**DA 22-1329**

**Released: December 15, 2022**

**PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SEEKS COMMENT ON REQUESTS FOR WAIVER FILED BY THE COUNTY OF LOS ANGELES, CALIFORNIA TO OPERATE A BASE STATION AT TEJON PEAK ON TELEVISION CHANNELS 14 AND 16 BAND FREQUENCIES**

**File Nos. 0009466946 and 0009464743**

**Comments Due: January 17, 2023**

**Reply Comments Due: February 1, 2023**

The Public Safety and Homeland Security Bureau seeks comment on the above-captioned applications and waiver requests filed by the County of Los Angeles, California (the County) to operate a base station located at Tejon Peak, California on television (TV) Channel 14 (470-476 MHz) and 16 (482-488 MHz) bands, within the 470-512 MHz band (T-Band).[[1]](#footnote-3) The County seeks waiver relief pursuant to section 1.925 of the Commission’s rules,[[2]](#footnote-4) of (1) section 90.305(a) of the Commission’s rules to locate a base station more than 80 kilometers (50 miles) from the city center coordinates of Los Angeles, California,[[3]](#footnote-5) and (2) section 90.307(d) of the Commission’s rules to locate a base station less than required separation distance to two adjacent channel TV stations.[[4]](#footnote-6)

The County operates the Los Angeles Regional Interoperable Communications System (LA-RICS) on T-Band spectrum. The County seeks to add a base station located at Tejon Peak, California to be the primary public safety radio site serving a growing community in the northwest part of Los Angeles County. The County seeks a waiver of section 90.305(a) for a fixed station to be located 18.4 kilometers (11.1 miles) outside the 80-kilometer (50-mile) radius area around Los Angeles, California in which fixed stations are normally authorized under the rules.[[5]](#footnote-7) The County also seeks a waiver to locate a station 70.8 kilometers from adjacent channel digital Class A television (TV) Stations KTLD-CD, TV Channel 15, Bakersfield, California; and 92.7 kilometers from adjacent channel digital Class A TV Station KSBB-CD, TV Channel 17, Santa Barbara, California.[[6]](#footnote-8) Section 90.307(d) requires a Private Land Mobile Radio Service (PLMRS) base station which has associated mobile units to be spaced at least 145 kilometers from a protected adjacent channel TV station.[[7]](#footnote-9)

The County states that the Tejon Peak site “provides critical coverage in the northwest part of the County. The County’s receive-only site at this location provides ‘talk-in’ coverage, but growth in the County necessitates the ability to reach heretofore unreachable portions of this mountainous region. Some of that growth is a large project called the ‘Centennial at Tejon Peak’ which has been approved in the area. The project will have almost 20,000 new residential units and over 10.1 million square feet of commercial space. The construction of this project is estimated to create 25,000 jobs in the area. The project was approved in 2019, and the Tejon Peak site will be the primary public safety radio site serving this community.”[[8]](#footnote-10)

The County states that “[w]hile the County has operated a receive-only site at Tejon Peak for many years, … the new system is designed to improve coverage to this rapidly expanding part of the County.”[[9]](#footnote-11) The County notes that in 1986, the Commission granted waivers of sections 90.305(a) and 90.307(d) to the County to operate Station WIK406 at the Bald Mountain site located more than 50 miles from Los Angeles on Channel 16 band frequencies.[[10]](#footnote-12)

Regarding the TV Spacing Waiver Request, the generally accepted protection criterion for a contour analysis between a PLMR station and an adjacent channel TV station is zero dB at the TV station’s Grade B contour.[[11]](#footnote-13) The County provided engineering analyses purporting to demonstrate that its 64 dBu interfering contour does not overlap Station KTLD-CD and Station KSBB-CD’s 64 dBu Grade B service contours.[[12]](#footnote-14)

Pursuant to Sections 1.415 and 1.419 of the Commission’s rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this *Public Notice*.  All comments and reply comments should reference the subject file number(s), waiver requests, and the DA number indicated on this *Public Notice*.

Pleadings may be filed electronically through ULS, or by paper pursuant to the following instructions. Parties are strongly encouraged to file electronically using ULS.

* Electronic Filers: Pleadings may be filed electronically using the Internet by accessing ULS:

https://www.fcc.gov/wireless/systems-utilities/universal-licensing-system. Each screen indicates

the information to be provided or the action(s) to be performed to complete that screen. From the

ULS website, to begin the process of filing a pleading click on “SUBMIT A PLEADING.” The

link takes the user to the *Pleadings Information* screen. Upon completing the *Pleadings*

*Information* screen, click “CONTINUE” to go to the *File Numbers/Call Signs* screen. Upon providing the information required on that screen, complete steps three and four at the *Attach File* and *Confirmation* screens, respectively. For more information, detailed instructions can be found in the *Public Notice* announcing the implementation of electronic filing for pleadings.[[13]](#footnote-15)

* 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 courier or by the U.S. Postal Service. All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission.
* Commercial deliveries (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.
* As of March 19, 2020, the FCC is no longer accepting hand-delivered or messenger delivered paper filings at FCC Headquarters due to the COVID-19 pandemic.[[14]](#footnote-16) Furthermore, after COVID-19 restrictions are lifted the new filing location for paper documents will be 9050 Junction Drive, Annapolis Junction, MD 20701.[[15]](#footnote-17)
* 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.

Because of the policy implications and potential impact of this case on persons not party to the applications, it is in the public interest to treat this case as a permit-but-disclose proceeding under the *ex parte* rules. *See* Sections 1.1200(a) and 1.1206 of the Commission’s rules, 47 CFR §§ 1.1200(a) and 1.1206. Therefore, subsequent to the release of this *Public Notice, ex parte* presentations that are made with respect to the issues involved in the subject waiver requests will be allowed, but must be disclosed in accordance with the requirements of Section 1.1206(b) of the Commission’s rules, 47 CFR § 1.1206(b).

The applications, waiver requests, and comments and reply comments can be accessed electronically via the Commission’s Universal Licensing System, https://www.fcc.gov/wireless/universal-licensing-system.

For technical assistance in using ULS for viewing the application or filing an amendment to the

application, contact the ULS Licensing Support Hotline at (877) 480-3201. The ULS Licensing Support

Hotline is available Monday through Friday, from 8:00 A.M. to 6:00 P.M. Eastern Time. All calls to the

ULS Licensing Support Hotline are recorded.

For further information regarding this Public Notice, please contact Thomas Eng, Policy and Licensing Division, Public Safety and Homeland Security Bureau, (202) 418-0019, or by email to thomas.eng@fcc.gov.

Copies of materials can be obtained from the FCC’s Reference Information Center at (202) 418-0270.

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).

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

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1. *See* File Nos. 0009464743 (filed Mar. 22, 2021, amended June 14, 2021) (requesting frequencies in the 482-488 MHz (TV Channel 16) band) and 0009466946 (filed Mar. 23, 2021, amended June 4, 2021) (requesting frequencies in the 470-476 MHz (TV Channel 14) band). Both applications contain a Waiver Request (filed Mar. 22, 2021) (Siting Waiver Request); and attached Waiver Request (filed June 4, 2021) (TV Spacing Waiver Request). [↑](#footnote-ref-3)
2. 47 CFR § 1.925. [↑](#footnote-ref-4)
3. *See* 47 CFR § 90.305(a); Siting Waiver Request. [↑](#footnote-ref-5)
4. *See* 47 CFR § 90.307(d); TV Spacing Waiver Request. [↑](#footnote-ref-6)
5. Siting Waiver Request at 1. The site is located 98.4 kilometers (61.1 miles) from Los Angeles city center coordinates. *See also* 47 CFR § 90.305(a). [↑](#footnote-ref-7)
6. TV Spacing Waiver Request at 2. *See also* 47 CFR § 90.307(d). [↑](#footnote-ref-8)
7. 47 CFR § 90.307(d). The smallest separation distance to the proposed sites is 76.3 km. *See* TV Spacing Waiver Request at 3. [↑](#footnote-ref-9)
8. Siting Waiver Request at 7. [↑](#footnote-ref-10)
9. Siting Waiver Request at 6. [↑](#footnote-ref-11)
10. *See* Siting Waiver Request at 6-7 *citing* Private Land Mobile Radio Services (Channel 16 Public Safety Allocation), Report and Order, Gen. Docket No. 84-902, 59 R.R.2d 910 (1986) at footnote 3; and call sign WIK406, Special Conditions. [↑](#footnote-ref-12)
11. *See* Private Land Mobile Operations in the 470-512 MHz Band, *Public Notice* No. 20291 (rel. Oct. 22, 1991) at 1. [↑](#footnote-ref-13)
12. File No. 0009466946, attached letter from Adam Quintana, Systems Engineer, EZ-Spectrum, LLC, to FCC (dated May 26, 2021); File No. 0009464743, attached letter from Adam Quintana, Systems Engineer, EZ-Spectrum, LLC, to FCC (dated May 26, 2021). [↑](#footnote-ref-14)
13. *Wireless Telecommunications Bureau Enhances the Commission’s Universal Licensing System to Implement*

*Electronic Filing for Pleadings*, Public Notice, 21 FCC Rcd 424 (WTB 2006). [↑](#footnote-ref-15)
14. *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Filing*, Public

Notice, 35 FCC Rcd 2788 (OMD 2020). [↑](#footnote-ref-16)
15. *FCC Announces* *Closure of Filing Window at FCC Headquarters and Permanent Change in the Location and*

*Hours for Receiving Hand-Carried Filings*, Public Notice (OMD July 7, 2020). [↑](#footnote-ref-17)