



PUBLIC NOTICE

Federal Communications Commission
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DA 23-96

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**PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SEEKS COMMENT ON
REQUESTS FOR WAIVER FILED BY THE COUNTY OF WESTCHESTER, NEW YORK TO
OPERATE A PUBLIC SAFETY PAGING SYSTEM ON PART 22 SPECTRUM**

File Nos. 0009586826, 0009647521, 0009649008, 0009650843

Comments Due: March 3, 2023

Reply Comments Due: March 20, 2023

The Public Safety and Homeland Security Bureau seeks comment on the above-captioned applications and waiver requests filed by the County of Westchester, New York (Westchester, or the County) to operate a public safety paging system on part 22 paging control channels in the 470-512 MHz band (T-Band).¹ Westchester contends that use of the subject channels is necessary due to the lack of available public safety channels. The County seeks waiver relief pursuant to section 1.925 of the Commission's rules,² of sections 22.621, 90.303, and 90.311 of the Commission's rules.³

The County currently operates on several T-Band spectrum channel pairs from part 22 spectrum as authorized by several prior waiver orders.⁴ Westchester seeks to use non-public safety frequencies 470.2000 and 470.2125 MHz for public safety paging operations.⁵ The County states that "[t]he waiver requests that resulted in the above referenced Orders documented the severe frequency congestion in the New York and New Jersey areas."⁶ Westchester contends that "[t]he frequency congestion situation has

¹ See File Nos. 0009586826 (filed June 15, 2021, amended Dec. 28, 2021, Sept. 16, 2022, and Oct. 25, 2022) (requesting frequency 470.2125 MHz), attached Waiver Request (filed June 15, 2021) (Waiver Request – 470.2125 MHz); 0009647521 (filed Aug. 4, 2021, amended Aug. 6, 2021, Dec. 28, 2021, Sept. 16, 2022, and Oct. 25, 2022) (requesting frequency 470.2125 MHz), attached Waiver Request – 470.2125 MHz; 0009649008 (filed Aug. 5, 2021, amended Aug. 30, 2021, Dec. 28, 2021, Sept. 16, 2022, and Oct. 25, 2022) (requesting frequency 470.2000 MHz), attached Waiver Request (filed Aug. 30, 2021) (Waiver Request – 470.2000 MHz); and 0009650843 (filed Aug. 6, 2021, amended Aug. 30, 2021, Dec. 28, 2021, Sept. 16, 2022, and Oct. 25, 2022) (requesting frequency 470.2000 MHz), attached Waiver Request – 470.2000 MHz. All four applications contain a Supplemental Statement In Support of Higher Effective Radiated Power on 470.2000 MHz and 470.2125 MHz For Paging Operations (filed Oct. 25, 2022) (Supplement).

² 47 CFR § 1.925.

³ see 47 CFR §§ 22.621 (designating certain frequencies for point-to-multipoint transmitters that support transmitters that provide public mobile service), 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); Waiver Request – 470.2000 MHz; Waiver Request – 470.2125 MHz.

⁴ See *County of Westchester*, Order, 19 FCC Rcd 23189 (WTB PSCID 2004); *County of Westchester*, Order, 20 FCC Rcd 18852 (WTB PSCID 2005); *County of Westchester, New York*, Order, 22 FCC Rcd 19872 (PSHSB PD 2007).

⁵ Waiver Request – 470.2000 MHz at 2; Waiver Request – 470.2125 MHz at 2.

⁶ *Id.*

not improved since the ... Orders were granted.”⁷ Westchester’s frequency coordinator submitted a letter certifying that “there are no UHF or T-band public safety frequencies that can be assigned.”⁸

The County is currently authorized to operate on one of the two frequencies, 470.2000 MHz,⁹ but is requesting higher power levels than currently authorized, as illustrated in the table below.¹⁰ On frequency 470.2125 MHz, the County seeks an authorization to operate at the same power levels provided in the table below.

Table 1 – Westchester County Power Levels by Location

Site Name	North Latitude	West Longitude	Channel (MHz)	Call Sign(s)	Existing ERP (W)	File No.	Proposed ERP (W)
Dunwoodie GC, Waslenko LA	40-56-12.2	073-52-25.8	470.2000	WQHV394	242.5	0009650843	356
			470.2125	-	-	0009647521	356
851 Fenimore Road	40-57-41.4	073-44-59.5	470.2000	WREA946	200	0009650843	258
			470.2125	-	-	0009647521	258
Route 9 West (Bergen Co, NJ)	40-58-45.3	073-54-53.5	470.2000	WREA946, WREA950	148	0009649008	399
			470.2125	-	-	0009586826	399
22 Summit Ave	41-00-10.1	073-40-24.3	470.2000	WQHV394	385.8	0009650843	545
			470.2125	-	-	0009647521	545
111 MLK Blvd	41-01-47.7	073-46-10.6	470.2000	WREA950	170	0009650843	428
			470.2125	-	-	0009647521	428
73 Tower Road	41-03-47.5	073-42-42.0	470.2000	WREA950	200	0009650843	408
			470.2125	-	-	0009647521	408
Grasslands Reservation	41-04-49.0	073-48-24.0	470.2000	WQHV394	282.7	0009650843	282.7
			470.2125	-	-	0009647521	282.7

Westchester states that “[t]he requested channel[s] will improve radio service to first responders in Westchester County without causing unacceptable interference to other incumbent land mobile or DTV licensees.”¹¹ The County states that it “is experiencing poor to no coverage in a number of locations, particularly in larger office buildings and shopping malls.”¹² The County explored alternative solutions such as bi-directional amplifiers (BDAs) and distributed antenna systems (DASs), but states that they “are difficult to install in older buildings and they are very costly.”¹³ The County estimates that it has in excess of 1,500 large office, apartment, and condo buildings.¹⁴ The County states that “[i]nitial

⁷ *Id.*

⁸ File Nos. 0009586826, 0009647521, 0009649008, 0009650843, attached letter from Judy Stone, Association of Public-Safety Communications Officials (APCO) AFC Team Leader, APCO International, to FCC (dated Sept. 16, 2022).

⁹ See call signs WQHV394, WREA946, and WREA950.

¹⁰ File Nos. 0009649008, 0009650843.

¹¹ Waiver Request – 470.2000 MHz at 4; Waiver Request – 470.2125 MHz at 4.

¹² Supplement at 1.

¹³ *Id.*

¹⁴ *Id.*

installation costs would be extremely high and recurring maintenance would be required in each building.”¹⁵ Westchester highlights additional burdens associated with BDAs and DASSs including individual written agreements with building owners, liability insurance, obtaining power sources, and “many years” needed to complete installations.¹⁶ Therefore, the County seeks an authorization to operate on frequency 470.2125 MHz, and higher power levels at each site for immediate improved coverage.¹⁷

Westchester seeks a waiver of section 22.621 to provide public safety Private Land Mobile Radio Service (PLMR) on frequency 470.2125 MHz, which is “allocated for assignment to transmitters utilized within point-to-multipoint systems that support transmitters that provide public mobile service.”¹⁸ The County also seeks a waiver of section 90.303, which allocates certain TV channels for land mobile use in thirteen urbanized areas of the United States. Westchester does not explain why it seeks a waiver of this rule, and the requested frequencies are consistent with the allocated TV channels.¹⁹ Finally, the County seeks a waiver of section 90.311, which excludes the frequencies sought by Westchester from T-Band frequency ranges available for land mobile radio assignment.²⁰

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 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.²¹
- **Paper Filers:** Parties who choose to file by paper must file an original and one copy of each filing.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ 47 CFR § 22.621. Westchester provides that they would use the frequencies for public safety paging operations, rather than for public mobile service. Waiver Request – 470.2000 MHz at 2; Waiver Request – 470.2125 MHz at 2. Additionally, frequency 470.2000 MHz is offset by 12.5 kHz from allocated public mobile service channels 470.1875 and 470.2125 MHz.

¹⁹ 47 CFR § 90.303. Frequencies in the TV channel 14 and 15 bands, including the subject frequencies, are available for land mobile and paging assignment in the New York urbanized area.

²⁰ 47 CFR § 90.311.

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

- 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.²² Furthermore, after COVID-19 restrictions are lifted the new filing location for paper documents will be 9050 Junction Drive, Annapolis Junction, MD 20701.²³
- 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.

Because of the policy implications and potential impact of this case on persons not party to the applications, 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 requests 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 applications, 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 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).

²² *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Filing*, Public Notice, 35 FCC Rcd 2788 (OMD 2020).

²³ *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).

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

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