



PUBLIC NOTICE

Federal Communications Commission
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WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON LV STADIUM EVENTS COMPANY, LLC REQUEST FOR WAIVER OF 800 MHZ GUARD BAND LICENSING FREEZE

FCC File No. 0008872979

Comment Date: February 26, 2020

Reply Comment Date: March 10, 2020

By this *Public Notice*, we seek comment on a request by LV Stadium Events Company, LLC (LV Stadium Events) for waiver¹ of the freeze on the licensing of new stations on 800 MHz Guard Band (816-817/861-862 MHz) (GB) spectrum.² LV Stadium Events seeks to operate three GB channels and asserts it has investigated all spectrum and technology options before requesting this waiver relief and found no other solution for addressing its security and public safety responsibilities.³

LV Stadium Events states that it has been engaged by the Las Vegas Stadium Authority to provide security, maintenance, and other services at the new domed stadium being constructed for the Las Vegas Raiders of the National Football League. LV Stadium Events states that it needs to deploy a five-channel 800 MHz system, that it has already secured two 800 MHz channels, and now needs three additional channels to meet the facility's requirements.⁴ However, LV Stadium Events asserts that although Las Vegas is almost three hundred miles from the Mexican border, it is included in the "buffer zone" beyond the defined Mexican Border Region (MBR) where rebanding is not yet finished and, therefore, remains subject to the freeze on Expansion Band (EB)/GB channels.⁵ LV Stadium Events concludes that while

¹ FCC File No. 0008872979, Request for Waiver (filed Nov. 8, 2019) (Request).

² See *Improving Public Safety Communications in the 800 MHz Band*, Order, 23 FCC Rcd 15966, 15972-73, para. 17 (2008). See also *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, 31 FCC Rcd 12891, 12896-97 (PSHSB/WTB 2016) (citing *Amendment of Part 90 of the Commission's Rules to Improve Access to Private Land Mobile Radio Spectrum; Land Mobile Communications Council Petition for Rulemaking Regarding Interim Eligibility for 800 MHz Expansion and Guard Band Frequencies; Petition for Rulemaking Regarding Conditional Licensing Authority Above 470 MHz*, Notice of Proposed Rulemaking, 31 FCC Rcd 9431 (2016)). See also *Public Safety and Homeland Security Bureau Extends 800 MHz Application Freeze along Border with Mexico*, *Public Notice*, 32 FCC Rcd 1817, 1817 (PSHSB 2017).

³ LV Stadium Events seeks to add three channels to its license Call Sign WRDM729 operating on frequencies 861.1625 MHz, 861.5125 MHz and 861.9125 MHz.

⁴ Request at 2.

⁵ Although the process has taken longer than originally contemplated, rebanding has substantially alleviated the interference risk to public safety, and the process is now nearing completion. *Improving Public Safety*

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most of the rest of the country now has access to EB/GB channels (and Sprint-vacated channels), Las Vegas does not.⁶

We seek comment on the waiver request, especially from any parties whose operations could be impacted by grant of the 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 the docket number appearing on the first page of this *Public Notice*. 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.⁷

- **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 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 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.

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 9050 Junction Drive, Annapolis Junction, MD 20701.

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Communications in the 800 MHz Band, Order and Sixth Further Notice of Proposed Rulemaking, 34 FCC Rcd 10208, 10209, para. 5 (2019). Only a few licensees, all in the Mexican border region, have yet to complete physical reconfiguration. 800 MHz Transition Administrator, LLC, Quarterly Progress Report for The Quarter Ended June 30, 2019, WT Docket No. 02-55, at 19, Appendix 1 and Appendix 3 (filed Sept. 13, 2019). The 800 MHz Transition Administrator is an independent entity established to administer the rebanding program under Commission oversight. See *800 MHz Report and Order*, 19 FCC Rcd at 14969, 14986.

⁶ See *Public Safety and Homeland Security Bureau and Wireless Telecommunications Bureau Announce the Availability of Additional Sprint Vacated Channels and the Availability of Expansion Band and Guard Band Channels in Certain NPSPAC Regions*, Public Notice, DA 19-330 (rel. Apr. 25, 2019). Also, as part of the rebanding of the 800 MHz band to resolve interference between commercial and public safety systems, the Commission created the Expansion Band (815-816/860-861 MHz) and the Guard Band (816-817/861-862 MHz) in order to provide spectral separation between commercial licensees operating ESMR systems above 817/862 MHz and public safety licensees operating below 815/860 MHz. See *800 MHz Report and Order*, 19 FCC Rcd 14969, 15053-55, paras. 154-58 (2004).

⁷ See *Electronic Filing of Documents in Rulemaking Proceedings*, Report and Order, 13 FCC Rcd 11322 (1998).

- Send U.S. Postal Service first-class, Express, and Priority mail to 445 12th St., 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 appearing on the first page of this *Public Notice*. 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. Reference Information Center business hours are available at <https://www.fcc.gov/general/fcc-reference-information-center>.

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.⁸ 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.

For further information, contact Wilbert Nixon of the Wireless Telecommunications Bureau, Mobility Division, at (202) 418-0985, wilbert.nixon@fcc.gov.

Action by the Chief, Mobility Division, Wireless Telecommunications Bureau.

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⁸ See 47 CFR §§ 1.1200(a), 1.1206.