



PUBLIC NOTICE

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**PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SEEKS COMMENT ON A
REQUEST FOR WAIVER FILED BY THE NORTH CAROLINA STATE HIGHWAY PATROL
SEEKING TO LICENSE A SPECIALIZED MOBILE RADIO POOL CHANNEL**

ULS File Number 0010444325

Comments Due: September 12, 2023
Reply Comments Due: September 27, 2023

The Public Safety and Homeland Security Bureau (Bureau) seeks comment on the above-captioned application and waiver request filed on March 6, 2023, by the North Carolina State Highway Patrol (NCSHP).¹ NCSHP is a Public Safety Pool licensee seeking to license two 800 MHz Specialized Mobile Radio (SMR) Pool channels (856.5375 MHz and 859.0375 MHz).² It also seeks to license associated mobile units on the mobile transmit side of the SMR channel pairs (811.5375 MHz and 814.0375 MHz).³

In its waiver request attached to its application, NCSHP proposes to operate two trunked 800 MHz channel pairs to supplement and enhance “limited coverage” areas of Surry County. NCSHP indicates that “[d]ue to the lack of Public Safety Spectrum and proximity of several other 800 MHz users, it is not possible for the State Highway Patrol to provide adequate coverage for Emergency Responder radio systems from frequencies within the 800 MHz Public Safety allocation. Our best efforts of fill-in coverage have reduced this need to just two 800 MHz frequency pairs.”⁴

Consequently, NCSHP seeks a waiver of Section 90.617(d) of the Commission rules so it can license SMR Pool frequencies 856.5375 MHz and 859.0375 MHz for use at its base station repeater and SMR Pool frequencies 811.5375 MHz and 814.0375 MHz for associated mobile units operating within 40 kilometers of the base station repeater.⁵ 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 users.⁶ Therefore, NCSHP, a public safety entity, would not be eligible to license the requested SMR channel pair absent a waiver.

¹ North Carolina State Highway Patrol Application, ULS File no. 0010444325 (dated Mar. 6, 2023) (NCSHP Application). *See also* Attachment to NCSHP Application labeled “Waiver Request” at 1 (attached Mar. 6, 2023) (Waiver Request).

² *See* NCSHP Application.

³ *Id.*

⁴ Waiver Request at 1.

⁵ *Id.* *See also* NCSHP Application.

⁶ 47 CFR § 90.617(d).

In support of its waiver request, NCSHP includes with its application a letter from its frequency coordinator, APCO International (APCO), stating that APCO has conducted a search of 851-860 MHz spectrum and assigned 856.5375 MHz and 859.0375 MHz to NCSHP because “there are no other 851-860 MHz public safety or vacated spectrum frequencies that can be assigned because they or the interstitials fail short spacing.”⁷ APCO subsequently filed an addendum to this letter certifying “there are no business channels that can be assigned because they or the interstitials fail short spacing, and they do not meet the applicant’s legacy system requirements. Business channels had been included in our searches but were inadvertently omitted from our prior letter.”⁸

NCSHP says that it needs these two SMR frequency pairs to remedy its system coverage problem. It contends that other SMR co-channel users can remain “sovereign and protected, while allowing NCSHP Emergency Responders the ability to communicate while on emergency incident scenes.”⁹

We seek comment on whether the Bureau should grant NCSHP a waiver of the eligibility requirements in section 90.617(d) of the Commission’s rules. Interested parties may file comments on or before September 12, 2023. Parties may file replies on or before September 27, 2023.

Instructions for Filing Comments

All comments and reply comments should reference the subject North Carolina State Highway Patrol 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),¹⁰ 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. 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.”¹¹ 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

⁷ Letter from Judy Stone, APCO AFC Team Leader, APCO International to Federal Communications Commission at 1 (Feb. 24, 2023) (attached to NCSHP Application on Mar. 6, 2023) (APCO Coordination Statement).

⁸ Letter from Carol DiCaro, AFC Processor, APCO International to Federal Communications Commission at 1 (Aug. 18, 2023) (attached to NCSHP Application on Aug. 18, 2023) (APCO Addendum).

⁹ Waiver Request at 1.

¹⁰ *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.

¹¹ See 47 CFR Part 1.

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. 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.

- Filings can be sent by commercial overnight courier or by first-class or overnight U.S. Postal Service mail.¹²
- 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).

¹² 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 (OMD 2020). <https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy>.

For further information regarding this matter, contact Roberto Mussenden, Attorney-Advisor, Policy and Licensing Division, Public Safety and Homeland Security Bureau at (202) 418-1428 or Roberto.Mussenden@fcc.gov.

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