

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
County of Los Angeles, California) File Nos. 0010328664 et al.
)
Request for Extension)

ORDER

Adopted: May 11, 2023

Released: May 11, 2023

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

I. INTRODUCTION

1. This Order addresses the above-captioned request filed by the County of Los Angeles, California (County), seeking waiver of section 90.629 of the Commission's rules¹ to extend the construction completion date for 67 licenses in the 470-512 MHz band (T-Band) that are to be integrated into the Los Angeles Regional Interoperable Communications System (LA-RICS).² These requests are extensions of the relief granted to the County by the Public Safety and Homeland Security Bureau in 2021.³ For the reasons discussed below, we grant the County's extension request until December 31, 2023.

II. BACKGROUND

2. The LA County T-Band system consists of three subsystems: (1) the LA County Sheriff's Department System consisting of 55 contiguous wideband (25 kilohertz) channels in the TV Channel 16 band (482-488 MHz) for the voice system and 10 non-contiguous channels in the TV Channel 14 band (470-476 MHz) for the data system; (2) an interoperable voice radio system in the TV Channel 15 band (476-482 MHz) to be used by all public safety agencies in the County; and (3) a narrowband system in the

¹ 47 CFR § 90.629.

² See File Nos. 0010328664 *et al.* (filed Dec. 28 and 29, 2022) and Request for Extension of Los Angeles, California attached to the applications (Extension Request). The County seeks an extension for the following Call Signs: WPLU218, WPLU220, WPLU221, WPLU224, WPLU230, WPLU231, WPLU232, WPLU234, WPMK204, WPMK277, WPMK278, WPMK279, WPMK280, WPMK281, WPMK282, WPMK805, WPMK807, WPMW796, WPNP716, WPNP718, WQJX500, WQJX503, WQJX505, WQJX506, WQJX507, WQJX509, WQJX510, WQJX512, WQJX514, WQJX517, WQJX518, WQJX519, WQJX520, WQJX521, WQJX522, WQJX523, WQJX524, WQJX525, WQJX529, WQJX530, WQJX531, WQJX532, WQJX533, WQJX534, WQJX535, WQJX536, WQJX537, WQJX538, WQJX539, WQJX540, WQJX541, WQJX542, WQJX543, WQJX544, WQJX545, WQJX546, WQJX547, WQJX548, WQJX549, WQJX550, WQJX551, WQJX552, WQJX553, WQJX554, WQJX556, WQJX557 and WQXE728. We list the call signs and file numbers in Appendix A.

³ *County of Los Angeles, California*, Order, 36 FCC Rcd 12457 (PSHSB 2021) (*2021 Order*) (extending the construction completion date until Dec. 31, 2022) (<https://www.fcc.gov/document/pshsb-grants-los-angeles-county-extension-request>).

TV Channel 14/15 bands.⁴ As detailed in the 2021 Order, the Bureau has granted the County a series of construction completion extensions, the most recent one concluding on December 31, 2022.⁵

3. The County states that it has made significant progress towards construction of the system, but requires additional time to complete the construction due to ongoing interference from a television station in Tijuana, Mexico.⁶ The County claims that this interference has forced the County to redesign its entire system to attempt to minimize (to the greatest extent possible) the substantial interference being experienced, significantly delaying construction across several portions of the County's system.⁷ The County states that due to these delays, it has not completed construction of the remaining stations and requests an extension, until December 31, 2023, to complete this construction.⁸

4. The County submits that it "has demonstrated all of the 'good faith' factors cited by the Commission in prior extension cases."⁹ The County notes that the extension period it seeks is a reasonable amount of time to complete the project given the totality of the circumstances.¹⁰ The County also asserts that the fact that one of the systems has been operational since the 1980s, and that the second is partially constructed, demonstrates that it is not warehousing spectrum.¹¹

III. DISCUSSION

5. To obtain a waiver of the Commission's rules, a petitioner must demonstrate either that: (i) the underlying purpose of the rule(s) would not be served or would be frustrated by application to the present case, and that a grant of the requested waiver would be in the public interest;¹² or (ii) in view of unique or unusual factual circumstances of the instant case, application of the rule(s) would be inequitable, unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative.¹³ An applicant seeking a waiver faces a high hurdle and must plead with particularity the facts and circumstances that warrant a waiver.¹⁴

6. We find that the County has demonstrated reasonable diligence in attempting to construct its system in a timely fashion. The interference it is encountering represents an unusual factual circumstance satisfying the second prong of the Commission's waiver standard, and we agree with the County that "this system represents an enormously complex and substantial undertaking" that warrants more time for completion.¹⁵ In light of these facts, we find that strict enforcement of the prior construction deadlines would be both inequitable and contrary to the public interest in that it would result in a waste of tax and federal grant dollars, strand investment in facilities already under construction, and, most importantly, deprive the citizens and first responders in the greater Los Angeles area of a critically

⁴ *Id.* at 12458 para. 3.

⁵ *Id.* at 12458-59 paras. 4-6.

⁶ Extension Request at 7.

⁷ *Id.*

⁸ *Id.* at 8.

⁹ *Id.* at 9.

¹⁰ *Id.*

¹¹ *Id.*

¹² 47 CFR § 1.925(b)(3)(i).

¹³ 47 CFR § 1.925(b)(3)(ii).

¹⁴ *WAIT Radio v. FCC*, 413 F.2d 1153, 1157 (D.C. Cir. 1969) (*WAIT Radio*), *aff'd*, 459 F.2d 1203 (1973), *cert. denied*, 409 U.S. 1027 (1972) (*citing Rio Grande Family Radio Fellowship, Inc. v. FCC*, 406 F.2d 664 (D.C. Cir. 1968)); *Birach Broad. Corp.*, Memorandum Opinion and Order, 18 FCC Rcd 1414, 1415 (2003).

¹⁵ Extension Request at 9.

needed, interoperable public safety communications system.¹⁶ Accordingly, we grant the County's extension requests and extend the construction deadline to December 31, 2023, for the 67 licenses and associated applications.

IV. ORDERING CLAUSES

7. Accordingly, IT IS ORDERED pursuant to sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), and sections 1.925, 1.946(e), and 90.629 of the Commission's rules, 47 CFR §§ 1.925, 1.946(e), 90.629, that the requests for waiver filed by the County of Los Angeles, California on December 28, 2022, and December 29, 2020 in connection with applications File Nos. 0010328664, *et al.*, listed in Appendix A, ARE GRANTED, and the applications SHALL BE PROCESSED consistent with this Order and the Commission's rules.

8. IT IS FURTHER ORDERED pursuant to sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), and sections 1.925, 1.946(e), and 90.629 of the Commission's rules, 47 CFR §§ 1.925, 1.946(e), 90.629, that the construction deadline for the facilities represented by the call signs listed in Appendix A is, hereby, extended to **December 31, 2023**.

9. This action is taken under delegated authority pursuant to sections 0.191 and 0.392 of the Commission's rules, 47 CFR §§ 0.191, 0.392.

FEDERAL COMMUNICATIONS COMMISSION

John A. Evanoff
Chief, Policy and Licensing Division
Public Safety and Homeland Security Bureau

¹⁶ 2021 Order, 36 FCC Rcd at 12460 para. 13.

APPENDIX A
Extension Request Applications

	Legal Entity Name	File Number	Call Sign	Receipt Date
1	LOS ANGELES, COUNTY OF	0010328664	WPLU218	12/28/2022
2	LOS ANGELES, COUNTY OF	0010328692	WPLU220	12/28/2022
3	LOS ANGELES, COUNTY OF	0010328718	WPLU221	12/28/2022
4	LOS ANGELES, COUNTY OF	0010328741	WPLU224	12/28/2022
5	LOS ANGELES, COUNTY OF	0010328763	WPLU230	12/28/2022
6	LOS ANGELES, COUNTY OF	0010328784	WPLU231	12/28/2022
7	LOS ANGELES, COUNTY OF	0010328808	WPLU232	12/28/2022
8	LOS ANGELES, COUNTY OF	0010328820	WPLU234	12/28/2022
9	LOS ANGELES, COUNTY OF	0010328931	WPMK204	12/28/2022
10	LOS ANGELES, COUNTY OF	0010328938	WPMK277	12/28/2022
11	LOS ANGELES, COUNTY OF	0010328944	WPMK278	12/28/2022
12	LOS ANGELES, COUNTY OF	0010328968	WPMK279	12/28/2022
13	LOS ANGELES, COUNTY OF	0010329005	WPMK280	12/28/2022
14	LOS ANGELES, COUNTY OF	0010329008	WPMK281	12/28/2022
15	LOS ANGELES, COUNTY OF	0010329018	WPMK282	12/28/2022
16	LOS ANGELES, COUNTY OF	0010329025	WPMM805	12/28/2022
17	LOS ANGELES, COUNTY OF	0010329026	WPMM807	12/28/2022
18	LOS ANGELES, COUNTY OF	0010329032	WPMW796	12/28/2022
19	LOS ANGELES, COUNTY OF	0010329036	WPNP716	12/28/2022
20	LOS ANGELES, COUNTY OF	0010329039	WPNP718	12/28/2022
21	LOS ANGELES, COUNTY OF	0010329040	WQJX500	12/28/2022
22	LOS ANGELES, COUNTY OF	0010329044	WQJX503	12/28/2022
23	LOS ANGELES, COUNTY OF	0010329047	WQJX505	12/28/2022
24	LOS ANGELES, COUNTY OF	0010329051	WQJX506	12/28/2022
25	LOS ANGELES, COUNTY OF	0010329058	WQJX507	12/28/2022
26	LOS ANGELES, COUNTY OF	0010329059	WQJX509	12/28/2022
27	LOS ANGELES, COUNTY OF	0010329060	WQJX510	12/28/2022
28	LOS ANGELES, COUNTY OF	0010329062	WQJX512	12/28/2022
29	LOS ANGELES, COUNTY OF	0010329063	WQJX514	12/28/2022
30	LOS ANGELES, COUNTY OF	0010329064	WQJX517	12/28/2022
31	LOS ANGELES, COUNTY OF	0010329067	WQJX518	12/28/2022
32	LOS ANGELES, COUNTY OF	0010329071	WQJX519	12/28/2022

33	LOS ANGELES, COUNTY OF	0010329090	WQJX520	12/28/2022
34	LOS ANGELES, COUNTY OF	0010329092	WQJX521	12/28/2022
35	LOS ANGELES, COUNTY OF	0010329096	WQJX522	12/28/2022
36	LOS ANGELES, COUNTY OF	0010329099	WQJX523	12/28/2022
37	LOS ANGELES, COUNTY OF	0010329105	WQJX524	12/28/2022
38	LOS ANGELES, COUNTY OF	0010329112	WQJX525	12/28/2022
39	LOS ANGELES, COUNTY OF	0010329234	WQJX529	12/29/2022
40	LOS ANGELES, COUNTY OF	0010329235	WQJX530	12/29/2022
41	LOS ANGELES, COUNTY OF	0010329237	WQJX531	12/29/2022
42	LOS ANGELES, COUNTY OF	0010329238	WQJX532	12/29/2022
43	LOS ANGELES, COUNTY OF	0010329239	WQJX533	12/29/2022
44	LOS ANGELES, COUNTY OF	0010329240	WQJX534	12/29/2022
45	LOS ANGELES, COUNTY OF	0010329241	WQJX535	12/29/2022
46	LOS ANGELES, COUNTY OF	0010329242	WQJX536	12/29/2022
47	LOS ANGELES, COUNTY OF	0010329244	WQJX537	12/29/2022
48	LOS ANGELES, COUNTY OF	0010329245	WQJX538	12/29/2022
49	LOS ANGELES, COUNTY OF	0010329247	WQJX539	12/29/2022
50	LOS ANGELES, COUNTY OF	0010329248	WQJX540	12/29/2022
51	LOS ANGELES, COUNTY OF	0010329249	WQJX541	12/29/2022
52	LOS ANGELES, COUNTY OF	0010329250	WQJX542	12/29/2022
53	LOS ANGELES, COUNTY OF	0010329251	WQJX543	12/29/2022
54	LOS ANGELES, COUNTY OF	0010329252	WQJX544	12/29/2022
55	LOS ANGELES, COUNTY OF	0010329253	WQJX545	12/29/2022
56	LOS ANGELES, COUNTY OF	0010329255	WQJX546	12/29/2022
57	LOS ANGELES, COUNTY OF	0010329257	WQJX547	12/29/2022
58	LOS ANGELES, COUNTY OF	0010329260	WQJX548	12/29/2022
59	LOS ANGELES, COUNTY OF	0010329262	WQJX549	12/29/2022
60	LOS ANGELES, COUNTY OF	0010329263	WQJX550	12/29/2022
61	LOS ANGELES, COUNTY OF	0010329266	WQJX551	12/29/2022
62	LOS ANGELES, COUNTY OF	0010329269	WQJX552	12/29/2022
63	LOS ANGELES, COUNTY OF	0010329271	WQJX553	12/29/2022
64	LOS ANGELES, COUNTY OF	0010329272	WQJX554	12/29/2022
65	LOS ANGELES, COUNTY OF	0010329276	WQJX556	12/29/2022
66	LOS ANGELES, COUNTY OF	0010329278	WQJX557	12/29/2022
67	LOS ANGELES, COUNTY OF	0010329284	WQXE728	12/29/2022