

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of )  
 )  
Monsey Fire District ) File No. 0011089434

ORDER

Adopted: February 25, 2026

Released: February 25, 2026

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

I. INTRODUCTION

1. In this *Order*, we grant the Monsey Fire District (Monsey), New York, a waiver of the eligibility requirements in Section 90.617(d) of the Commission’s rules to allow it to license a channel from the Specialized Mobile Radio (SMR) pool and use it for internal radio and emergency communications.<sup>1</sup>

II. BACKGROUND

2. Monsey states that it recently deployed a “single channel 800 MHz repeater system” which it seeks to “expand by adding an additional channel.”<sup>2</sup> Monsey explains that the additional channel will allow it to meet its “two-way dispatching and field communication needs” and provide it with “additional capacity” to “handle day-to-day and emergency events.”<sup>3</sup> Monsey says, however, that due to the “proximity of several other [700 MHz/800] MHz users” there are no channels in the “[700 MHz/800] MHz Public Safety allocation” for it to use to enhance the capacity of its fire department’s radio system.<sup>4</sup> Monsey also indicates that it was unable to identify any “General Category, or even business/BILT [Business/Industrial/Land Transportation] channels in the 800 band” for its system.<sup>5</sup>

3. Consequently, Monsey seeks to license a channel from the SMR Pool and use it as the second channel for its radio system.<sup>6</sup> Absent a waiver of the eligibility requirements in Section 90.617(d), Monsey, a public safety licensee, would be ineligible to license the requested SMR channel and use it for its internal radio and emergency communications.<sup>7</sup>

<sup>1</sup> Monsey Fire Department Application, ULS File no. 0011089434 (filed, May 23, 2024 and amended, April 29, 2025) (Monsey Application). *See also* Attachment to Application labeled “SMR Waiver Request” (attached May 29, 2024) (Waiver Request).

<sup>2</sup> Waiver Request at 1.

<sup>3</sup> *Id.* at 1.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.* In particular, Monsey seeks to license SMR Pool frequency 860.1625 MHz at Locations 1 and 2 (FB2 - Mobile Relay) and SMR Pool frequency 815.1625 MHz at Location 3 (MO – Mobile Station). *See* Monsey Application.

<sup>7</sup> 47 CFR § 90.617(d) (which limits eligibility only to applicants in the SMR category). *See also* 47 CFR § 90.7 (which defines the SMR category as licensees which “provide land mobile communications services...in the 800 MHz and 900 MHz bands on a commercial basis to entities eligible to be licensed under this part, Federal Government entities, and individuals”).

4. In support of its waiver request, Monsey includes a letter from its FCC-certified frequency coordinator, the Association of Public Safety Communications Officials, International (APCO).<sup>8</sup> APCO determined that there are “no non-NPSPAC [National Public Safety Advisory Committee] public safety, vacated spectrum, general category, BILT, or 700 MHz/800 MHz NPSPAC channels that can be assigned due to failing short spacing, failing contour analysis, RPC channel allotments or frequency coordination requirements.”<sup>9</sup> Therefore, APCO says it identified SMR channel 860/815.1625 MHz as a candidate for Monsey’s second channel, confirmed its availability, and coordinated Monsey’s application.<sup>10</sup>

5. On May 14, 2025, the Public Safety and Homeland Security Bureau (PSHSB) released a public notice seeking comment on the Monsey waiver request and the associated application.<sup>11</sup> In response to the public notice, the Enterprise Wireless Alliance (EWA) says that it “confirmed APCO’s spectrum availability analysis” and it agrees that “the SMR channel requested is available and is the only 800 MHz channel that could be assigned for Monsey’s use.”<sup>12</sup> Consequently, EWA states that the “application should be granted without further delay.”<sup>13</sup>

### III. DISCUSSION

6. To obtain a waiver of the Commission’s rules, a petitioner must demonstrate either that: (i) the underlying purpose of the rule(s) would not be served or would be frustrated by application to the present case, and that a grant of the requested waiver would be in the public interest;<sup>14</sup> or (ii) in view of unique or unusual factual circumstances of the instant case, application of the rule(s) would be inequitable, unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative.<sup>15</sup> An applicant seeking a waiver faces a high hurdle and must plead with particularity the facts and circumstances that warrant a waiver.<sup>16</sup> We conclude that Monsey has demonstrated that its request should be granted under the second prong of the waiver standard.

7. Section 90.617(d) of the Commission rules limits eligibility for licensing channels from the SMR pool to entities from the SMR category, which is defined as those offering “land mobile communications services” on a commercial basis in the 800 MHz and 900 MHz bands to entities eligible to be licensed under Part 90 of the Commission’s rules, federal government entities, and individuals.<sup>17</sup> Here, Monsey’s proposed use would enable it to provide “public safety standard communications to personnel throughout Monsey and the surrounding towns.”<sup>18</sup>

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<sup>8</sup> Letter from Judy Stone, APCO AFC Team Leader, APCO International to Federal Communications Commission at 1 (May 15, 2024) (attached to Monsey Application on May 29, 2024) (APCO Coordination Statement).

<sup>9</sup> *Id.* at 1.

<sup>10</sup> *Id.* APCO is certified to coordinate channels from the SMR Pool. See *Wireless Telecommunications Bureau Certifies Frequency Coordinators for the 800 MHz SMR Pool*, Public Notice, 20 FCC Rcd 5134 (WTB 2005).

<sup>11</sup> *The Public Safety and Homeland Security Bureau Seeks Comment on an Application and Waiver Request Filed by Monsey Fire District to License an SMR Pool Channel*, Public Notice, DA 25-412 (PSHSB 2025).

<sup>12</sup> Enterprise Wireless Alliance Comments at 1 (rec. May 29, 2025) (attached to Monsey Applications) (EWA Comments).

<sup>13</sup> *Id.*

<sup>14</sup> 47 CFR § 1.925(b)(3)(i).

<sup>15</sup> 47 CFR § 1.925(b)(3)(ii).

<sup>16</sup> *WAIT Radio v. FCC*, 413 F.2d 1153, 1157 (D.C. Cir. 1969) (*WAIT Radio*), *aff’d*, 459 F.2d 1203 (1973), cert. denied, 409 U.S. 1027 (1972) (*citing Rio Grande Family Radio Fellowship, Inc. v. FCC*, 406 F.2d 664 (D.C. Cir. 1968)); *Birach Broad. Corp.*, Memorandum Opinion and Order, 18 FCC Rcd 1414, 1415 (2003).

<sup>17</sup> 47 CFR § 90.617(d). See also 47 CFR § 90.7 (defining the SMR category).

<sup>18</sup> Waiver Request at 1.

8. We find it persuasive that APCO certified that no alternate channels from the 700 MHz or 800 MHz bands could be identified for Money's radio system. Second, EWA confirmed "APCO's spectrum availability analysis."<sup>19</sup> Furthermore, Bureau staff performed its own database search for licensees operating in and around Rockland County on public safety channels in the 700/800 MHz bands and Business/Industrial/Land Transportation channels in the 800 MHz band and it agrees that these channels are extremely congested in this region.<sup>20</sup> Third, we note that no incumbent SMR licensee objected to Monsey's waiver request.

9. Consequently, in view of these circumstances, we find Monsey has no reasonable alternative to the SMR channel listed on its application if it seeks to add a second channel to its existing radio system.<sup>21</sup> Absent a waiver, we believe it would be unduly burdensome for Monsey to forego addressing its fire department's capacity needs thereby allowing it to meet its "mission critical two-way dispatching and field communication needs" serving the "over 55,000 people throughout Monsey and the surrounding towns."<sup>22</sup> Moreover, based on the record before us, we conclude that a waiver designed to facilitate improved public safety communications would serve the public interest.

#### IV. ORDERING CLAUSES

10. Accordingly, IT IS ORDERED that the waiver request associated with ULS File No. 0011089434 filed by Monsey Fire District, New York pursuant to Section 1.925 of the Commission's rules, 47 CFR § 1.925, IS GRANTED and the associated application SHALL BE PROCESSED accordingly.

11. This action is taken under delegated authority pursuant to sections 0.191 and 0.392 of the Commission's rules, 47 CFR §§ 0.191, 0.392.

FEDERAL COMMUNICATIONS COMMISSION

John A. Evanoff  
Chief, Policy and Licensing Division  
Public Safety and Homeland Security Bureau

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<sup>19</sup> APCO Coordination Statement at 1; EWA Comments at 1.

<sup>20</sup> Bureau staff searched the ULS for stations licensed under the radio service codes GB, GE, GF, GJ, GO, GP, YB, YE, YF, YJ, YO, YP for the 800 MHz band and SG, SY for the 700 MHz band within 110 kilometers of the center coordinates Monsey lists on its application for operation of its mobile units. Staff found almost 600 active licensees in the 800 MHz band and over 150 active licenses in the 700 MHz band.

<sup>21</sup> Waiver Request at 1 (noting that Monsey intends to keep its "radio system within the same frequency band" as it expands capacity on its existing system).

<sup>22</sup> Waiver Request at 1.