



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

September 25, 2009

OFFICE OF  
THE CHAIRMAN

The Honorable Albio Sires  
U.S. House of Representatives  
1024 Longworth House Office Building  
Washington, D.C. 20515

Dear Congressman Sires:

Thank you for your June 18, 2009 letter regarding the status of a pending license application submitted by the City of Bayonne, New Jersey.

On June 18, 2007, Bayonne applied to operate on two non-public safety frequencies in the 470 MHz band pursuant to a waiver request under Section 337(c) of the Communications Act of 1934, as amended (File No. 0003074060). Initially, Bayonne sought low power operations on these frequencies.

On April 3, 2008, the Commission's Public Safety and Homeland Security Bureau placed Bayonne's application and waiver request on *Public Notice*. Bergen County, New Jersey objected to Bayonne's application, expressing concern that Bayonne did not file a technical analysis for its proposed operations, which would overlap with Bergen County's operations on adjacent frequencies. Bergen County withdrew the objection late last year when the Commission granted Bergen County a new license that avoids bandwidth overlap with Bayonne.

Subsequently, on April 2, 2009, Bayonne amended its application with a request for a new base station that would have higher power and antenna height (*i.e.*, greater potential to interfere with existing licensees) than its prior proposal. The Commission's waiver criteria require Bayonne to demonstrate that the proposed new base station would protect incumbent public safety licensees that are also operating on Part 22 frequencies by previous waivers. These incumbent licensees are:

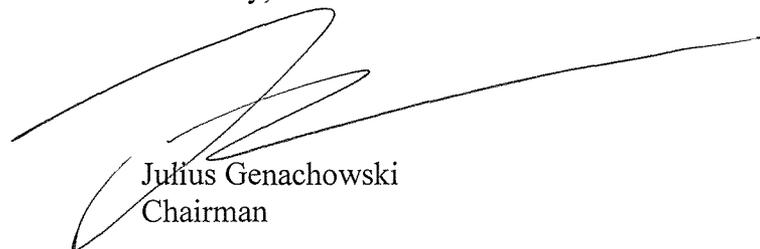
Somerset County, New Jersey, Stations WQBL360, WQBL367, WPPB311  
Syosset Fire District, Station WPYJ816  
Melville Fire District, Station WIG703  
Bergen County, New Jersey, Station WQDK989.

Thus, in order for the Bureau to act on Bayonne's amended application, Bayonne must provide either an engineering analysis demonstrating that the new base station would not cause harmful interference to these incumbents, or in the alternative, a signed statement to this effect from an FCC-certified frequency coordinator. On August 5, 2009, Bureau staff contacted Bayonne's technical consultant to request an engineering analysis for the proposed station. In the meantime, pending the Bureau's review of the matter, Bayonne may request a Special

Temporary Authority (STA) to allow temporary operation, conditioned on protecting adjacent incumbents from interference. Bayonne previously was granted an STA, but our records indicate that it has expired. Therefore, Bayonne must re-file to obtain an STA consistent with its previous STA.

I appreciate your bringing this important matter to my attention. The Commission's staff remains ready to assist Bayonne in its efforts to provide suitable public safety communications. Thank you for the opportunity to be of service.

Sincerely,

A handwritten signature in black ink, consisting of several fluid, overlapping loops and a long horizontal stroke extending to the right. The signature is positioned above the printed name and title.

Julius Genachowski  
Chairman