



PUBLIC NOTICE

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DA 23-398
Released: May 11, 2023

**PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SEEKS COMMENT ON A
REQUEST FOR WAIVER FILED BY THE HERRIMAN POLICE DEPARTMENT SEEKING
TO LICENSE A SPECIALIZED MOBILE RADIO POOL CHANNEL**

ULS File Number 0010184781

Comments Due: June 12, 2023

Reply Comments Due: June 27, 2023

The Public Safety and Homeland Security Bureau (Bureau) seeks comment on the above-captioned application and waiver request filed on August 29, 2022, by the Herriman Police Department (Herriman PD).¹ Herriman PD is a Public Safety Pool licensee seeking to license a one-channel conventional base station repeater in Herriman City, Utah on an 800 MHz Specialized Mobile Radio (SMR) Pool channel (859.6750 MHz).² It also seeks to license associated mobile units on the mobile transmit side of the SMR channel pair (814.6750 MHz).³

In a waiver request attached to its application, Herriman PD requests to operate a one-channel conventional 800 MHz base station repeater with associated mobile units as the “primary means of communications for Emergency Management” and as a standalone backup option for Herriman PD which uses Utah’s trunked radio system for its primary communications.⁴ Herriman PD indicates that given the lack of public safety spectrum, it has been unable to identify an 800 MHz channel for the conventional base station, that is allocated for public safety.⁵ Herriman PD claims that no public safety channels are available for licensing in and around Herriman City, Utah due to the presence of the “statewide trunked radio system.”⁶

Consequently, Herriman PD seeks a waiver of Section 90.617(d) of the Commission rules so it can license SMR Pool frequency 859.6750 MHz for use at its one-channel conventional base station repeater and SMR Pool frequency 814.6750 MHz for associated mobile units operating within 25 kilometers of the base station repeater.⁷ Section 90.617(d) states that frequencies in the SMR Pool are available for licensing “only to eligibles in the SMR category” including SMR stations and eligible end

¹ Herriman Police Department Application, ULS File no. 0010184781 (dated Aug. 29, 2022) (Herriman PD Application). *See also* Attachment to Herriman PD Application labeled “SMR Waiver” at 1 (attached Aug. 29, 2022) (Waiver Request).

² *See* Herriman PD Application.

³ *Id.*

⁴ Waiver Request at 1.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.* *See also* Herriman PD Application.

users.⁸ Therefore, Herriman PD, a public safety entity, would not be eligible to license the requested SMR channel pair absent a waiver.

In support of its waiver request, Herriman PD includes with its application a letter from its frequency coordinator, APCO International (APCO), stating that it searched all “public safety and vacated spectrum and Industrial/Business 800 MHz Frequencies” but could identify none available for licensing at the location of Herriman PD’s proposed new base station repeater.⁹ APCO says that all the frequencies it searched have “co or adjacent incumbents less than 88 km” from Herriman PD’s proposed site.¹⁰

Furthermore, Herriman PD says that, if its waiver request is granted, the SMR Pool channel will be used at its proposed conventional base station repeater to provide “public safety standard communications to Public Safety personnel in-buildings throughout the City and surrounding area.”¹¹ Herriman PD notes that in the event of an outage to the state’s trunked radio system, its repeater will continue addressing safety-of-life “issues for our employees, citizens and visitors.”¹² Herriman PD notes that the risks to its community include “winter weather, earthquakes, and wildland fires.”¹³

We seek comment on whether the Bureau should grant Herriman PD a waiver of the eligibility requirements in section 90.617(d) so it can license SMR Pool frequency 859.6750 MHz at its one-channel conventional base station repeater and SMR Pool frequency 814.6750 MHz for associated mobile units and use the SMR channel pair for public safety communications.

Interested parties may file comments on or before **June 12, 2023**. Parties may file replies on or before **June 27, 2023**.

Instructions for Filing Comments

All comments and reply comments should reference the subject Herriman Police Department Waiver Request and the DA number indicated on this *Public Notice*. Comments may be filed: (1) electronically by accessing the applicant’s file number(s) in the Commission’s Universal Licensing System (ULS),¹⁴ or (2) by filing paper copies.

Electronic Filers: Pleadings may be submitted electronically as follows:

- Begin the process by using the following link to the ULS website <https://wireless2.fcc.gov/UlsEntry/pleadings/pleadingsType.jsp>. The link will take you to the “*Pleading Information*” screen for “Non-docketed Pleadings” where you select “Reply” in the drop-down window for the type of pleading and then enter the pleadings filer information.

⁸ 47 CFR § 90.617(d).

⁹ Letter from Amanada Bredstrup, Senior Processor, APCO International to Federal Communications Commission at 1 (October 17, 2019) (attached to Herriman PD Application on Aug. 29, 2022) (APCO Coordination Statement).

¹⁰ *Id.*

¹¹ Waiver Request at 1.

¹² *Id.*

¹³ *Id.*

¹⁴ *Wireless Telecommunications Bureau Enhances the Commission’s Universal Licensing System to Implement Electronic Filing for Pleadings*, Public Notice, 21 FCC Rcd 424 (WTB 2006). See http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-06-125A1.pdf.

Completion of the contact information is optional. Upon completion of this screen, please note the instructions for the filing: “*Pleadings must be dated and must include a signature, in this instance an electronic signature, and the address and phone number of the signing party.*”¹⁵ Click on “CONTINUE.”

- The second step is to complete the *File Numbers/Call Signs* screen. Click if the pleading pertains to a File Number or Call Sign and enter the File Number or Call Sign. Please note that you must enter a File Number or Call Sign to continue. If the pleading pertains to multiple applications or licenses, you must enter each File Number or Call Sign as appropriate. After clicking the “SUBMIT” button, the screen will update to show all the File Numbers/Call Signs associated with the pleading. At this time, you may delete selected File Numbers/Call Signs from the page before continuing.
- The third step is to complete the *Attach File* screen to attach the pleading document. Use the drop down box to select Pleading or Confidential Pleading. The “BROWSE” button opens a file upload window where you will locate and select your pleading file. The Description field allows you to enter a brief description for the pleading. Click the “ADD ATTACHMENT” button to upload your pleading. You may submit up to thirty files for each pleading but each file must be smaller than 10 MB in size. You also can delete any selected file from the pleading.
- Finally, to complete your electronic pleading submission, click on the “SUBMIT PLEADING” button and the *Confirmation* screen will be displayed. The *Confirmation* screen will display your Confirmation Number as well as your entered pleadings information. You may print this page for your records by selecting the Print Page link at the top of the page and have the option of submitting another pleading or returning to the ULS website by selecting a link at the bottom of the page.

The ULS Application Search results will display pleadings under the ADMIN tab when a comment or reply comment has been filed. Users can view the pleading by clicking on the link for the specific comment or reply comment in the Description field. The general public will not be able to view confidential pleadings.

For additional information or assistance on how to file a comment or reply comment or other relevant pleading, you may visit the Web at <https://www.fcc.gov/available-support-services>. You may also call the FCC ULS Customer Support Center at (877) 480-3201 and select option 2. For TTY, please call (717) 338-2824. Assistance from the FCC ULS Customer Support Center is available between the hours of 8 a.m. to 6:00 p.m. Eastern Time, Monday through Friday (except Federal holidays). To provide quality service and ensure security, all telephone calls to the FCC ULS Customer Support Center are recorded.

Paper Filers: Parties who choose to file by paper must submit an original and one copy of each filing.

¹⁵ See 47 CFR Part 1.

- Filings can be sent by commercial overnight courier or by first-class or overnight U.S. Postal Service mail.¹⁶
- 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 St, NE, Washington, DC 20554.

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).

For further information regarding this matter, contact Brian Marengo, Electronics Engineer, Policy and Licensing Division, Public Safety and Homeland Security Bureau at (202) 418-0838 or Brian.Marengo@fcc.gov.

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¹⁶ In response to the COVID-19 pandemic, the FCC has closed its current hand-delivery filing location at FCC Headquarters. We encourage outside parties to take full advantage of the Commission's electronic filing system. Any party that is unable to meet the filing deadline due to the building closure may request a waiver of the comment or reply comment deadline, to the extent permitted by law. *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Filing*, Public Notice, 35 FCC Rcd 2788 (OMD2020). <https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy>.