



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

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Internet: <http://www.fcc.gov>
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DA 14-1518

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WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON EMERGENCY RADIO SERVICE, INC. REQUEST FOR WAIVER TO OPERATE ON FREQUENCIES DESIGNATED FOR CENTRAL STATION COMMERCIAL PROTECTION SERVICE

WT Docket No. 14-182

Comment Date: November 21, 2014

Reply Comment Date: December 8, 2014

On August 8, 2014, Emergency Radio Service, Inc. (ERS) filed an application to operate a centralized trunked system utilizing frequency pairs 460/465.900 MHz, 460/465.925 MHz, 460/465.950 MHz, 460/465.975 MHz, and 461/466.000 MHz in Westfield, Indiana.¹ ERS requests a waiver of Section 90.35(c) of the Commission's Rules, which limits the use of the requested frequencies to persons rendering a central station commercial protection service.²

Central station commercial protection service is defined as "an electrical protection and supervisory service rendered to the public from and by a central station accepted and certified by one or more of the recognized rating agencies, or the Underwriters Laboratories (UL), or the Factory Mutual System."³ ERS does not render central station commercial protection service. It indicates that it intends to use the frequencies to provide service to Part 90 eligibles. In support of its waiver request, ERS stated that (1) the central station commercial protection service frequencies are unused in the Indianapolis area; (2) there are insufficient frequencies in the UHF Industrial/Business Pool to meet the current need; (3) the centralized trunking configuration would utilize these frequencies efficiently; (4) central station commercial protection services' need for these frequencies has diminished; and (5) the use of these frequencies by Industrial/Business Pool licensees would be the least disruptive to their operations because it would not require sharing.⁴

¹ FCC File No. 0006451072.

² See 47 C.F.R. § 90.35(c)(63), (66). Specifically, Section 90.35(c)(63) limits use of frequency pairs 460/465.900 MHz, 460/465.925 MHz, 460/465.950 MHz within 75 miles of urbanized areas of greater than 200,000 population to central station commercial protection services, and Section 90.35(c)(66) limits the use of frequency pairs 460/465.975 MHz and 461/466.000 MHz to central station commercial protection services nationwide. Westfield is near Indianapolis, Indiana.

³ See 47 C.F.R. § 90.35(c)(63).

⁴ FCC File Nos. 0006451072, Waiver Request at 1-2.

On September 29, 2014, the Central Station Alarm Association (CSAA) filed an informal opposition to the ERS application and waiver request.⁵ CSAA argued that ERS has other spectrum options available.⁶ It also argued that grant of the waiver request would harm the public interest by displacing the alarm industry from the frequencies specially designated for this service.⁷

This *Public Notice* seeks comment on the waiver request.

Procedural Matters

Interested parties may file comments and reply comments in response to the application and waiver request on or before the dates listed on the first page of this *Public Notice*. All pleadings must reference WT Docket No. 14-182. Parties may file comments using (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies.⁸

- Electronic Filers: File comments electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.
- Paper Filers: Parties who choose to file by paper must file an original and two copies of each filing.

Send filings by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. Address filings to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- Deliver hand-delivered or messenger-delivered paper filings to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554 between 8:00 p.m. and 7:00 p.m. Use rubber bands or fasteners to hold deliveries together. Dispose of all envelopes 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, MD 20743.
- Send U.S. Postal Service first-class, Express, and Priority mail to 445 12th Street, SW, Washington DC 20554.

Parties are requested to send one copy of their comments and reply comments to Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, (800) 378-3160, e-mail FCC@BCPIWEB.com.

The requests, pleadings, and comments and reply comments filed in response to this *Public Notice* are available for viewing via the Commission's Electronic Comment Filing System (ECFS), <http://www.fcc.gov/cgb/ecfs>, by entering the docket number, WT 14-182. The documents also will be

⁵ Informal Request for Commission Action (filed Sept. 29, 2014) (Informal Opposition).

⁶ *See id.* at 3-7.

⁷ *See id.* at 7-9.

⁸ *See* Electronic Filing of Documents in Rulemaking Proceedings, *Report and Order*, GC Docket No. 97-113, 13 FCC Rcd 11322 (1998).

available for public inspection and copying during business hours in the FCC Reference Information Center, Portals II, 445 12th Street S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from Best Copy and Printing, Inc., telephone (800) 378-3160, facsimile (202) 488-5563, TTY (202) 488-5562, e-mail FCC@BCPIWEB.com.

Alternate formats of this *Public Notice* (computer diskette, large print, audio recording, and Braille) are available to persons with disabilities by contacting the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY), or send an e-mail to fcc504@fcc.gov.

This proceeding has been designated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.⁹ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

For further information, contact Ms. Stana Kimball of the Wireless Telecommunications Bureau, Mobility Division, at (202) 418-1306, Stanislava.Kimball@fcc.gov.

Action by the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau.

⁹ See 47 C.F.R. §§ 1.1200(a), 1.1206.