

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

In the Matter of)	
)	
Amendment of Part 90 of the Commission's Rules)	WP Docket No. 07-100
)	
Petition for Clarification and to Hold in Abeyance)	
Changes to Frequency Coordination Requirement)	

ORDER

Adopted: May 1, 2012

Released: May 2, 2012

By the Acting Chief, Public Safety and Homeland Security Bureau and the Associate Chief, Wireless Telecommunications Bureau:

I. INTRODUCTION

1. The Association of Public-Safety Communications Officials-International, Inc. filed a Petition for Clarification and to Hold in Abeyance Changes to Frequency Coordination Requirement¹ in the above-captioned proceeding. For the reasons discussed herein, we deny the Petition.

II. BACKGROUND

2. On March 11, 2010, the Commission released a *Second Report and Order and Second Further Notice of Proposed Rulemaking* in this proceeding.² The Commission, *inter alia*, eliminated a frequency coordination requirement for license modification applications where the only change requested is a reduction in authorized bandwidth on the licensed center frequencies with no other changes in technical parameters.³ Noting that most Private Land Mobile Radio Service licensees below 512 MHz will be required to migrate from 25 kHz operation to 12.5 kHz or narrower operation on their existing frequencies,⁴ the Commission added a new Section 90.175(j)(20) of the Commission's rules to eliminate the frequency coordination requirement in this instance and thus reduce unnecessary regulatory burdens on licensees.⁵

¹ See Amendment of Part 90 of the Commission's Rules, WP Docket No. 07-100, Petition for Clarification and to Hold in Abeyance Changes to Frequency Coordination Requirement filed by the Association of Public-Safety Communications Officials-International, Inc. (APCO) on May 11, 2010 (Petition).

² See Amendment of Part 90 of the Commission's Rules, WP Docket 07-100, *Second Report and Order and Second Further Notice of Proposed Rulemaking*, 25 FCC Rcd 2479 (2010) (*Part 90 Second Report and Order*).

³ See *id.* at 2482 ¶ 7.

⁴ See *id.*, citing Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended, *Third Memorandum Opinion and Order, Third Further Notice of Proposed Rule Making and Order*, WT Docket No. 99-87, 19 FCC Rcd 25045, 25051-52 ¶¶ 12-13 (2004) (requiring most Private Land Mobile Radio Service licensees in the 150-174 MHz and 421-512 MHz bands to migrate to 12.5 kHz technology by January 1, 2013); see also 47 C.F.R. § 90.209(b)(5).

⁵ *Part 90 Second Report and Order*, 25 FCC Rcd at 2482 ¶ 7. See 47 C.F.R. § 90.175(j)(20) (effective May 14, 2010; see 75 FR 19277, 19284 ¶ 7 (2010)).

3. In the Petition, APCO “requests that the Commission clarify its *Second Report & Order* ... to hold in abeyance a proposed change to frequency coordination requirements, pending modifications to the Universal Licensing System (ULS).”⁶ APCO “does not seek reconsideration of that decision,” but “is concerned that ULS has not been modified to ensure that applicants seeking to reduce authorized bandwidth are not able to make other changes to their licenses at the same time without obtaining frequency coordination.”⁷ APCO “urges that ULS be modified to ensure that licensees submitting applications to reduce authorized bandwidth, without frequency coordination, can only add an emission designator within the same configuration as the original license.”⁸ As an example, APCO states, “if a license has an analog wideband emission (*e.g.*, 20K0F3E), then it should only be able to add the corresponding narrowband analog emission for the same configuration (11K3F3E).”⁹ APCO urges that applications with “other changes to the emission designator without frequency coordination ... should be rejected by ULS.”¹⁰ Similarly, APCO urges that changes such as “increasing ERP, output power, antenna height, site elevation, number of units, or changes in area of operation should also trigger frequency coordination requirements.”¹¹ APCO states that “[u]nless and until ULS is modified to restrict applications accordingly, the rule modification regarding frequency coordination for reductions in authorized bandwidth should be held in abeyance, and applications should continue to be subject [to] current frequency coordination procedures.”¹²

III. DISCUSSION

4. We treat APCO’s request to hold the rule change in abeyance as a request for stay of the effective date of the rule change. Section 90.175(j)(20) took effect on May 14, 2010. We find APCO’s request to modify ULS moot, because the Commission has already addressed APCO’s concerns as part of the Commission’s overall plan to implement the *Part 90 Second Report and Order*. Specifically, under our licensing processes, ULS automatically rejects or “offlines” any application that does not comply with the Commission’s rules. Thus, in instances where an applicant seeks to modify its narrowband status only, ULS would accept the application. On the other hand, if the applicant were to seek other technical changes, such as a change in the emission designator in addition to a modification of its narrowband status, then ULS would offline the application, and staff would dismiss it for lack of frequency coordination.¹³ Our experience has shown that these procedures, which we implemented in time for the effective date of the rule, and subsequent to APCO’s filing, have proven to be adequate and have furthered the goals of the *Part 90 Second Report and Order*. We therefore find APCO’s Petition moot.

⁶ Petition at 1.

⁷ *Id.* at 2.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ 47 C.F.R. § 90.135(b) requires licensees to submit a Form 601 application for modification to the applicable frequency coordinator for any change listed in 47 C.F.R. § 1.929(c)(4).

IV. CONCLUSION

5. Based on the foregoing, we deny the Petition, and we decline to hold in abeyance or stay application of Section 90.175(j)(20) regarding the frequency coordination exemption for reductions in authorized bandwidth.

V. ORDERING CLAUSES

6. Accordingly, IT IS ORDERED pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), that the Petition for Clarification and to Hold in Abeyance Changes to Frequency Coordination Requirement, filed by the Association of Public-Safety Communications Officials-International, Inc., on May 11, 2010, IS DENIED.

7. This action is taken under delegated authority pursuant to Sections 0.131, 0.331, 0.191 and 0.392 of the Commission's rules, 47 C.F.R. §§ 0.131, 0.331, 0.191, 0.392.

FEDERAL COMMUNICATIONS COMMISSION

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