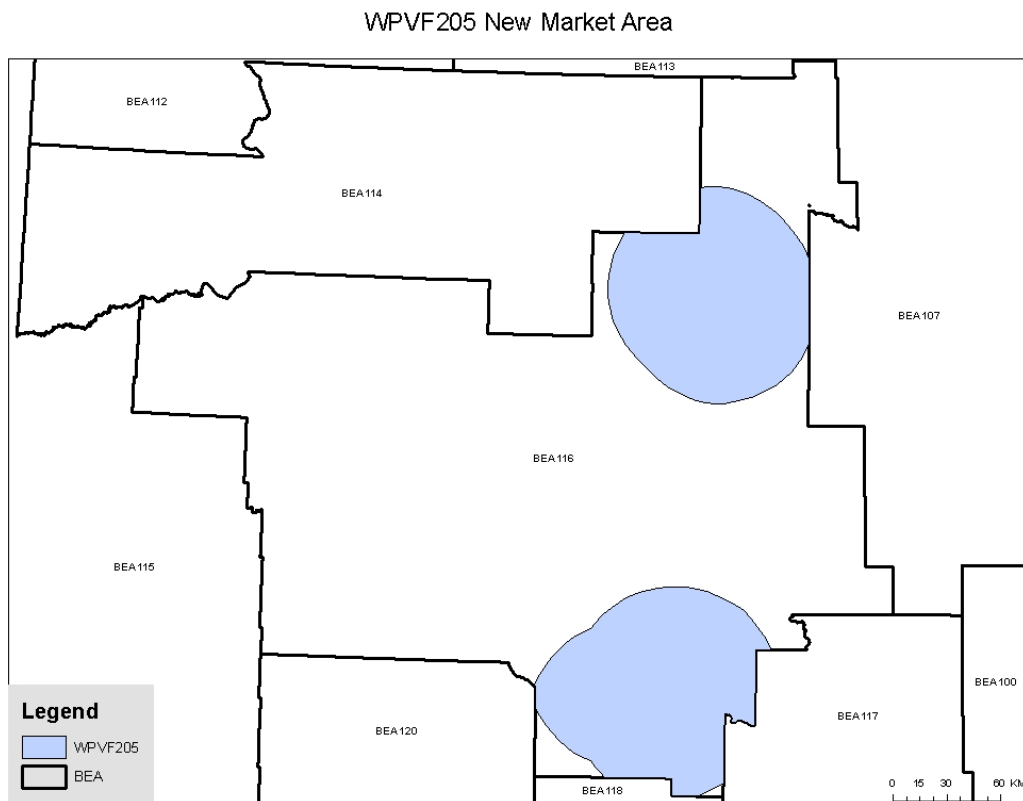






WPVF204 New Market Area





WPVF207 New Market Area

