



PUBLIC NOTICE

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THE PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SEEKS COMMENT ON AN APPLICATION AND WAIVER REQUEST FILED BY THE CITY OF WOODBURN, OREGON SEEKING TO LICENSE FOUR VHF CHANNELS FROM THE INDUSTRIAL/BUSINESS POOL

ULS File Number 0010983172

Comment Date: June 10, 2024

Reply Comment Date: June 25, 2024

The Public Safety and Homeland Security Bureau (Bureau) seeks comment on an application and waiver request filed on March 19, 2024 by Public Safety Pool licensee, the City of Woodburn, Oregon (Woodburn) which seeks to license a new trunked private land mobile radio (PLMR) system using four VHF channels from the Industrial/Business (I/B) Pool in Marion County, Oregon.¹

Woodburn attached to its application, a request for waiver to license “VHF frequencies in the Non-Public Safety Group.”² Section 90.35(a) of the Commission rules limits eligibility for licensing channels from the I/B pool to entities performing commercial, educational, philanthropic or other business related activities.³ Absent the requested waiver, Woodburn, a public safety licensee, would not be eligible to license the requested I/B channels and use them for its internal public safety and first responder communications.⁴

In its waiver request, Woodburn states that the four I/B channels its seek to license are needed “for the development of a...Digital Trunking System” which will be part of a “cooperative effort between The City of Woodburn Police, Public Works, Transit Department and The City of Hubbard Police and Public Works.”⁵ Woodburn proposes to license eight Public Safety Pool channels in addition to the four I/B channels for its trunked system but states that all additional VHF Public Safety Pool channels have been “exhausted in the area and no further useable channels can be located.”⁶ Woodburn notes that its location south of the “Portland Metro Area and North of the Salem and Eugene areas in the Willamette

¹ City of Woodburn, Application, ULS File no. 0010983172 (received Mar. 19, 2024) (Woodburn Application). Woodburn seeks to license I/B Pool frequencies 158.1300 MHz at Location 4 (MO), 157.5000 MHz, and 158.3250 MHz at Location 5 (MO) and frequency 150.9425 MHz at Location 2 (FB2) and Location 5 (MO). *Id.*

² Attachment to Woodburn Application labeled “Waiver” at 1 (attached Mar. 19, 2024) (Waiver Request).

³ 47 CFR § 90.35(a).

⁴ Public safety entities may license channels from the I/B Pool but only if they use those channels for the business activities listed in § 90.35(a)(1)-(4). *See* 47 CFR § 90.35(a)(5).

⁵ Waiver Request at 1.

⁶ *Id.*

Valley” make it “very difficult to impossible to find enough useable Public Safety frequencies in the VHF Spectrum due to the city’s proximity to these larger metro areas.”⁷

In support of its waiver request, Woodburn includes a letter from its Commission-certified frequency coordinator, the Association of Public Safety Communications Officials, International (APCO), confirming the lack of available Public Safety Pool VHF channels for Woodburn’s proposed operation.⁸ In its letter, APCO states there are no additional available VHF Public Safety Pool channels “[d]ue to co channel and/or adjacent channel users.”⁹ Woodburn also includes letters from several Commission-certified I/B Pool frequency coordinators affirming that they concur with Woodburn’s proposal to license the I/B Pool channels listed on its application.¹⁰

We seek comment on Woodburn’s request for a waiver of the eligibility requirements in section 90.35(a) to license four I/B Pool channels for its proposed trunked PLMR system and use the channels for public safety communications.¹¹ In particular, we seek comment from any party who would be affected by Woodburn’s proposed operation on the four I/B Pool channels.¹²

Interested parties may file comments on or before **June 10, 2024**. Parties may file replies on or before **June 25, 2024**.

Instructions for Filing Comments

All comments and reply comments should reference the subject Woodburn 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),¹³ 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

⁷ *Id.* Woodburn also notes that the need for spectral separation between the transmit and receive channels due to “combining” issues “is another factor that is limiting the ability to use some VHF frequencies that would be available if not for the combining limitations.” *Id.*

⁸ Letter from Carol DiCaro, AFC Processor, APCO International to FCC (Dec. 14, 2023) (attached to Woodburn Application).

⁹ *Id.*

¹⁰ Letter from Joann Howell, UTC Spectrum Services to City of Woodburn (Dec 18, 2023) (concurring as the designated Power Coordinator (IW) with use of frequency 158.1300 MHz at location 4); Letter from Amanda Miller, Enterprise Wireless Alliance, to City of Woodburn (Dec. 14, 2023) (concurring as the designated Petroleum Coordinator (IP) with use of frequency 158.3250 MHz at location 5); Letter from Cynthia Matzel, AAA Frequency Coordinator to City of Woodburn (Dec. 15, 2023) (concurring as the designated Automobile Emergency Coordinator (LA) with use of frequency 150.9425 MHz at locations 2 and 5 and frequency 157.5000 MHz at location 5) (all attached to Woodburn Application).

¹¹ Waiver Request at 1.

¹² *Id.*

¹³ *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.

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.*”¹⁴ 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 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. For TTY, please call (717) 338-2824. 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. All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission.

¹⁴ See 47 CFR Part 1.

- 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

The application(s), waiver request, and comments and reply comments can be accessed electronically via the Commission's Universal Licensing System, <http://wireless.fcc.gov/uls>.

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), 202-418-0432 (TTY).

For additional information, contact Brian Marengo, Brian.Marengo@fcc.gov, of the Public Safety and Homeland Security Bureau, Policy and Licensing Division, (202) 418-0838.

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