



# PUBLIC NOTICE

Federal Communications Commission  
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DA 23-1084

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## WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON AMERICAN ELECTRIC POWER SERVICE CORPORATION'S REQUEST FOR WAIVER OF SECTION 90.621(b)

WT Docket No. 23-390

**Comment Date: December 21, 2023**  
**Reply Comment Date: January 5, 2024**

By this Public Notice, we seek comment on American Electric Power Service Corporation's (AEP) request for waiver<sup>1</sup> of section 90.621(b) of the Commission's rules to permit AEP's operation of "800 MHz low-power temporary repeaters and talk-around on mobile units" in remote areas throughout its multi-state service territory that are outside the range of its existing 800 MHz network.<sup>2</sup>

AEP is one of the largest providers of electric service in the United States and serves almost 5.6 million customers across 11 states.<sup>3</sup> AEP requests low power temporary fixed facilities and mobile-to-mobile talk-around on twelve (12) 800 MHz frequencies to be used only in remote areas outside the range of its fixed network across its 11-state service territory, without reference to the co-channel distance separation specified in section 90.621(b).<sup>4</sup>

Section 90.621(b) of the Commission's rules governs the required separation distances for fixed stations operating on frequencies in the 806/851–824/869 MHz band, and its underlying purpose is to ensure licensees can maintain interference-free operations.<sup>5</sup> In its waiver request, AEP detailed the steps it intends to take that will ensure its proposed operations on the requested frequencies will not cause interference to co-channel licensees.<sup>6</sup> These include operation on a secondary, noninterference basis, as well as a notification process to co-channel licensees and procedures that specify how AEP plans to otherwise comply with the protection requirements on an ongoing basis.

The Bureau seeks comment on AEP's request. Interested parties may file comments on or before the date indicated on the first page of this document.

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<sup>1</sup> American Electric Power Service Corporation, ULS File no. 0010577631 (dated June 8, 2023) (Application), <https://wireless2.fcc.gov/ULSApp/ApplicationSearch/applMain.jsp?applID=14102475>; Attachment to Application labeled "Waiver Request for Service Area Operations" at 1 (attached June 8, 2023) (Waiver Request).

<sup>2</sup> Waiver Request at 1. AEP's service territory includes Arkansas, Indiana, Kentucky, Louisiana, Michigan, Ohio, Oklahoma, Tennessee, Texas, Virginia, and West Virginia. *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.* at 2.

<sup>5</sup> 47 CFR § 90.621(b).

<sup>6</sup> Waiver Request at 2–4.

## Procedural Matters

To develop a complete record on the issues presented by the Request, the proceeding will be treated, for *ex parte* purposes, as a “permit-but-disclose” proceeding in accordance with Section 1.1200(a) of the Commission’s rules, subject to the requirements under Section 1.1206(b). AEP filed its Request electronically in the Commission’s Universal Licensing System. We have opened a new docket, **WT Docket 23-390**, to facilitate consideration of the Request and have moved AEP’s Request into this docket. Parties should file all comments and reply comments in **WT Docket 23-390**.

*Filing Requirements.* 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 document. Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS).<sup>7</sup>

- Electronic Filers: Comments may be filed electronically using the internet by accessing the ECFS: <https://www.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.
- Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID-19.<sup>8</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 & Government Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

*Additional Information.* For further information regarding this Public Notice, please contact Katherine Patsas Nevitt at [Katherine.Nevitt@fcc.gov](mailto:Katherine.Nevitt@fcc.gov) or Christine Parola at [Christine.Parola@fcc.gov](mailto:Christine.Parola@fcc.gov).

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<sup>7</sup> See Federal Communications Commission, Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (June 30, 1998).

<sup>8</sup> See *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy*, Public Notice, DA 20-304 (Mar. 19, 2020), <https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy>.