



# PUBLIC NOTICE

Federal Communications Commission  
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DA 22-1331

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**PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SEEKS COMMENT ON  
REQUESTS FOR WAIVER FILED BY THE CITY OF NEW BEDFORD, MASSACHUSETTS  
TO ADD TWO T-BAND BASE STATIONS**

**File Nos. 0009981234 and 0010197335**

**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 City of New Bedford, Massachusetts (New Bedford, or the City). The City proposes to add two base stations to its public safety radio system operating in the 470-512 MHz band (T-Band).<sup>1</sup> Per section 1.925<sup>2</sup> of the Commission's rules, the City seeks waiver relief of section 90.305(a) of the Commission's rules to locate the two proposed base stations more than 80 kilometers (50 miles) from the city center coordinates of Boston, Massachusetts.<sup>3</sup>

New Bedford operates a three-site radio system under call sign WRPE962 using three T-Band frequency pairs in the TV Channel 14 band (470-476 MHz),<sup>4</sup> and a four-site radio system under call sign WRTX821 using spectrum in the TV Channel 16 band (482-488 MHz). New Bedford seeks a waiver of section 90.305(a) to add two new base stations to Station WRPE962 at the New Bedford Hotel and the Regency Hotel, located 0.715 and 0.675 kilometers, respectively outside the 80-kilometer (i.e., 0.154 and 0.129 miles, respectively outside the 50-mile) radius area around Boston, Massachusetts in which fixed stations are normally authorized under the rules.<sup>5</sup> The City also seeks a waiver under section 90.305(a) to add one base station to Station WRTX821 at the same New Bedford Hotel site, which would operate on the same three base frequencies in the TV Channel 14 band as Station WRPE962.<sup>6</sup>

The City states that it "is in dire need of improved coverage and building penetration in its historical downtown business district."<sup>7</sup> The City contends that "in order to accomplish the required

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<sup>1</sup> See File No. 0009981234 (filed Apr. 1, 2022, amended Sept. 20, 2022), attached Waiver (filed Apr. 1, 2022) (WRPE962 Waiver Request); File No. 0010197335 (filed Sept. 8, 2022, amended Sept. 9, 2022, Oct. 14, 2022, Oct. 17, 2022) (WRTX821 Waiver Request).

<sup>2</sup> 47 CFR § 1.925.

<sup>3</sup> See 47 CFR § 90.305(a) (the transmitter site(s) for base stations shall be located not more than 80 kilometers (50 miles) of the geographic centers of the urbanized areas listed in 47 CFR § 90.303); WRPE962 Waiver Request.

<sup>4</sup> The three frequency pairs are 470/473.5125 MHz, 471/474.0375 MHz, and 471/474.1500 MHz.

<sup>5</sup> File No. 0009981234; WRPE962 Waiver Request at 1. See also 47 CFR § 90.305(a).

<sup>6</sup> See *supra* n.4; File No. 0010197335; WRTX821 Waiver Request at 1.

<sup>7</sup> WRPE962 Waiver Request at 1; WRTX821 Waiver Request at 1.

service dependability, it is necessary to construct two sites in that area.”<sup>8</sup> The City states that “the prime sites that can provide that coverage are all located greater than 50 miles of the geographic center of Boston.”<sup>9</sup> The City states that a waiver grant is in the public interest and would “provide enhanced public safety radio services to the citizens and visitors in the greater downtown New Bedford.”<sup>10</sup>

The City acknowledges that the sites exceed the 50-mile radius specified in the rules for locating fixed transmitters in the Boston area.<sup>11</sup> However, the City contends that locating the two stations up to 0.154 miles beyond the 50-mile radius is a *de minimis* change.<sup>12</sup>

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.<sup>13</sup>
- 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.<sup>14</sup> Furthermore, after COVID-

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<sup>8</sup> See, e.g., *id.*

<sup>9</sup> See, e.g., *id.*

<sup>10</sup> See, e.g., *id.*

<sup>11</sup> See, e.g., *id.*

<sup>12</sup> See, e.g., *id.*

<sup>13</sup> *Wireless Telecommunications Bureau Enhances the Commission’s Universal Licensing System to Implement Electronic Filing for Pleadings*, Public Notice, 21 FCC Rcd 424 (WTB 2006).

<sup>14</sup> *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Filing*, Public Notice, 35 FCC Rcd 2788 (OMD 2020).

19 restrictions are lifted the new filing location for paper documents will be 9050 Junction Drive, Annapolis Junction, MD 20701.<sup>15</sup>

- 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](mailto: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](mailto: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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<sup>15</sup> *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).