

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

In the Matter of )  
 )  
DOYLE FIRE DISTRICT, NY ) File No. 0011914078  
 )  
Waiver of Section 90.35(a) Eligibility )  
Requirements )  
 )

ORDER

Adopted: June 30, 2026

Released: June 30, 2026

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

I. INTRODUCTION

1. In this *Order*, we grant the Doyle Fire District, New York (Doyle) a waiver of the eligibility requirements in Section 90.35(a) of the Commission’s rules, to allow it to license a UHF channel pair from the Industrial/Business (I/B) Pool and use the two channels in its conventional land mobile radio system for internal public safety and first responder communications.<sup>1</sup>

II. BACKGROUND

2. Doyle states it is comprised of two fire companies which are responsible for a “wide stretch of the New York State Thruway System” in Erie county and that its vast coverage area “makes proper and expanded radio communication abilities imperative.”<sup>2</sup> Therefore, Doyle seeks to add a new base station with associated mobile units to its conventional land mobile radio system licensed under call sign WSLH331.<sup>3</sup> Doyle indicates that it has been searching “over a period of many months” to identify a channel pair which can be added to its UHF radio system for base/mobile communications.<sup>4</sup> It notes, however, that its proximity to Canada makes identifying an available channel pair difficult and explains that all the UHF channel pairs from the Public Safety Pool in its region “have been exhausted.”<sup>5</sup>

<sup>1</sup> Doyle Fire District, Application, Universal Licensing System (ULS) File no. 0011914078 (received Feb. 24, 2026) (Doyle Application). *See also* Attachment to Doyle Application labeled “Waiver” (attached Feb. 19, 2026) (Waiver Request).

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

<sup>3</sup> Doyle is currently licensed via call sign WSLH331 to operate mobile units throughout Erie County on an unpaired Public Safety Pool frequency 458.700 MHz but seeks to license I/B Pool frequency 451.275 MHz at a proposed base station location in Erie County and paired I/B Pool frequency 456.275 MHz for use by associated mobile units operating throughout the county. *See* Doyle Application.

<sup>4</sup> Waiver Request at 1. Doyle notes that it is “unable to use frequencies outside the UHF Band, in that we only have infrastructure and radios capable of operating in the UHF band.” *Id.* *See also* Doyle Application (whereby it seeks to add a base station and associated mobile units to its license call sign WSLH331).

<sup>5</sup> Waiver Request at 1. Doyle identified a channel pair from the Public Safety Pool which was “no longer in use by the City of Buffalo, only to find that the Government of Canada has rejected one frequency of the pair at every capacity we had filed, due to a chance of harmful interference being anticipated by frequency users under their jurisdiction.” *Id.* *See also* 47 CFR § 1.928 (requiring coordination of frequency assignments with Canada on certain frequency bands above 30 MHz in a coordination zone along the border).

3. Nonetheless, Doyle identified a channel pair from the I/B Pool that it says can be integrated into its UHF radio system.<sup>6</sup> Therefore, Doyle seeks a waiver of eligibility requirements in Section 90.35(a) of the Commission rules so it, as a public safety licensee, can license the I/B Pool channel pair listed on its application and use those channels in its radio system for internal communication with its first responder end users.<sup>7</sup>

4. In support of its waiver request, Doyle 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 channels from the UHF band for Doyle's proposed operation.<sup>8</sup> APCO adds that the requested frequency pair "appears to pass Canadian and American coordination requirements."<sup>9</sup> Doyle also includes a letter from the Utilities Technology Council (UTC), a Commission-certified I/B Pool frequency coordinator, affirming that it concurs with Doyle's proposal to license the I/B Pool frequency pair listed on its application.<sup>10</sup>

5. On April 15, 2026, the Public Safety and Homeland Security Bureau (Bureau) released a public notice seeking comment on Doyle's application and waiver request.<sup>11</sup> In the public notice, the Bureau requested comment from any party that would be affected by Doyle's proposed operation on the I/B Pool channel pair.<sup>12</sup> In a response to the public notice, the Enterprise Wireless Alliance (EWA) says it "supports the waiver request" filed by Doyle and notes that it "appreciates that proximity to the Canadian border makes identifying usable frequencies challenging."<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 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> We conclude that Doyle has demonstrated that its request should be granted under the second prong of the waiver standard.

7. 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.<sup>16</sup>

---

<sup>6</sup> See Doyle Application.

<sup>7</sup> 47 CFR § 90.35(a). See also Waiver Request at 2 (noting the need to provide "quality communication during emergency incidents handled by the Doyle Fire District").

<sup>8</sup> Letter from Carol DiCaro, AFC Team Leader, APCO International to FCC (Feb. 10, 2026) (finding all Public Safety Pool channels in the UHF band "are too close to existing users, have frequency limitations that exclude their use, or do not pass Canadian coordination.") (attached Feb. 19, 2026 to Doyle Application) (APCO Letter).

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

<sup>10</sup> Letter from Joann Howell, UTC Frequency Coordinator, UTC (Feb. 13, 2026) (attached Feb. 24, 2026 to Doyle Application) (UTC Letter).

<sup>11</sup> *The Public Safety and Homeland Security Bureau Seeks Comment on an Application and Waiver Request From the Doyle Fire District, New York to License a UHF Channel Pair From the Industrial/Business Pool*, DA 26-366 (PSHSB Apr. 15, 2026).

<sup>12</sup> *Id.* at 2.

<sup>13</sup> Enterprise Wireless Alliance Comments at 1-2 (rec. Jun. 15, 2026) (attached Doyle Application) (EWA Letter).

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

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

<sup>16</sup> 47 CFR § 90.35(a).

Absent the requested waiver, Doyle, a public safety licensee, would be ineligible to license the requested I/B channel pair and use those channels for its internal public safety and first responder communications. Doyle indicates that it will use the I/B channel pair to “allow quality communication during emergency incidents handled by the Doyle Fire District.”<sup>17</sup> Doyle notes that it provides emergency response to numerous sensitive locations within its area of operation including a “CSX Railroad Frontier Yard,” the “largest shopping center in Erie County,” numerous “high-rise hotels,” and “several schools.”<sup>18</sup>

8. We find it persuasive that APCO certified that no additional Public Safety Pool channels could be identified from the UHF band for Doyle’s proposed system upgrade.<sup>19</sup> The Bureau recognizes that “both the U.S. and Canada have equal access to the entire VHF and UHF Frequency Bands” and that “Canada will approve or reject a U.S. coordination proposal based on whether or not harmful interference to an incumbent station in Canada is likely to occur from the proposed U.S. assignment.”<sup>20</sup> The record here reflects the difficulty of identifying clear UHF Public Safety Pool channels in the coordination zone with Canada.<sup>21</sup> Nonetheless, we note that the I/B Pool channel pair Doyle identified and included on its application did receive concurrence from Canada.<sup>22</sup> Bureau staff also performed its own database search for licensees operating on Public Safety Pool channels around Doyle’s proposed base station and agrees that the UHF band is congested in this region.<sup>23</sup> Furthermore, Bureau staff finds it persuasive that Doyle included a letter from a Commission-certified I/B Pool frequency coordinator affirming its concurrence with Doyle’s proposal to license the I/B Pool channel pair listed on its applications.<sup>24</sup> We note that EWA, another Commission-certified I/B Pool frequency coordinator, and the only party to respond to the Bureau’s public notice, also supports Doyle’s waiver request.<sup>25</sup>

9. Consequently, in view of these circumstances, we find application of the eligibility requirements in Section 90.35(a) of the Commission’s rules would be unduly burdensome because it would require Doyle to identify a Public Safety Pool channel pair outside the UHF band and thereby lose the ability to add channels to its existing UHF infrastructure which it says it recently “purchased through a FEMA Grant in 2024.”<sup>26</sup> Moreover, we find it in the public interest for Doyle to upgrade its radio system by adding a base station with associated mobile units so it can provide “quality communications” to its first responders “during emergency incidents.”<sup>27</sup> Therefore, we grant Doyle a waiver of the eligibility requirements in Section 90.35(a) and allow it to license the I/B Pool channel pair listed on its

---

<sup>17</sup> Waiver Request at 2.

<sup>18</sup> *Id.* at 1.

<sup>19</sup> See APCO Letter at 1.

<sup>20</sup> *Public Safety and Homeland Security Bureau, Wireless Telecommunications Bureau, and International Bureau Provide Guidance to Part 22 and Part 90 Applicants Seeking VHF and UHF Frequencies Along the U.S. – Canada Border*, Public Notice, 24 FCC Rcd 5578, 5578-79 (PSHSB, WTB, IB 2012).

<sup>21</sup> See Doyle Fire District, Application, Universal Licensing System (ULS) File no. 0011787713 (received Nov. 21, 2025 and amended Dec. 19, 2025) (whereby Doyle proposed licensing UHF Public Safety Pool channel 453.700 MHz but was rejected twice by Canada during the coordination process despite the fact that Doyle agreed to lower its proposed power level after the initial rejection).

<sup>22</sup> See Doyle Application (listing a response of no anticipated harmful interference from Canada).

<sup>23</sup> Bureau staff searched the ULS for Private Land Mobile Radio (PLMR) stations licensed under the radio service codes PW (Public Safety Pool, Conventional) and YW (Public Safety Pool, Trunked) within 100 kilometers of the coordinates of Doyle’s proposed base station and found over 250 active call signs licensed to operate on frequencies in the UHF band (450-470 MHz).

<sup>24</sup> UTC Letter at 1.

<sup>25</sup> EWA Letter at 1.

<sup>26</sup> Waiver Request at 1.

<sup>27</sup> Waiver Request at 2.

applications, and use it in its upgraded conventional PLMR system for internal public safety and first responder communications.

10. Finally, we note that Doyle will operate its conventional PLMR system on a shared basis on the I/B Pool channels listed on its application.<sup>28</sup> Doyle therefore must accept any subsequent licensing of the I/B Pool channels to licensees eligible in I/B service, which may require that it share the channels within its operating area consistent with the Commission's rules.<sup>29</sup>

#### **IV. ORDERING CLAUSES**

11. Accordingly, IT IS ORDERED that the waiver request associated with ULS File No. 0011914078 filed by Doyle 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.

12. 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

---

<sup>28</sup> See Doyle Application. Doyle seeks to operate on I/B pool frequency 451.275 MHz using station class codes FB and MO and I/B pool frequency 456.275 MHz using station class code MO.

<sup>29</sup> See 47 CFR § 90.173(a).