



PUBLIC NOTICE

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DA 12-393

Released: March 13, 2012

**PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SEEKS COMMENT ON
APPLICATIONS AND WAIVER REQUEST FILED BY THE STATE OF MAINE
FOR 150 MHZ INDUSTRIAL/BUSINESS FREQUENCIES**

File Numbers Listed in Appendix

Comment Date: March 27, 2012

Reply Comment Date: April 6, 2012

The State of Maine (Maine) has filed ten applications¹ seeking authority to operate trunked private land mobile radio facilities on VHF frequencies in the 150 MHz band from the Industrial/Business Pool.² Maine filed a waiver request in connection with these applications seeking a waiver of the eligibility requirements in Sections 90.33 and 90.35(a) of the Commission's rules in order to operate on these channels.³

In its waiver request, Maine states that its existing two-way mobile radio systems are "outdated, difficult to maintain, and no longer adequate to serve respective departments' critical needs."⁴ Consequently, Maine plans to consolidate all of its agency radio systems into a new narrowband (12.5 kHz channel bandwidth) VHF trunked Project 25 radio system.⁵ Maine contends that the VHF band (150-170 MHz) is the only viable frequency band for its statewide radio network because of radio

¹ The file numbers for these applications are listed in the attached Appendix. Collectively these applications include seven fixed base station locations with associated mobile units, two mobile-only locations and twenty-nine VHF frequencies.

² See 47 C.F.R. § 90.35(b)(3).

³ See Request for Waiver, dated September 2010, attached to the applications listed in the attached Appendix (Maine Waiver Request). We note by separate waiver request, Maine is seeking a waiver to operate on Industrial/Business Pool frequencies in the 160 MHz band exclusively coordinated by the Association of American Railroads. See Public Safety and Homeland Security Bureau Seeks Comment on Applications and Waiver Request Filed by the State of Maine for 160 MHz Band Railroad Frequencies, *Public Notice*, DA 12-74 (rel. Jan. 23, 2012).

⁴ Maine Waiver Request at 2.

⁵ *Id.* at 3.

engineering considerations, geography, cost and interoperability needs.⁶ Maine also notes that most local public safety agencies in the state rely primarily on VHF band radio communications.⁷

Maine claims there are insufficient VHF channels available in the Public Safety Pool to meet its requirements for the new radio system.⁸ In this regard, Maine notes it is already incorporating any channels currently assigned to it into the new system and that it has applied for all remaining Public Safety Pool channels which can be used without causing interference to other users.⁹

Claiming it lacks any other viable alternative, Maine has identified VHF frequencies from the Industrial/Business Pool for inclusion in its proposed radio system.¹⁰ Included with each application is a statement from the Association of Public Safety Communications Officials (APCO) certifying that no additional Public Safety Pool channels are available for Maine's proposed radio system. Furthermore, each application contains a letter from an appropriate Industrial/Business frequency coordinator certifying that the Industrial/Business frequencies were properly coordinated.

Maine states that, without a waiver, it will be "hard-pressed to provide state-wide radio communications essential for the protection of life, health and property."¹¹ Consequently, Maine claims granting of its waiver request "would clearly be in the public interest as it will facilitate the modernization of the State's sub-standard radio system."¹² Furthermore, Maine notes the unique and unusual circumstances of its reliance on VHF frequencies due to "extremely sparse population, heavily forested areas, extensive international border, long/rugged coastline, and current reliance on VHF frequencies by virtually every public safety agency in the State."¹³

We seek comment on Maine's waiver request to incorporate Industrial/Business Pool frequencies into its new statewide public safety radio system. In particular, we seek comment from any parties who would be impacted by Maine's use of these frequencies.

We also note that all of the applications submitted by Maine seek authorization for sites located above Line A.¹⁴ Thus, we can only grant these applications upon successful coordination with Canada, regardless of our decision on the Maine waiver request.

⁶ *Id.* at 4.

⁷ *Id.* at 5.

⁸ *Id.* at 6.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.* at 7.

¹² *Id.*

¹³ *Id.*

¹⁴ Applications requiring coordination with Canada are denoted with an asterisk in the attached appendix.

Interested parties may file comments on or before March 27, 2012.¹⁵ Parties may file replies on or before April 6, 2012.¹⁶ Parties may file statements and replies electronically¹⁷ or by paper.

All comments and reply comments should reference the subject Maine 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 Service Licensing System (ULS),¹⁸ or (2) by filing paper copies.

Electronic Filers: Pleadings may be submitted electronically as follows:

- From the ULS website at <http://wireless.fcc.gov/uls/>, begin the process of submitting a pleading by clicking on the "ULS Pleadings" link in the menu on the lower left side of the ULS web page. The link will take you to the "*Pleading Information*" screen for "Non-docketed Pleadings" where you select "Reply" in 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.*"¹⁹ 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 have the opportunity to delete any selected file from the pleading.

¹⁵ 47 C.F.R. § 1.405.

¹⁶ *Id.*

¹⁷ *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998)

¹⁸ *See* "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.

¹⁹ *See* 47 C.F.R. Part 1.

- 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 and License 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 <http://esupport.fcc.gov>. You may also call the FCC ULS Customer Support Center at (877) 480-3201 and select option 2, or (888) 225-5322 and select Option 2, or (717) 338-2888. 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 FCC ULS Customer Support Center are recorded.

Paper Filers: Parties who choose to file by paper must submit an original and four copies of each filing.

- Send hand-delivered or messenger-delivered paper filings for the Commission’s Secretary to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building..
- Send commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) to 9300 East Hampton Drive, Capitol Heights, M.D. 20743.
- Send U.S. Postal Service first-class, Express, and Priority to 445 12th Street, SW, Washington, D.C. 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>. The full text of the Maine Waiver Request, comments and reply comments will be available for inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th St. SW, Room CY-A257, Washington, D.C. 20554. The documents may also be purchased from BCPI. Email fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau, (voice) (202) 418-0530, (TTY) (202)-418-0432 to request materials in formats accessible to people with disabilities, e.g. Braille, large print, electronic files, audio format.

For further information regarding this proceeding contact Brian Marengo, Policy and Licensing Division, Public Safety and Homeland Security Bureau, (voice) (202) 418-0838 or Brian.Marengo@fcc.gov.

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Appendix

State of Main Applications Seeking Industrial/Business Frequencies in the 150 MHz Band²⁰

ULS Application Numbers

0004825917*	0004931902*
0004825918*	0004933177*
0004885388*	0004938501*
0004905098*	0004939017*
0004912404*	0004987808*

* Denotes applications seeking to license a location above Line A.

²⁰ 47 C.F.R. § 90.35(b)(2)(iv).