



PUBLIC NOTICE

Federal Communications Commission
45 L St., N.E.
Washington, D.C. 20554

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DA 23-399

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PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SEEKS COMMENT ON REQUEST FILED BY THE GOVERNMENT OF THE VIRGIN ISLANDS TO WAIVE TECHNICAL LIMITATIONS IN SECTION 90.20 OF THE COMMISSION'S RULES

FCC File Number 0009948269

Comment Date: June 12, 2023

Reply Comment Date: June 26, 2023

The Public Safety and Homeland Security Bureau (Bureau) seeks comment on the above-captioned application and waiver request filed on July 29, 2022, by the Government of the Virgin Islands (GVI).¹ GVI seeks a waiver of certain technical limitations in the rules so that it can strengthen and expand its public safety communications system. We seek comment on the requested waiver, and in particular, from any party who would be affected by GVI's proposed use of paging frequency 157.4500 MHz.

Technical Limitations. GVI seeks a waiver of limitations (13) and (45) under Section 90.20(d) of the Federal Communications Commission's (Commission) rules.² GVI seeks a waiver of these limitations to permit the use of frequency 157.4500 MHz as a mobile inbound to a Mobile Relay fixed station using an effective radiated power (ERP) of 50 watts.³

GVI submits that its contractor analyzed the available spectrum and determined that there is no other frequency immediately available that can satisfy the requested public safety use.⁴ GVI states that it requires spectrum in the 150-160 MHz band that is compatible with existing infrastructure and to remain interoperable between the various operations of the Virgin Islands Government.⁵ GVI states that frequencies in other bands would not satisfy the immediate public safety use and contends that the implementation of a fixed base frequency as "mobile only" is technically feasible without causing

¹ Government of Virgin Islands Application, File no. 0009948269 (dated Jul. 29, 2022) (Application). GVI originally filed the application on March 10, 2022 and attached a waiver request (Waiver Request) and a contour study (Contour Study). The Bureau returned it on July 8, 2022. See Return Letter, Reference Number 7053667 (dated Jul. 8, 2022) (Return Letter) (stating, among other issues, that the Application was returned for a statement from the frequency coordinator that there are no other VHF public safety channels available to be used for the proposed mobile operation and a list of other public safety channels considered by the frequency coordinator). GVI amended the application and resubmitted it on July 29, 2022 with a responsive attachment, "Response to Return."

² 47 CFR §§ 90.20 (d)(13) (limiting the use of an affected frequency to one-way paging communications to mobile receivers and prohibiting transmissions on the frequency for the purpose of activating or controlling remote objects); 47 CFR § 90.20 (d)(45) (limiting the use of an affected frequency to 30 watts transmitter output power).

³ Waiver Request at 2-3 *citing* 47 CFR § 90.20 (d)(13) and (45).

⁴ Waiver Request at 4.

⁵ *Id.*

interference.⁶ Finally, GVI claims that its analysis has shown that there are no current license holders on this frequency within the Virgin Islands.⁷

Interested parties may file comments on or before **June 12, 2023**. Parties may file replies on or before **June 26, 2023**.

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, 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.⁸
- 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.⁹ Furthermore, after COVID-19 restrictions are lifted the new filing location for paper documents will be 9050 Junction Drive, Annapolis Junction, MD 20701.¹⁰
- 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.

⁶ *Id.*

⁷ *Id.*

⁸ *Wireless Telecommunications Bureau Enhances the Commission's Universal Licensing System to Implement Electronic Filing for Pleadings*, Public Notice, 21 FCC Rcd 424 (WTB 2006).

⁹ *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Filing*, Public Notice, 35 FCC Rcd 2788 (OMD 2020).

¹⁰ *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).

- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street, NE, Washington, DC 20554.

The application, 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 additional information, contact Roberto Mussenden, Roberto.Mussenden@fcc.gov, of the Public Safety and Homeland Security Bureau, Policy and Licensing Division, (202) 418-1428.

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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