



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
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DA 20-118

Released: February 3, 2020

WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON LOWER COLORADO RIVER AUTHORITY REQUEST FOR EXTENSION OF CONSTRUCTION DEADLINE

WT Docket No. 17-200

Comment Date: March 4, 2020

Reply Comment Date: March 19, 2020

By this Public Notice, the Wireless Telecommunications Bureau (Bureau) seeks comment on a request filed by Lower Colorado River Authority (LCRA) for an extension of time on the construction deadline for its 900 MHz frequencies.¹ LCRA requests a waiver of section 90.629 of the Commission's rules² to extend the construction deadline on its licenses until December 31, 2024, in order to replace its current system, which relies on equipment that has been discontinued.³

LCRA supplies wholesale electricity to 34 retail utilities, which serve more than one million customers, and provides water to more than one million customers in the lower Colorado River basin region.⁴ In 2011, LCRA requested an extension to complete construction of its 900 MHz slow growth system after the site infrastructure and terminal radio equipment that supported its original system was discontinued.⁵ In 2015, LCRA requested a further extension until December 31, 2019, explaining that unforeseen issues involving incompatible equipment and interference had delayed its migration of the remaining users of its original system.⁶ The Commission granted both requests to allow LCRA to transition to the new technology and to operate both systems during the migration period.⁷

In December 2019, LCRA filed a request for an extension of its construction deadline until December 31, 2024.⁸ LCRA argues that an extension of time to construct is required because the equipment to which it had been transitioning its new system is being discontinued and its system is at risk

¹ Lower Colorado River Authority 2019 Extended Implementation Annual Certification and Request for Extension of Construction Deadline, FRN 0005802079 (filed December 23, 2019) (2019 Waiver Request). Specifically, LCRA requests extensions on the construction deadlines for the following Call Signs: WPXU562, WPMI700, WPYF305, WPMZ642, WPWC615, WPQA513, WPLZ929, WPQE347, WPNS694, WPLZ933, WPLZ918, WPLZ920, WPYM794, WPRJ768, WPJX852, WPYH768.

² 47 CFR § 90.629.

³ 2019 Waiver Request at 3.

⁴ *Id.* at 1.

⁵ *Id.* at 2.

⁶ *Id.* at 2.

⁷ *Id.* at 2.

⁸ *See Id.*

of interrupted operations unless it is granted additional time to transition its operations to a replacement system.⁹ LCRA explains that it must migrate its existing operations to a new system before it can continue to complete construction of the remaining frequencies.¹⁰ Generally, LCRA argues that a waiver and extension of its construction requirements would allow it to replace its 900 MHz system with manufacturer-supported equipment and to transition to the new system without disruption to its utility operations and public safety users.¹¹ LCRA also argues that grant of its extension request would maintain the current landscape of authorized operations in the 900 MHz band.¹²

We seek comment on this request.

Procedural Matters

The Lower Colorado River Authority Request, comments, and reply comments can be accessed electronically via the Commission's Electronic Comment Filing System, <https://www.fcc.gov/ecfs>. Search for filings using the docket number shown on the first page of this Public Notice. The full text of the Petition, 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 12th Street, S.W., Room CY-A257, Washington, DC 20554.

Comment Filing Procedures

Interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.¹³

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing ECFS: <https://www.fcc.gov/ecfs/>. 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 number shown on the first page of this Public Notice.
- **Paper Filers:** Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings in response to this Public Notice may be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight 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 12th Street, 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.

⁹ *Id.* at 3.

¹⁰ *Id.* at 4.

¹¹ *Id.* at 6.

¹² *Id.* at 6. "LCRA does not seek any new 900 MHz channels or any change in frequencies, locations or other technical parameters."

¹³ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- 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 12th Street, SW, Washington DC 20554.

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), 888-835-5322 (tty).

Ex Parte Rules—Permit-But-Disclose: Pursuant to section 1.1200(a) of the Commission’s rules,¹⁴ this Petition shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules. 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 section 1.1206(b) of the Commission’s rules.¹⁵ In proceedings governed by section 1.49(f) of the Commission’s rules¹⁶ 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.

For further information, contact Jaclyn Rosen, Mobility Division, Wireless Telecommunications Bureau, at (202) 418-0154 or jaclyn.rosen@fcc.gov.

By the Chief, Mobility Division, Wireless Telecommunications Bureau.

¹⁴ 47 CFR § 1.1200(a).

¹⁵ *Id.* § 1.1206(b).

¹⁶ *Id.* § 1.49(f).