



PUBLIC NOTICE

Federal Communications Commission
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DA 23-732

Released: DATE, 2023

PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SEEKS COMMENT ON REQUEST FOR WAIVER FILED BY THE CITY OF QUINCY, MASSACHUSETTS TO OPERATE A PUBLIC SAFETY RADIO SYSTEM ON PART 22 SPECTRUM

File No. 0010397178

Comments Due: [30 Days after release]

Reply Comments Due: [45 Days after release]

The Public Safety and Homeland Security Bureau seeks comment on the above-captioned application and waiver request filed by the City of Quincy, Massachusetts (Quincy, or the City) on behalf of its Fire Department.¹ Quincy seeks waiver relief pursuant to Section 337(c) of the Communications Act of 1934, as amended (“the Act”), 47 U.S.C. § 337(c), to use, for public safety communications purposes, two frequencies interleaved between the allocations in part 22 and part 90 of the Commission’s rules.² In the alternative, the City seeks waiver relief pursuant to section 1.925 of the Commission’s rules,³ of sections 22.7, 22.501, 22.621, 22.623, 90.303, and 90.311 of the Commission’s rules.⁴

The City states that its Fire Department “currently operates on channels between 450 MHz and 483 MHz,” including call sign WQKM366 operating on frequencies in the 470-512 MHz Band (T-Band).⁵ The City states that “due to the extreme demand for radio frequencies in the greater Boston metropolitan /eastern Massachusetts area, all frequencies for which City of Quincy Fire Department is eligible to apply have been exhausted.”⁶ Quincy contends that “[i]n order to satisfy its growing need for radio capacity, City of Quincy Fire Department has no other choice but to look to the commercial radio

¹ See File No. 0010397178 (filed Jan. 30, 2023, amended Mar. 3, 2023), attached Revised Request for Waiver (Revised Waiver Request).

² See 47 U.S.C. § 337(c) (allowing the Commission to waive any requirement of the Act or its regulations implementing the Act (other than its regulations regarding harmful interference) to permit the use of unassigned frequencies for the provision of public safety services by an entity seeking to provide such services).

³ Revised Waiver Request; 47 CFR § 1.925.

⁴ 47 CFR §§ 22.7 (setting eligibility for any entity other than those precluded by 47 U.S.C. § 310, and stating that applications are granted only if the applicant is legally, financially, technically and otherwise qualified to render the proposed service), 22.501 (establishing the scope of rules in part 22, subpart E for licensing and operation of public mobile paging and radiotelephone stations), 22.621 (designating certain frequencies for point-to-multipoint transmitters that support transmitters that provide public mobile service), 22.623 (specifying system configuration requirements for paging control channels assigned pursuant to part 22), 90.303 (allocating certain TV channels for land mobile use in thirteen urbanized areas), 90.311 (designating certain frequency ranges for land mobile radio assignment).

⁵ Revised Waiver Request at 2; call sign WQKM366.

⁶ Revised Waiver Request at 1.

bands for additional channels.”⁷ Quincy’s frequency coordinator submitted a letter certifying that it “conducted a search of 453-470 MHz and 470-512 MHz (TV 14 and 16) spectrum and certifies that there are no public safety channels to be assigned that meet public safety coordination protocols or frequency limitations and will work at all sites for this system.”⁸

The requested frequencies 470.3000 MHz and 473.3000 MHz are considered interleaved because they are situated in between part 22 and part 90-designated spectrum bands, but they are not assignable to users under either part.⁹ Specifically, in the Boston area, in the TV Channel 14 band (470-476 MHz), section 22.621 permits point-to-multipoint use on channels up to the highest center frequencies 470.2875 MHz and 473.2875 MHz.¹⁰ Section 90.311 permits private land mobile use, which includes public safety, in the TV Channel 14 band on frequencies no lower than 470.30625 MHz and 473.30625 MHz.¹¹ These allocations eliminate licensing frequencies 470.3000 MHz and 473.3000 MHz for either part 22 or part 90 use.

Quincy states that “there has been a significant increase in new buildings in the city. The additional channels 470.3000/473.3000 MHz will give the Quincy Fire Department added channel capacity to handle emergencies in the new buildings, being used as a fireground channel, operations channel to coordinate evacuation of residents, or a rapid intervention team channel to deal with a firefighter ‘MAYDAY’.”¹² Quincy states that close to 50 bi-directional amplifiers (BDAs) are deployed throughout the city to satisfy Massachusetts State Building Code requirements.¹³ The City argues that it needs a T-Band channel that can be passed by the BDAs so property owners will not have to incur the additional cost of having to update such systems.

Section 337(c) of the Act states that the Commission shall grant an application by an entity seeking to provide public safety services to the extent necessary to permit the use of unassigned frequencies, if the Commission makes five specific findings: (1) no other spectrum allocated for public safety use is immediately available; (2) there will be no harmful interference to other spectrum users entitled to protection; (3) public safety use of the frequencies is consistent with other public safety spectrum allocations in the geographic area in question; (4) the unassigned frequencies were allocated for their present use not less than two years prior to the grant of the application at issue; and (5) the grant of the application is consistent with the public interest.¹⁴ “Public safety services” are defined by 47 U.S.C. § 337(f) as services the sole or principal purpose of which is to protect the safety of life, health, or property, that are provided by the governmental entities or by non-governmental entities authorized by the

⁷ *Id.*

⁸ File No. 0010397178, attached letter from Carol DiCaro, AFC Processor, AFC – APCO’s Spectrum Management Division, APCO International, Inc., to FCC (dated Jan. 4, 2023).

⁹ See *Public Safety and Homeland Security Bureau Seeks Comment on Request for Waiver Filed by the County of Westchester, New York to Use Two Frequencies Interleaved Between the Part 22 and Part 90 Allocations for Public Safety Communications*, Public Notice, 24 FCC Rcd 3704, 3705 (PSHSB 2009).

¹⁰ 47 CFR § 22.921. The listed channels are “allocated for assignment to transmitters utilized within point-to-multipoint systems that support transmitters that provide public mobile service.” *Id.*

¹¹ 47 CFR § 90.311.

¹² Revised Waiver Request at 2.

¹³ *Id.* citing Massachusetts State Building Code, 780 CMR, 2015 International building Code as Amended, Section 916.2.

¹⁴ 47 U.S.C. § 337(c)(1).

governmental entity whose primary mission is the provision of such services, and that are not made commercially available to the public by the provider.¹⁵

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 request, 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.¹⁶
- 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.¹⁷ Furthermore, after COVID-19 restrictions are lifted the new filing location for paper documents will be 9050 Junction Drive, Annapolis Junction, MD 20701.¹⁸
- 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.

¹⁵ 47 U.S.C. § 337(f).

¹⁶ *Wireless Telecommunications Bureau Enhances the Commission's Universal Licensing System to Implement Electronic Filing for Pleadings*, Public Notice, 21 FCC Rcd 424 (WTB 2006).

¹⁷ *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Filing*, Public Notice, 35 FCC Rcd 2788 (OMD 2020).

¹⁸ *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).

Because of the policy implications and potential impact of this case on persons not party to the application, 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 request 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 application, waiver request, 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.

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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