

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
PacifiCorp	)	
	)	
Request for Waiver of Sections 90.209(b) and Section 90.155	)	
	)	
Implementation of Sections 309(j) and 337 of the Communications Act of 1934, as Amended	)	WT Docket No. 99-87
	)	
Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies	)	RM-9332

**REQUEST FOR EXTENSION OF NARROWBANDING DEADLINE**

**PACIFICORP**

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Its Attorney

Dated: August 31, 2012

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## EXECUTIVE SUMMARY

Pursuant to Section 1.925 of the Commission's Rules, PacifiCorp requests a 10-month extension, to October 31, 2013, to comply with the Commission's requirement to narrowband its Part 90 radio channels in the 150-174 MHz and 450-512 MHz bands. PacifiCorp is committed to achieving narrowband compliance by the January 1, 2013, deadline, but is requesting this extension out of an abundance of caution due to certain contingencies that are outside its control and that could cause certain elements of its plan to be delayed until 2013.

PacifiCorp has been working diligently and in good faith since 2003 to complete all of the steps that will be necessary for it to reconfigure the private mobile radio service ("PMRS") facilities that PacifiCorp uses to support its provision of electric utility service to the public. In addition to complying with the FCC's narrowbanding mandate, PacifiCorp is using this opportunity to consolidate PacifiCorp's existing PMRS systems that operate in the VHF and UHF bands and to upgrade the entire system to a trunked, narrowband system on a common frequency band and technology platform with improved spectrum efficiency and service features.

PacifiCorp is well on the way to completing its transition to a narrowband compliant trunked radio platform. PacifiCorp has replaced all of its mobile radios (approximately 3,000 units) with narrowband capable models, has placed in service all switching infrastructure for the new system, has converted all of its fixed location radio systems to conventional narrowband, and has converted 131 of 165 base station sites to narrowband trunking. Although PacifiCorp's schedule calls for the remaining sites to come online by the end of 2012, there are a few contingencies outside PacifiCorp's control that could cause elements of the project to be delayed into 2013. Among other things, PacifiCorp is concerned that ongoing delays in obtaining site

leases and government land use permits could cause construction to be delayed beyond the last quarter of 2012.

Because the peak storm season in the Pacific Northwest typically runs from November through March, PacifiCorp is effectively limited to constructing its higher elevation communications sites in the April through October timeframe. Furthermore, access to remote PMRS sites during the Pacific Northwest storm season can be hazardous, if not impossible, due to steep access roads coupled with a winter accumulation of snow or ice. While PacifiCorp is planning to complete all, or at least the major portion, of the network by the end of 2012, any work that cannot be completed by November 30, 2012, at some of these locations will probably have to be deferred until the summer or fall of 2013.

PacifiCorp does not use its PMRS system to interoperate with neighboring utilities so a brief extension for PacifiCorp to continue operating its remaining wideband Part 90 facilities will have no detrimental impact on interoperability. Moreover, because PacifiCorp is migrating almost all of its system to Part 22 and Part 80 spectrum, PacifiCorp anticipates being able to relinquish a substantial number of Part 90 VHF channels, with the precise number of channels to be determined once PacifiCorp optimizes its channel re-use plan and completes system testing.

For all of the foregoing reasons and as further explained in this request, PacifiCorp submits that a 10-month extension of the narrowbanding deadline would serve the public interest by allowing PacifiCorp to safely and efficiently migrate its users to the enhanced radio system with no detrimental impact anticipated to other licensees and with the potential for more VHF spectrum to be made available to other Part 90 licensees.

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**REQUEST FOR EXTENSION OF NARROWBANDING DEADLINE**

Pursuant to Section 1.925 of the Commission’s Rules, PacifiCorp hereby requests a limited extension of the Commission’s January 1, 2013, deadline for narrowbanding Part 90 radio channels in the 150-174 MHz and 450-512 MHz bands authorized under the call signs listed in Attachment A hereto. This request is submitted pursuant to the guidelines in the Commission’s Public Notice of July 13, 2011, DA 11-1189, and its supplemental Public Notice of February 21, 2012, DA 12-246.<sup>1</sup>

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<sup>1</sup> See Wireless Telecommunications Bureau, Public Safety and Homeland Security Bureau, and Office of Engineering and Technology Provide Reminder of January 1, 2013 Deadline for Transition to Narrowband Operations in the 150-174 MHz and 421-512 MHz Bands and Guidance for Submission of Requests for Waiver and Other Matters, *Public Notice*, 26 FCC Rcd 9647 (2011); Wireless Telecommunications Bureau and Public Safety and Homeland Security Bureau Provide Supplemental Guidance for Licensees in the 150-174 MHz and 421-512 MHz Bands Seeking Waivers of the January 1, 2013 Narrowbanding Deadline, *Public Notice*, DA 12-246, released February 1, 2012.

As explained herein, PacifiCorp has been working diligently and in good faith since 2003 to complete the steps that will be necessary for it to reconfigure its private mobile radio service (“PMRS”) facilities in order to meet the January 1, 2013, narrowbanding deadline. PacifiCorp’s current project schedule is still based on achieving compliance by the January 1, 2013, deadline. However, due to earlier circumstances beyond its control, and certain contingencies that are also outside PacifiCorp’s control and that could arise before the end of the year, PacifiCorp foresees that it might not be able to meet the current January 1, 2013, deadline. As a matter of prudence, and out of an abundance of caution, PacifiCorp is therefore requesting an extension to October 31, 2013, but with a commitment to complete narrowbanding as quickly as possible. In support of this request, the following is respectfully submitted.

## **I. Background**

### **A. PacifiCorp’s Existing Radio Systems**

PacifiCorp provides electric service to approximately 1.7 million customers in portions of six western states: Utah, Oregon, Wyoming, Washington, Idaho and California. The combined service territory’s diverse regional economy ranges from rural, agricultural and mining areas to urbanized manufacturing and government service centers distributed over an area covering 165,000 square miles. PacifiCorp has more than 10,400 megawatts of generation capacity from coal, hydro, renewable wind power, gas-fired combustion turbines, solar and geothermal. The company operates as Pacific Power in Oregon, Washington, and California, and as Rocky Mountain Power in Utah, Idaho and Wyoming, and is a part of MidAmerican Energy Holdings Company.

PacifiCorp is obligated to its employees, customers, and the general public to maintain and repair its large electric system as safely and quickly as possible, and to operate its facilities on a day-to-day basis in a safe and efficient manner. In order to fulfill these obligations,

PacifiCorp relies on its extensive and complex private land mobile communications system, particularly to protect its employees while they are performing often dangerous work.

The Private Land Mobile Radio System (PLMR) that PacifiCorp relies on to fulfill these regulatory obligations consists of approximately 3,000 mobile and portable radios served from 165 communications sites.

In an effort to improve operating efficiencies and to meet the FCC's January 1, 2013, deadline for the narrowbanding of its VHF and UHF channels, PacifiCorp decided to upgrade its PLMR system onto a common VHF trunked radio system platform. In furtherance of these plans, PacifiCorp has been actively engaged in licensing new Part 90 narrowband frequencies for trunked operation and in acquiring additional spectrum assets through the FCC spectrum auction process and through secondary market assignments.

#### **B. PacifiCorp's Narrowband Compliance Program**

In addition to addressing the narrowbanding requirement, PacifiCorp also needed to address the shortcomings of its current land mobile radio network. PacifiCorp undertook an extensive analysis of its existing communications assets and user requirements in order to improve the company's ability to respond to emergencies and also to improve efficiency of routine operations throughout the company. Based on this analysis, PacifiCorp's management initiated the Narrowband Compliance Program to convert its fixed location radio systems to conventional narrowband and to migrate the company's various land mobile radio systems to a new trunking platform in the VHF band.

Given the scope of the Narrowband Compliance Program, PacifiCorp determined that a wide-area trunked system would be required. However, because no spectrum has been specifically allocated or reserved for trunked utility operations such as this, PacifiCorp was required to seek out a sufficient quantity of spectrum in the VHF band through coordination of

Part 90 VHF frequencies for trunking authorization, through the FCC spectrum auction process, and through license assignments in the secondary market. PacifiCorp found that it was impossible to find a sufficient number of VHF channels for trunking under Part 90, and has therefore acquired a number of licenses for spectrum allocated under Parts 22 and 80. PacifiCorp believes it has obtained most of the spectrum it will need in order to migrate all of its existing land mobile services onto one frequency band. PacifiCorp also envisions that it might need to request modification of a few existing Part 90 VHF licenses as it optimizes its frequency reuse plan. As explained more fully below, the entire project was designed to ensure compliance prior to the January 1, 2013, deadline for Part 90 narrowbanding, and there is still the possibility that PacifiCorp can fully meet that deadline. PacifiCorp's intent was to avoid the unnecessary time and expense of narrowbanding VHF and UHF channels that would not remain part of the system after consolidation.

PacifiCorp new radio system, when complete, will include 165 base station sites, providing service to approximately 3,000 mobile and portable radios. PacifiCorp's new radio system is a trunked, narrowband system that will meet or exceed the same narrowband efficiency standards established in the FCC's Refarming Proceeding for Part 90 radio systems. This system is more complex than land mobile systems typically licensed in the VHF band, due to the wide area involved and the use of trunking technology.

## **II. Waiver Standards**

Pursuant to Section 1.925 of the Commission's Rules, the Commission may waive the application of any rule if the party seeking waiver shows that (1) the underlying purpose of the rule would not be served or would be frustrated by application to the instant case, and that grant of the waiver would be in the public interest; or (2) that, in view of the "unique or unusual

factual circumstances” of the instant case, application of the rule would be “inequitable, unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative.”<sup>2</sup>

The FCC may also waive any rule, under Section 1.3 of the Commission’s Rules, for “good cause shown.”<sup>3</sup>

The Commission has listed a number of factors that it will consider when reviewing a request for waiver of the narrowbanding deadline, including (1) the steps that have been taken to complete the transition to narrowband operations; (2) system size and complexity; (3) whether equipment must be replaced or upgraded; (4) whether the licensee plans additional system upgrades or improvements in addition to narrowbanding; (5) funding sources; (6) relationships with neighboring systems due to interoperability or interdependencies; (7) impact of extended wideband operations on co-channel and adjacent channel operations; and (8) whether the licensee will relinquish VHF/UHF spectrum. The Commission has also recommended that licensees requesting waiver also provide a list of VHF and UHF frequencies that will be relinquished if they are migrating to a different band.

### **III. PacifiCorp Satisfies the Standards for a Waiver of the Narrowbanding Deadline**

As explained herein, PacifiCorp meets the criteria established by the Commission for a brief, 10-month extension of the narrowbanding deadline.

#### **A. Steps taken to complete the transition to narrowband operations**

PacifiCorp has been working diligently since 2003 to meet the Commission’s January 1, 2013, narrowbanding deadline. The following is a high-level summary of the efforts PacifiCorp has taken to complete the transition.

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<sup>2</sup> 47 C.F.R. § 1.925(b)(3).

<sup>3</sup> 47 C.F.R. § 1.3.

- As early as 2002/2003, PacifiCorp recognized that it would be extremely difficult to clear sufficient spectrum for centralized trunking on Part 90 VHF channels. PacifiCorp's engineering consultants recommended VHF spectrum for the upgraded system as the most appropriate and economical means of serving PacifiCorp's mountainous, and largely rural, service area.
- Based on these recommendations, PacifiCorp took steps to secure VHF spectrum in the secondary market, and entered agreements for the assignment of VHF Public Coast ("VPC") spectrum allocated under Part 80. PacifiCorp filed applications for assignment of VPC spectrum in 2003 and consummated the assignment of that spectrum in 2004.
- PacifiCorp filed applications for assignment of additional VPC spectrum in 2005, but because of initial opposition to PacifiCorp's use of Part 80 spectrum for PMR service near the Pacific Ocean and the Columbia River, FCC consent to assignment of certain of the licenses needed in the most densely populated areas of PacifiCorp's service territory was not granted until May 2009. Moreover, the licenses themselves were not issued to PacifiCorp until April 2012 due to petitions that had been filed against the assignor's license renewal applications just prior to consummation of the license assignment to PacifiCorp.<sup>4</sup> PacifiCorp sought assignment of additional Part 80 spectrum in August 2009, and it was not until July 2012, that the FCC granted consent to such assignments over the objections of the same petitioners that had opposed the license renewal applications.<sup>5</sup> The petitioners have requested reconsideration of the most recent VPC license assignments authorized in July 2012, thereby creating additional regulatory uncertainty for PacifiCorp.
- Despite regulatory uncertainty as to whether PacifiCorp would be able to obtain licensing for all of the spectrum it needs for the new system, PacifiCorp moved forward with design and engineering plans. PacifiCorp also entered a contract for the purchase and installation of base and mobile radio equipment in December, 2008.
- All switching infrastructure for the new narrowband system was placed into service in April 2010.
- All mobile and portable radios (approximately 3,000 units) have been replaced with narrowband capable models, and approximately 80 percent of the new units are operating in narrowband mode.

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<sup>4</sup> See PacifiCorp, *Order*, 24 FCC Rcd 5796 (WTB MD 2009) (granting consent to the assignment of VPC licenses and waiver of certain Part 80 rules), and MariTEL, Inc., *et al.*, *Order*, 27 FCC Rcd 3256 (WTB MD 2012) (granting renewal of VPC licenses, including those assigned to PacifiCorp).

<sup>5</sup> See MariTEL Northern Pacific, Inc. and MariTEL Southern Pacific, Inc., *Order*, 27 FCC Rcd 8153 (WTB MD 2012).

- PacifiCorp was high bidder in Auction 87 for a number of Part 22 Paging and Radiotelephone licenses that PacifiCorp planned to incorporate into the new system. Although the auction closed on August 6, 2010, the new licenses were not granted until February 17, 2011.
- PacifiCorp began converting its base station sites to narrowband in April 2010. Conversions are being executed by electric operating area. As of August 31, 2012, PacifiCorp has converted 46 of its 75 electric operating areas to narrowband compliant service. The remaining 29 operating areas are scheduled for conversion by December 2012. So far, PacifiCorp has converted 131 of its 165 base station sites to narrowband, with only 34 sites remaining to be converted.

As can be seen, PacifiCorp has been working diligently to develop and implement an enhanced radio system by the January 1, 2013, narrowbanding deadline. PacifiCorp's work schedule is still targeting completion of the project by January 1, 2013, but there are a few contingencies, as explained below, that make it prudent for PacifiCorp to request this extension out of an abundance of caution.

#### **B. System size and complexity**

The new radio system will include 165 base station sites providing service to approximately 3,000 mobile and portable units that will be used to provide important safety-of-life communications to PacifiCorp's employees and contractors within its 165,000 square mile electric service territory. As indicated above, the planning, design, and construction of this system is far more involved than the "typical" Part 90 narrowband conversion. In addition, the system must be constructed and cut-over with minimal disruption of communications service to PacifiCorp operations.

#### **C. Whether equipment must be replaced or upgraded**

PacifiCorp concluded early in this project that PacifiCorp's current radio system is outdated, and is using inefficient and, in some cases, irreplaceable components. Most of the equipment used by PacifiCorp was beyond the manufacturers' "end-of-life" and therefore it could not be economically upgraded. Aside from retaining some of the infrastructure at some of

PacifiCorp's radio sites, this project involves a complete rebuild of PacifiCorp's land mobile radio system.

**D. Whether the licensee plans additional system upgrades or improvements in addition to narrowbanding**

As described above, PacifiCorp determined that converting its land mobile radio operations from conventional radio technology to trunked radio technology would provide greater spectrum efficiency and greater functionality for its field crews who must sometimes operate in very harsh and remote locations.

**E. Funding sources**

PacifiCorp's management has committed sufficient funds to meet the narrowbanding mandate and the concurrent system upgrade.

**F. Relationships with neighboring systems due to interoperability or interdependencies**

PacifiCorp's current PMRS system operates independently of similar systems used by neighboring utilities or jurisdictions. Therefore, if PacifiCorp is granted additional time to retain operations on its Part 90 wideband VHF channels there will be no impact on interoperability or interdependencies with other licensees.

**G. Impact of extended wideband operations on co-channel and adjacent channel operations**

PacifiCorp is not aware of any negative impact to co-channel or adjacent channel operations if PacifiCorp retains wideband operations beyond January 1, 2013. As noted above, PacifiCorp does not interoperate or have any other interdependencies with other licensees on its wideband PMRS system.

#### **H. Whether the licensee will relinquish VHF/UHF spectrum**

PacifiCorp anticipates being able to relinquish the majority of its Part 90 channels as it migrates its system to new technology that will primarily operate on exclusive spectrum, allocated under Parts 22 and 80. Until PacifiCorp optimizes its channel re-use plan and completes system testing, PacifiCorp is unable to state definitively how many Part 90 channels will be relinquished.

#### **IV. Circumstances Warranting an Extension of the Deadline and Proposed Timetable for Completion of Narrowbanding**

##### **A. Contingencies that Could Disrupt PacifiCorp's Compliance Schedule**

PacifiCorp's plan to replace its various VHF and UHF wideband conventional systems with a uniform narrowband VHF trunked radio system by December 31, 2012, is subject to variables outside its direct control. Examples include co-location agreements, access agreements, land leases, land use permits, building permits, and third party backhaul availability. PacifiCorp has been diligently obtaining these agreements however some remain unexecuted as of this date. These have the potential to delay PacifiCorp's replacement program beyond December 31, 2012.

As of August 31, 2012, PacifiCorp has converted 74% of its wideband radio systems to narrowband. All fixed location radio systems and all radio systems used at PacifiCorp's large thermal power plants are now converted. Several smaller hydro and combined cycle power plant radio systems are scheduled for conversion by November 2012, however these are subject to timely agreements and perfect execution of the conversions. Deteriorating Pacific Northwest weather conditions are expected to become a limiting factor in November 2012. Conversion of three wide area radio zones needed to serve six operating districts is forecasted for December 2012 completion.

PacifiCorp is working diligently to maintain its current schedule which calls for compliance with the narrowbanding mandate by the January 1, 2013, deadline. However, and despite PacifiCorp's best efforts, there is the possibility that PacifiCorp might not be able to complete conversion of some of the remaining 34 base station sites, and to initiate service from the new system to the 29 remaining operating areas, by the end of 2012.

PacifiCorp estimates that 25 of its existing "wideband" Part 90 licenses are at risk of timely conversion because PacifiCorp might not be able to complete the necessary site permitting and co-location agreements in sufficient time to implement the replacement narrowband system in those areas.

Other sites are at risk for completion by the end of 2012 for a variety of reasons, including the following:

- Construction at Sheep Ridge, Oregon (elevation 5,523 feet AMSL) could be delayed because of severe winter weather if it is not completed by the end of September. This delay will affect turn-up of the system serving PacifiCorp's Enterprise, Oregon, office.
- A number of sites in PacifiCorp's new system will use microwave backhaul facilities that will be constructed by, and shared with, the State of Oregon. The State recently requested, and was granted, an extension until November 1, 2013, to complete its narrowbanding project, so PacifiCorp anticipates that the associated microwave system may be delayed as well.<sup>6</sup> Delay in implementation of the new backhaul facilities could negatively impact PacifiCorp's ability to initiate service from its new radio system to PacifiCorp's Astoria and Coos Bay, Oregon, operating areas.
- Some of PacifiCorp's licenses are for the mobiles used throughout PacifiCorp's system. Until all the base station sites are operating with narrowband technologies, it will not be possible for PacifiCorp to operate all of its mobiles in narrowband-only mode. Therefore, PacifiCorp's mobile-only licenses will be among the last group of call signs that will meet the narrowbanding mandate.
- The winter storm season in 2011-2012 was longer than usual for the Pacific Northwest and was followed by a record number of large forest fires, which delayed the permitting process, environmental studies, and construction at a number of sites that PacifiCorp had planned to activate earlier in the schedule.

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<sup>6</sup> State of Oregon, *Order*, DA 12-1357, released August 20, 2012.

Even if the permitting and contracting work can be completed by the end of September, PacifiCorp has concerns that construction and implementation could be adversely impacted by winter weather in the November/December timeframe. While PacifiCorp is working as diligently as possible to meet the narrowbanding deadline, it has limited ability to control the permitting and contracting process, not to mention the weather in the Pacific Northwest. Storm season in the Pacific Northwest is generally November through the end of March, so in practical terms, this means that PacifiCorp's prime construction window is April through October each year. If weather prevents construction at any of the remaining 34 sites, PacifiCorp anticipates that these sites can be installed and tested in the summer of 2013. Full cutover from the current system to the new system should therefore be completed no later than the end of October 2013.

#### **B. Conversion Recovery Plan**

PacifiCorp anticipates that all radio systems operating on the subject wideband licenses listed in this waiver request will be converted by October 31, 2013. The greatest potential for license conversion or cancellation is expected to occur during the peak summer construction period of June, 2013 through September, 2013 however licenses will either be converted or terminated earlier as activities progress.

PacifiCorp anticipates conversion or cancellation of the 62 licenses on Attachment A to follow approximately the following schedule:

- 1Q2013 – 16 licenses
- 2Q2013 - 16 licenses
- 3Q2013 – 30 licenses

### **C. A Decade of Responsible Spectrum Management**

PacifiCorp relies on VHF spectrum as its most economical means of serving electric customers within its 165,000 square mile predominantly rural service area. Since unpaired VHF Part 90 site licenses are ill-suited to fulfill this need, PacifiCorp began strategically acquiring VHF Part 22 and Part 80 area licenses in 2003 as a platform on which to construct its new wide area trunked radio system.

At its peak, PacifiCorp held 513 wideband Part 90 VHF and UHF licenses. Since that time, the FCC authorized transfer of 10 licenses to other entities as a result of merger and acquisition activities; PacifiCorp terminated or let expire 111 licenses; 86 licenses are in administrative release for termination; 125 licenses are under review for either conversion or termination; and an additional 36 licenses are scheduled for internal review over the next 90 days.

Thus far, 83 of the Part 90 licenses assigned to PacifiCorp have been converted to narrowband operation. This leaves only the 66 wideband licenses on Attachment A hereto that might require limited extension of the January 1, 2013, deadline; only about 13 percent of the wideband Part 90 VHF and UHF licenses held by PacifiCorp at the beginning of its multi-year Narrowband Compliance Program.

### **V. CONCLUSION**

PacifiCorp has acted diligently to comply with the Commission's mandate that Part 90 VHF and UHF radio systems meet the new narrowband spectrum efficiency standards by January 1, 2013. However, because of the complexity of this project in migrating from PacifiCorp's legacy wideband Part 90 radio system to an enhanced radio network using newer

technology, PacifiCorp may require additional time to complete the transition from its existing wideband channels. PacifiCorp submits that a 10-month extension would serve the public interest by allowing PacifiCorp to safely and efficiently migrate its users to the enhanced radio system with no detrimental impact anticipated to other licensees. Moreover, PacifiCorp's migration to the new system will allow it to vacate a significant number of VHF channels at the conclusion of the cut-over.

**WHEREFORE, THE PREMISES CONSIDERED,** PacifiCorp respectfully requests waiver of Section 90.209(b) of the Commission's Rules to permit continued operation on the wideband VHF and UHF channels authorized to PacifiCorp under the call signs listed in Attachment A hereto until October 31, 2013.

Respectfully submitted,

**PACIFICORP**

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Dated: August 31, 2012

**ATTACHMENT A**

**CALL SIGNS FOR WHICH WAIVER OF SECTION 90.209(b) IS REQUESTED**

\* Denotes mobile-only license

KA3274 \*  
KA3339 \*  
KDS448  
KFS283  
KFS675  
KGR928  
KIA403  
KKK857  
KKK857  
KMB290  
KMC907  
KNBW267  
KNBY998  
KNDY726  
KNGY563  
KNHM272  
KNIR653  
KNIR657  
KNIR661  
KNIR744  
KOA390  
KOA415  
KOB656  
KOB761  
KOB762  
KOB762  
KOB819  
KOB830  
KOC478  
KOC479  
KOC480  
KOE348  
KOK356  
KOL422  
KOL569  
KOM980  
KRU227  
WCQ918  
WCQ919

WCT853  
WCT854  
WGN671  
WGN672  
WNAZ798  
WNBN645  
WNBT522  
WNJC203  
WNJX893  
WNKH495  
WNKJ602  
WNKJ920  
WNKK332  
WNKK332  
WNLG735  
WNVK327  
WNXJ563 \*  
WNXV973 \*  
WPAM854  
WPDH703  
WPDY677  
WPEH447  
WPGJ511  
WPHB759  
WPHU883  
WQX764  
WZX245

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