



# PUBLIC NOTICE

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DA 21-99

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## PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SEEKS COMMENT ON ILLINOIS AMERICAN WATER COMPANY REQUEST TO SHARE 800 AND 700 MHZ PUBLIC SAFETY FREQUENCIES

PS Docket No. 21-32

Comments Due: March 3, 2021

Reply Comments Due: March 18, 2021

The Public Safety and Homeland Security Bureau (Bureau) seeks comment from interested parties on the Request for Waiver filed November 16, 2020, and amended December 18, 2020, by the Illinois American Water Company (ILAW), which provides critical infrastructure in the provision of water and wastewater services.<sup>1</sup> ILAW requests a waiver of section 90.179(a) of the Commission's rules which allows a licensee to share a Private Land Mobile Radio frequency with another licensee, but only if the licensee proposing shared use would be eligible for a separate authorization for the proposed frequency.<sup>2</sup> Specifically, ILAW, which itself is not a public safety entity eligible to use frequencies reserved for public safety entities in section 90.20 of the Commission's rules<sup>3</sup> seeks a waiver of the rules to share use of 800 MHz public safety frequencies on the STARCOM21 network.<sup>4</sup> ILAW also requests that it be deemed situationally eligible to use 700 MHz public safety frequencies on the STARCOM21 network but on a secondary and preemptible basis, limited strictly to emergency events involving preservation and safe delivery of water resources or removal of wastewater.<sup>5</sup>

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<sup>1</sup> ILAW Request for Waiver of Section 90.179 of the FCC's Rules and Determination of Eligibility to use 700 MHz Public Safety Frequency Channels (filed Nov. 16, 2020), <https://ecfsapi.fcc.gov/file/1116152980900/ILAW%20-%20Request%20for%20Waiver%20-%20Determination.pdf> (ILAW Request); ILAW Request for Waiver of Section 90.179 of the FCC's Rules and Determination of Eligibility to use 700 MHz Public Safety Frequency Channels (filed Dec. 18, 2020), <https://ecfsapi.fcc.gov/file/121888112638/ILAW%20Request%20for%20Waiver%20-%20Determination%20121820%20Amend.pdf>. ILAW states that it holds one hundred eighty-five (185) FCC licenses "to operate business radio stations, microwave stations that support meter reading and other activities, and other stations, all in support of its critical water and wastewater services." ILAW Request at 2.

<sup>2</sup> ILAW Request at 4 (*citing* 47 CFR § 90.179(a)).

<sup>3</sup> 47 CFR § 90.20.

<sup>4</sup> ILAW Request at 1. ILAW states that the Illinois Department of Innovation and Technology provides two-way radio communication services by the STARCOM21 network, a public/private partnership with Motorola Solutions. ILAW Request at 1. STARCOM21 is a statewide, 700/800 MHz, Project 25-compliant, digital, trunked voice radio network that is open to all public safety and public service agencies in the State of Illinois. ILAW Petition at 1-2. The channels operating as part of STARCOM21 are listed, by licensee, on Attachment 1 to ILAW's Request. *See* ILAW Request at Attachment 1.

<sup>5</sup> *Id.* at 6-7.

Pursuant to sections 1.415 and 1.419 of the Commission's rules,<sup>6</sup> interested parties may file comments and reply comments on or before the dates indicated above. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). All comments must reference **PS Docket No. 21-32**.<sup>7</sup>

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://apps.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing.
- Filings can be sent 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.
- 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 45 L Street, NE Washington DC 20554.<sup>8</sup>
- Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings at its headquarters. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID-19. *See FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy*, Public Notice, 35 FCC Rcd 2788 (OMD 2020), <https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy>.
- All hand-carried documents should be delivered to the Secretary's Office at 9050 Junction Drive, Annapolis Junction, MD 20701.<sup>9</sup>

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice).

*Ex Parte Rules.* The proceeding this petition initiates shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.<sup>10</sup> Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex*

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<sup>6</sup> 47 CFR §§ 1.415, 1.419.

<sup>7</sup> *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

<sup>8</sup> *FCC Announces Change in Headquarters Location*, Public Notice, DA 20-1223 (OMD rel. Oct. 15, 2020); *Amendment of the Commission's Rules of Practice and Procedure*, Order, 35 FCC Rcd 7867 (OMD 2020), 85 Fed. Reg. 64404 (Oct. 13, 2020).

<sup>9</sup> *See Amendment of the Commission's Rules of Practice and Procedure*, Order, 35 FCC Rcd 5450 (OMD 2020) (amending 47 CFR § 0.401(a)(1)(ii)).

<sup>10</sup> 47 CFR §§ 1.1200 *et seq.*

*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.

*Additional Information.* For further information regarding this Public Notice, please contact Rachel Wehr, Policy and Licensing Division, Public Safety and Homeland Security Bureau, 202-418-1138 or by email to [Rachel.Wehr@fcc.gov](mailto:Rachel.Wehr@fcc.gov).

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