

31, 1996, to construct its system.³ When its most recent license term was about to expire, the District requested another renewal of the license and additional time for system construction.⁴ In its request, the District cites budget constraints as one of the major reasons it was previously unable to construct the system and submits additional information concerning its intentions regarding Station KNJA391. These submissions include: (1) two D.C. Council resolutions, each dated December 17, 1996, one declaring an emergency procurement, and the other giving approval for awarding a contract to a vendor (Motorola) for system design, equipment procurement, and system installation; (2) a statement that approval of the Motorola contract by the D.C. Financial Responsibility and Management Assistance Authority (D.C. Control Board) was expected on December 30, 1996; (3) a mobile radio loading plan and schedule for system construction to be completed in thirteen months after award of the contract to Motorola; and (4) a letter of confirmation from Motorola stating that the system can be constructed within thirteen months after it receives a notice to proceed. On December 31, 1996, the D.C. Control Board approved the expenditure of \$5,877,424 to Motorola to purchase and implement the Fire and EMS system.⁵

3. The District states that the events leading to the most recent delay in procurement are the District's continuing financial crisis and the creation of an independent Chief Financial Officer and the D.C. Control Board.⁶ The District claims that the creation of these entities required it to revise its entire radio communications implementation plan, which delayed the project and required the city to scale back its communications budget from \$33 million to the present \$5.9 million contract. The District asserts that it has now adjusted to these factors, and is prepared to move forward to build a unified Fire and EMS radio system.⁷

4. The District points out that its current Fire and EMS radio system is old and in disrepair. For example, personnel must now carry three radios to communicate with their colleagues, wait-times to communicate are excessively long, and many areas within the District have poor radio coverage. Claiming that there are no remaining budgetary barriers for the radio system, the District requests an extension of its license for Station KNJA391 to permit system construction and to enable final system acceptance within thirteen months after the system contractor is given notice to proceed.

III. DISCUSSION

5. The District's submissions indicate that funds for the construction of the Fire and EMS 800 MHz radio system have been authorized and are committed and available for construction of Station

³ 47 C.F.R. § 90.631(e) provides that licensees of 800 MHz trunked Private Land Mobile Radio (PLMR) systems must complete construction within one year. 47 C.F.R. § 90.629 provides for extended implementation periods for certain types of 800 MHz PLMR systems. Section 90.629 does not, however, provide for extended implementation beyond a station's initial license term.

⁴ Letter from Michael C. Rogers, City Administrator and Deputy Mayor for Operations, to Terry Fishel, Chief, Land Mobile Branch, Licensing Division, Wireless Telecommunications Bureau (Dec. 27, 1996) (Rogers Letter).

⁵ Letter from John W. Hill, Jr., Executive Director, D.C. Control Board, to Michael C. Rogers, City Administrator and Deputy Mayor for Operations (Dec. 31, 1996).

⁶ Rogers Letter at 3.

⁷ Rogers Letter at 2-3.

KNJA391. Based on the record in this proceeding, we believe that the District is ready to proceed with system implementation in an expeditious manner. Although the District's history with respect to construction of Station KNJA391 is not encouraging, we are mindful of the critical role that PLMR communications play in enabling public safety providers to protect life and property. Moreover, the commitments obtained by the District from the D.C. Control Board and the equipment vendor provide us with more assurance that the District will meet its construction obligations in the event Station KNJA391's license is reinstated.

6. Thus, we conclude that reinstatement of the license for Station KNJA391 is in the public interest. Reinstatement of the station's authorization will facilitate upgrade of the District's existing Fire and EMS radio system, which would address some of the District's present and future public safety communications requirements. Therefore, we are reinstating the authorization for Station KNJA391 until December 31, 1998, and are granting the District's request to waive Section 90.629 of the Commission's Rules to further extend its time to construct and place the Fire and EMS radio system into operation in accordance with the submitted implementation schedule. In addition, this license reinstatement and waiver grant is conditioned upon the requirement that the District formally notify the Public Safety and Private Wireless Division of the Wireless Telecommunications Bureau when Station KNJA391 becomes operational.

7. Authority for this action is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and 303(r), and Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131 and 0.331.

FEDERAL COMMUNICATIONS COMMISSION



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