

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

In the Matter of)	
)	
County of Los Angeles, Annual Report and Request for Extension of Los Angeles, California (2018); Annual Report and Request for Extension of Los Angeles, California (2020))	File Nos. 0008483760 et al.
)	
County of Los Angeles, Request for Waiver of section 90.155(g) of the Commission’s Rules)	File No. 0008485258
)	
County of Los Angeles, Request for Extended Implementation)	File Nos. 0008306279 et al.
)	

Order

Adopted: August 9, 2021

Released: August 9, 2021

By the Chief, Policy and Licensing Division, Public Safety and Homeland Security Bureau:

I. INTRODUCTION

1. This Order addresses the above-captioned requests filed on behalf of the County of Los Angeles, California (County), seeking waiver of section 90.629 of the Commission’s rules¹ to extend the construction completion date for multiple licenses in the 470-512 MHz band (T-Band) that are to be integrated into the Los Angeles Regional Interoperable Communications System (LA-RICS).² The pending requests include:

- A request for extension of time to construct 78 licenses from December 31, 2018 to December 31, 2020,³ amended by a request for a further extension until December 31, 2022;⁴
- A request for waiver of section 90.155(g) of the Commission’s rules⁵ to allow acceptance of a late-filed construction extension request for call sign WQXE728;⁶ and

¹ 47 CFR § 90.629.

² See File Nos. 0008483760 *et al.* (filed Dec. 31, 2018 – Jan. 2, 2019, amended Feb. 16-25, 2021), attached Annual Report and Request for Extension of Los Angeles, California (dated Dec. 31, 2018) (2018 Extension Request); attached Annual Report and Request for Extension of Los Angeles, California (dated Dec. 29, 2020) (2020 Extension Request). For a list of call signs and file numbers associated with the extension requests, *see infra* Appendix A.

³ 2018 Extension Request at 7.

⁴ 2020 Extension Request at 9.

⁵ 47 CFR § 90.155(g).

⁶ File No. 0008485258 (filed Jan. 2, 2019, amended Jan. 28, 2019, Feb. 25, 2021), attached Exhibit B, Waiver (WQXE728 Waiver). See 47 CFR § 90.155(g).

- Ten applications to modify various technical parameters for ten licenses (a subset of the 78 licenses referenced above), and a request for an extended implementation deadline of September 20, 2022 to complete the proposed modifications.⁷

2. For the reasons discussed below, we grant the County's extension requests associated with the applications listed in Appendix A. We also grant the request for waiver to accept the untimely-filed extension request for call sign WQXE728. Finally, we grant the request for modification and extended implementation with respect to the licenses listed in Appendix B, but on our own motion, we extend the implementation deadline until December 31, 2022 in order to establish a uniform expiration date for all the licenses at issue.

II. BACKGROUND

3. The LA County T-Band system consists of three subsystems: (1) the LA County Sheriff's Department System consisting of 55 contiguous wideband (25 kilohertz) channels in the TV Channel 16 band (482-488 MHz) for the voice system and ten non-contiguous channels in the TV Channel 14 band (470-476 MHz) for the data system⁸ (2) an interoperable voice radio system in the TV Channel 15 band (476-482 MHz) to be used by all public safety agencies in the County;⁹ and (3) a narrowband system in the TV Channel 14/15 bands.¹⁰

4. On September 29, 2016, the Public Safety and Homeland Security Bureau (Bureau) granted the County a construction extension for its T-Band system from December 31, 2016 to December 31, 2018.¹¹ The Bureau stated that strict enforcement of the December 31, 2016 deadline "would be inequitable and contrary to the public interest, as cancellation of the County's licenses would strand investment of tax and federal grant dollars and would squander facilities already under construction."¹²

5. As of December 31, 2018, the County reported that it had constructed 20 of the 59 sites of its T-Band system.¹³ As of April 20, 2020, the County stated that "the spectrum is being heavily used by L.A. County, with more than 22,000 mobile units presently in operation at forty-nine (49) transmitter sites, . . ."¹⁴ The County stated that "construction had been continuing on twenty-nine (29) new transmitter sites with two of the newly constructed sites now in operation (operations continue at five

⁷ See File Nos. 0008306279 *et al.* (filed Aug. 3, 2018 – Jan. 27, 2020), attached Request for Extended Implementation. For a complete list of call signs and file numbers associated with the slow growth request, *see infra* Appendix B. These licenses are a subset of the licenses listed in Appendix A. The technical modifications include shifts in transmitter site coordinates, changes to height and power, and addition of 9.8 kilohertz bandwidth emission designators.

⁸ 2018 Extension Request at 2-3.

⁹ 2018 Extension Request at 3-5. Because 47 CFR § 90.303 does not allocate Channel 15 for the Private Land Mobile Radio Service in the Los Angeles area, the County obtained its Channel 15 licenses by waiver pursuant to section 337 of the Communications Act of 1934, as amended (47 USC § 337(c)). *See County of Los Angeles, California*, Order, 23 FCC Rcd 18389 (PSHSB 2008).

¹⁰ 2018 Extension Request at 5.

¹¹ Letter from David G. Simpson, Rear Admiral, USN (Ret.), Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission to Alan S. Tilles, Esq., Shulman Rogers Gandal Pordy & Ecker, P.A., 31 FCC Rcd 10858 (PSHSB 2016) (2016 FCC Letter).

¹² 2016 FCC Letter, 23 FCC Rcd at 18391.

¹³ 2018 Extension Request at 6.

¹⁴ On April 22, 2020, the County filed an additional progress report on construction progress to date, attached to the 78 call signs listed in Appendix A. *See* call signs WPLU218 *et al.*, attached Annual Report and Request for Extension of Los Angeles, California, at 4 (dated Apr. 20, 2020, filed Apr. 22, 2020) (April 2020 Report).

existing sites).¹⁵ As of December 29, 2020, the County states that “construction for the upgraded system has been completed at thirty-two (32) transmitter sites. Construction continues at fifteen (15) sites, with the final eleven (11) sites scheduled to complete by fall of 2021.”¹⁶

6. The County states that “despite the considerable progress made to date,” it has experienced delays due to circumstances beyond its control and requires additional time to complete construction of the County-wide system.¹⁷ The County attributes delays to four factors.

7. First, the County cites uncertainty that existed prior to this year concerning the impact on T-Band of section 6103 of the Middle Class Tax Relief and Job Creation Act of 2012 (Spectrum Act). This statutory provision, which has since been repealed but was in effect when the County filed its extension request, required the Commission, not later than February 2021, to: (1) reallocate public safety spectrum in the T-Band; (2) begin a system of competitive bidding to grant new initial licenses for such spectrum, and (3) relocate public safety users not later than two years after said competitive bidding is completed.¹⁸

8. Second, the County contends that interference to its operations on Channel 15 from a Mexican television station on the same channel has further delayed system implementation.¹⁹ The County states that it “has been forced to delay its Channel 15 implementation, and research methodologies to eliminate the interference.”²⁰ The County asserts that in addition to causing implementation delays, the interference may require a system redesign and potential reapportionment of already deployed equipment, at a significant cost, to cure the interference.²¹ The County states that it is proceeding with site acquisition and construction activities while it continues “efforts to negotiate interference mitigation and redesign the system (where possible) with regard to Tijuana interference.”²²

9. Third, the County cites significant delays due to interference from nearby broadcast television stations on Channels 15 and 16.²³ Specifically, the County indicates that it has experienced interference from three broadcast stations: (1) Station KHSC-LD, TV Channel 16, Fresno, California; (2) Station KDTF-LD, TV Channel 16, San Diego, California; and (3) Station KTLN-CD, TV Channel 15, Bakersfield, California.²⁴ The County claims that it has been forced to redesign its system in an effort to minimize this interference.²⁵ The County indicates that efforts to resolve the interference with the TV stations has diverted resources away from construction, causing delays in deployment.²⁶

¹⁵ April 2020 Report at 4.

¹⁶ 2020 Extension Request at 7.

¹⁷ 2020 Extension Request at 9.

¹⁸ 2018 Extension Request at 7-8; 2020 Extension Request at 9. *See* Middle Class Tax Relief and Job Creation Act of 2012 (Spectrum Act), Pub. L. No. 112-96, 126 Stat. 156. On December 27, 2020, section 902 of the Consolidated Appropriations Act, 2021 repealed Section 6103 of the Spectrum Act. *See* Consolidated Appropriations Act, 2021, Pub. L. No. 116-260, Division FF, Title IX, section 902 (2020).

¹⁹ 2018 Extension Request at 8; 2020 Extension Request at 10.

²⁰ 2018 Extension Request at 9; 2020 Extension Request at 10.

²¹ 2018 Extension Request at 9; 2020 Extension Request at 10.

²² April 2020 Report at 5.

²³ April 2020 Report at 4.

²⁴ 2020 Extension Request at 10-11.

²⁵ April 2020 Report at 5.

²⁶ 2020 Extension Request at 11.

10. Finally, the County cites the COVID-19 pandemic as an additional impediment to system completion.²⁷ The County indicates that due to the pandemic, its system build has been slowed by: (1) shortage of staff needed to complete narrowbanding of the Sheriff's Department radio system on Channels 14 and 16, and to accompany Motorola personnel to sites where required; (2) budgetary freezes and cutbacks due to reduced County revenues eliminating overtime work; and (3) delays in delivery of equipment.²⁸

11. The County requests a final build out date of December 31, 2022 for all 78 of its licenses, citing the complexities in deploying a large communication system, including design, install, and testing.²⁹ The County submits that it "has demonstrated all of the 'good faith' factors cited by the Commission in prior extension cases."³⁰ The County notes that the extension period it seeks is a reasonable amount of time to complete the project given the totality of the circumstances.³¹ The County also asserts that the fact that one of the systems has been operational since the 1980s, and that the second is partially constructed, demonstrates that it is not warehousing spectrum³²

III. DISCUSSION

12. To obtain a waiver of the Commission's rules, a petitioner must demonstrate either that: (i) the underlying purpose of the rule(s) would not be served or would be frustrated by application to the present case, and that a grant of the requested waiver would be in the public interest;³³ or (ii) in view of unique or unusual factual circumstances of the instant case, application of the rule(s) would be inequitable, unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative.³⁴ An applicant seeking a waiver faces a high hurdle and must plead with particularity the facts and circumstances that warrant a waiver.³⁵

13. *System-Wide Extension Request.* The County has demonstrated reasonable diligence in constructing its system considering the factors it has cited as impeding timely construction. The unusual factual circumstances the County has encountered satisfy the second prong of the Commission's waiver standard, and we agree with the County that "this system represents an enormously complex and substantial undertaking" that warrants more time for completion.³⁶ The County has faced significant delays resulting from factors outside its control, including the COVID-19 pandemic and the uncertainty created by the T-Band relocation legislation prior to its repeal. In light of these factors, we find that strict enforcement of the prior construction deadlines would be both inequitable and contrary to the public interest in that it would result in a waste of tax and federal grant dollars, strand investment in facilities already under construction, and, most importantly, deprive the citizens and first responders in the greater

²⁷ 2020 Extension Request at 8.

²⁸ 2020 Extension Request at 8.

²⁹ 2020 Extension Request at 9.

³⁰ 2018 Extension Request at 11; 2020 Extension Request at 12 *citing Texas Utilities Services, Inc.*, Order, 18 FCC Rcd 11051 (WTB 2003).

³¹ 2018 Extension Request at 11, 2020 Extension Request at 13.

³² *Id.* The operational system is the Los Angeles County Sheriff's Department System. *Id.* at 2-3.

³³ 47 CFR § 1.925(b)(3)(i).

³⁴ 47 CFR § 1.925(b)(3)(ii).

³⁵ *WAIT Radio v. FCC*, 413 F.2d 1153, 1157 (D.C. Cir. 1969) (*WAIT Radio*), *aff'd*, 459 F.2d 1203 (1973), *cert. denied*, 409 U.S. 1027 (1972) (*citing Rio Grande Family Radio Fellowship, Inc. v. FCC*, 406 F.2d 664 (D.C. Cir.1968)); *Birach Broad. Corp.*, Memorandum Opinion and Order, 18 FCC Rcd 1414, 1415 (2003).

³⁶ 2018 Extension Request at 10, 2020 Extension Request at 12.

Los Angeles area of a critically needed, interoperable public safety communications system. Accordingly, we grant the County's extension requests and extend the construction deadline to December 31, 2022 for the 78 licenses and applications listed in Appendix A.

14. *Request to Accept Late-Filed Application.* The County's request for extension of time to construct license WQXE728 was late-filed one business day after the construction deadline had expired.³⁷ Although the extension requests for all of the County's other licenses were timely filed, the County states that the licensing assistant who filed the extension requests was recovering from major surgery and overlooked the extension request for this license.³⁸ Once the County recognized its error, it immediately filed the extension request for call sign WQXE728 and requests that we accept the late filing.³⁹

15. We grant the County's request and accept the late-filed extension request for license WQXE728. The County filed timely extension requests for all but one of its 78 licenses, and its late filing by one business day of the one remaining request is a *de minimis* error that did not adversely affect the public interest.

16. *License Modification and Extended Implementation Request.* Finally, we grant the County extended implementation to complete modification of the facilities specified in ten applications for modification of licenses listed in Appendix B. The County has demonstrated that these modifications are necessary to mitigate interference the County is receiving from the Channel 15 television station in Tijuana, Mexico. Although every reasonable effort has been made to mitigate the interference from this station through other means, including contacts with Mexican authorities, the interference persists and can only be mitigated by adjustments to locations, antenna height, and transmitter power of certain stations in the County's system. Because the ten licenses being modified are part of the 78 licenses subject to the extension request, on our own motion, we extend the deadline for completion of the associated facilities from the requested date of September 30, 2022 to December 31, 2022 to harmonize the build-out date for all facilities covered by this Order.

IV. ORDERING CLAUSES

17. Accordingly, IT IS ORDERED pursuant to sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), and sections 1.925, 1.946(e), and 90.629 of the Commission's rules, 47 CFR §§ 1.925, 1.946(e), 90.629, that the requests for waiver filed by the County of Los Angeles, California on December 31, 2018, and December 29, 2020 in connection with applications File Nos. 0008483760, *et al.*, listed in Appendix A and the Request for Extended Implementation filed by the County of Los Angeles, California on August 3, 2018 in connection with applications File Nos. 0008306279 *et al.* listed in Appendix B, ARE GRANTED, and the applications SHALL BE PROCESSED consistent with this Order and the Commission's rules.

18. IT IS FURTHER ORDERED pursuant to sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), and sections 1.925, 1.946(e), and 90.629 of the Commission's rules, 47 CFR §§ 1.925, 1.946(e), 90.629, that the construction deadline for the facilities represented by the call signs listed in Appendices A and B is, hereby, extended to **December 31, 2022**.

19. IT IS FURTHER ORDERED pursuant to sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), and sections 1.925 and 90.155(g) of the

³⁷ 47 CFR § 90.155(g) requires that "[e]xtensions of time must be filed prior to the expiration of the construction period." The County requests that we waive this requirement to enable acceptance of the late-filed extension. WQXE728 Waiver at 1.

³⁸ WQXE728 Waiver at 1.

³⁹ WQXE728 Waiver at 1. The County submitted File No. 0008485258 with the 2018 Extension Request on January 2, 2019.

Commission's rules, 47 CFR §§ 1.925, 90.155(g), that the request for waiver filed by the County of Los Angeles, California on January 2, 2019, as amended, in connection with application File No. 0008485258, call sign WQXE728, IS GRANTED.

20. This action is taken under delegated authority pursuant to sections 0.191 and 0.392 of the Commission's rules, 47 CFR §§ 0.191, 0.392.

FEDERAL COMMUNICATIONS COMMISSION

John A. Evanoff
Chief, Policy and Licensing Division
Public Safety and Homeland Security Bureau

APPENDIX A

Extension Request Applications

	Call Sign	File Number	Amendment Date	Extension Date Granted
1	WPLU218	0008483760	2/25/2021	12/31/2022
2	WPLU220	0008483762	2/16/2021	12/31/2022
3	WPLU221	0008483764	2/16/2021	12/31/2022
4	WPLU224	0008483785	2/16/2021	12/31/2022
5	WPLU230	0008483789	2/17/2021	12/31/2022
6	WPLU231	0008483791	2/18/2021	12/31/2022
7	WPLU232	0008483801	2/18/2021	12/31/2022
8	WPLU234	0008483803	2/18/2021	12/31/2022
9	WPMK204	0008483807	2/18/2021	12/31/2022
10	WPMK277	0008483809	2/18/2021	12/31/2022
11	WPMK278	0008483821	2/18/2021	12/31/2022
12	WPMK279	0008483825	2/18/2021	12/31/2022
13	WPMK280	0008483831	2/18/2021	12/31/2022
14	WPMK281	0008483836	2/18/2021	12/31/2022
15	WPMK282	0008483840	2/18/2021	12/31/2022
16	WPMM805	0008483843	2/18/2021	12/31/2022
17	WPMM807	0008483845	2/18/2021	12/31/2022
18	WPMW796	0008483857	2/18/2021	12/31/2022
19	WPNP716	0008483862	2/18/2021	12/31/2022
20	WPNP718	0008483755	2/18/2021	12/31/2022
21	WQJX500	0008483864	2/18/2021	12/31/2022
22	WQJX501	0008483865	2/18/2021	12/31/2022
23	WQJX502	0008483866	2/18/2021	12/31/2022
24	WQJX503	0008483870	2/18/2021	12/31/2022
25	WQJX504	0008483871	2/18/2021	12/31/2022
26	WQJX505	0008483874	2/18/2021	12/31/2022
27	WQJX506	0008483878	2/18/2021	12/31/2022
28	WQJX507	0008483881	2/18/2021	12/31/2022
29	WQJX508	0008483889	2/18/2021	12/31/2022
30	WQJX509	0008483891	2/18/2021	12/31/2022
31	WQJX510	0008483894	2/18/2021	12/31/2022
32	WQJX511	0008483895	2/19/2021	12/31/2022

33	WQJX512	0008483896	2/19/2021	12/31/2022
34	WQJX513	0008483897	2/19/2021	12/31/2022
35	WQJX514	0008483898	2/19/2021	12/31/2022
36	WQJX515	0008483901	2/19/2021	12/31/2022
37	WQJX516	0008483902	2/19/2021	12/31/2022
38	WQJX517	0008483759	2/19/2021	12/31/2022
39	WQJX518	0008483905	2/19/2021	12/31/2022
40	WQJX519	0008483909	2/19/2021	12/31/2022
41	WQJX520	0008483910	2/19/2021	12/31/2022
42	WQJX521	0008483930	2/19/2021	12/31/2022
43	WQJX522	0008483932	2/19/2021	12/31/2022
44	WQJX523	0008483935	2/19/2021	12/31/2022
45	WQJX524	0008483938	2/19/2021	12/31/2022
46	WQJX525	0008483940	2/19/2021	12/31/2022
47	WQJX526	0008483944	2/19/2021	12/31/2022
48	WQJX527	0008483946	2/19/2021	12/31/2022
49	WQJX528	0008483947	2/19/2021	12/31/2022
50	WQJX529	0008483948	2/19/2021	12/31/2022
51	WQJX530	0008483951	2/19/2021	12/31/2022
52	WQJX531	0008483952	2/19/2021	12/31/2022
53	WQJX532	0008483953	2/19/2021	12/31/2022
54	WQJX533	0008483954	2/22/2021	12/31/2022
55	WQJX534	0008483955	2/25/2021	12/31/2022
56	WQJX535	0008483957	2/25/2021	12/31/2022
57	WQJX536	0008483960	2/25/2021	12/31/2022
58	WQJX537	0008483962	2/25/2021	12/31/2022
59	WQJX538	0008483963	2/25/2021	12/31/2022
60	WQJX539	0008483964	2/25/2021	12/31/2022
61	WQJX540	0008483965	2/25/2021	12/31/2022
62	WQJX541	0008483966	2/25/2021	12/31/2022
63	WQJX542	0008483967	2/25/2021	12/31/2022
64	WQJX543	0008483968	2/25/2021	12/31/2022
65	WQJX544	0008483971	2/25/2021	12/31/2022
66	WQJX545	0008483972	2/25/2021	12/31/2022
67	WQJX546	0008483974	2/25/2021	12/31/2022
68	WQJX547	0008483977	2/25/2021	12/31/2022

69	WQJX548	0008483978	2/25/2021	12/31/2022
70	WQJX549	0008483979	2/25/2021	12/31/2022
71	WQJX550	0008483981	2/25/2021	12/31/2022
72	WQJX551	0008483982	2/25/2021	12/31/2022
73	WQJX552	0008483983	2/25/2021	12/31/2022
74	WQJX553	0008483985	2/25/2021	12/31/2022
75	WQJX554	0008483986	2/25/2021	12/31/2022
76	WQJX556	0008483988	2/25/2021	12/31/2022
77	WQJX557	0008483990	2/25/2021	12/31/2022
78	WQXE728	0008485258*	2/25/2021	12/31/2022

* Initially filed 1/2/2019

APPENDIX B

Modification Applications with Extended Implementation

	Call Sign	File Number	Extension Date Granted
1	WQJX501	0008924333	12/31/2022
2	WQJX527	0008928247	12/31/2022
3	WQJX502	0008928252	12/31/2022
4	WQJX504	0008928282	12/31/2022
5	WQJX526	0008928299	12/31/2022
6	WQJX528	0008928431	12/31/2022
7	WQJX511	0008929283	12/31/2022
8	WQJX508	0008955690	12/31/2022
9	WQJX513	0008927073	12/31/2022
10	WQJX516	0008306279	12/31/2022