



PUBLIC NOTICE

Federal Communications Commission
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DA 24-232

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WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON THE EXELON UTILITIES' REQUESTS FOR WAIVER OF SECTION 90.613

WT Docket No. 24-80

Comments Due: April 10, 2024

Reply Comments Due: April 25, 2024

By this Public Notice, we seek comment on requests from subsidiaries of Exelon Corporation for waiver of section 90.613 of the Commission's rules to grant two additional 800 MHz channel pairs to allow use of mobile-to-mobile communications on the subsidiaries' existing 800 MHz Land Mobile Radio (LMR) system to use for mobile-only talk around communications throughout parts of its service territory.¹

Exelon Corporation is an American utility company that operates six subsidiaries that serve more than ten million customers across five states and the District of Columbia.² The subsidiaries seeking waiver are Atlantic City Electric Company (ACE), Baltimore Gas and Electric Company (BGE), Commonwealth Edison Company (ComEd), Delmarva Power & Light Company (DPL), PECO Energy Company (PECO), and Potomac Electric Power Company (PEPCO) (collectively "the Exelon Utilities").³

Section 90.613 of the Commission's rules sets forth frequencies and limits these frequencies to communications between a base station and a mobile station; base stations are required to transmit in the 851–869 MHz band while mobile stations are required to transmit in the 806–824 MHz band.⁴ In their waiver requests, the Exelon Utilities request "two channel pairs for talk around to be deployed throughout its service territory where coverage gaps persist" for use on a secondary basis.⁵ The Exelon Utilities

¹ See Atlantic City Electric Company, File Nos. 0010535966, 0010536278, 0010537955 (filed May 9–10, 2023); Baltimore Gas and Electric Company, File Nos. 0010538283, 0010538301, 0010538310, 0010538282, 0010538286, 0010538299 (filed May 10, 2023); Commonwealth Edison Company, File Nos. 0010538312, 0010538601, 0010538611, 0010538614, 0010538618 (filed May 10, 2023); Delmarva Power & Light Company, File Nos. 0010538603, 0010538607, 0010538619, 0010540868 (filed May 10–11, 2023); PECO Energy Company, File Nos. 0010539693, 0010539697, 0010539698, 0010539691, 0010539700 (filed May 11, 2023); Potomac Electric Power Company, File Nos. 0010539953, 0010542482 (May 11–12, 2023) (collectively "Exelon Waiver Requests"). See the map included at the end of each waiver request for information about the service territory of each subsidiary. Exelon Waiver Requests at 6.

² *Id.* at 1, 6.

³ *Id.* ACE provides service to southern New Jersey, BGE provides service to Baltimore City and its surrounding Maryland counties, ComEd provides service to northern Illinois, DPL provides service to eastern Maryland and Delaware, PECO provides service to Philadelphia and its surrounding Pennsylvania counties, and PEPCO provides service to Washington, D.C. and its surrounding Maryland counties. *Id.* at 6.

⁴ 47 CFR § 90.613.

⁵ Exelon Waiver Requests at 3, 4.

assert that the mobile-to-mobile communications would be utilized at the same power levels currently permitted for mobile units to ensure there is no increased risk of “interference to adjacent channel licensees or co-channel licensees.”⁶

The Bureau seeks comment on the Exelon Utilities’ requests. Interested parties may file comments on or before the date indicated on the first page of this document.

Procedural Matters

To develop a complete record on the issues presented by the Requests, the proceeding will be treated, for *ex parte* purposes, as a “permit-but-disclose” proceeding in accordance with section 1.1200(a) of the Commission’s rules,⁷ subject to the requirements under section 1.1206(b).⁸ The Exelon Utilities filed their Requests electronically in the Commission’s Universal Licensing System. We have opened a new docket, **WT Docket No. 24-80**, to facilitate consideration of the Requests and have moved the Exelon Utilities’ Requests into this docket. Parties should file all comments and reply comments in **WT Docket No. 24-80**.

Filing Requirements. 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 document.⁹ Parties may file comments, identified by **WT Docket No. 24-80**, by any of the following methods:

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the Commission’s Electronic Comment Filing System (ECFS):
<https://www.fcc.gov/ecfs/>.
- 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 overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission.
 - 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, D.C. 20554.
- Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID-19.¹⁰

⁶ *Id.* at 2.

⁷ 47 CFR § 1.1200(a).

⁸ 47 CFR § 1.1206(b).

⁹ See Federal Communications Commission, *Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (June 30, 1998).

¹⁰ See *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy*, Public Notice, DA 20-304 (Mar. 19, 2020), <https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy>.

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Ex Parte Rules. As stated above, the proceeding this Notice initiates shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.¹¹ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

Additional Information. For further information regarding this Public Notice, please contact Katherine Patsas Nevitt at Katherine.Nevitt@fcc.gov or Christine Parola at Christine.Parola@fcc.gov.

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¹¹ 47 CFR §§ 1.1200 *et seq.*