



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

March 14, 2016

The Honorable Patrick J. Leahy
United States Senate
437 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Leahy:

Thank you for your letter concerning the important public safety licensing issue raised by your constituents in the Town of St. Johnsbury, Vermont. Your views on this issue are very important to us.

I wholeheartedly agree that efficient and effective communication during emergencies is critical. It appears that your constituents in the Town of St. Johnsbury did not file the proper documentation to justify operating at power levels exceeding the limits currently set forth in our rules. Because I understand the importance of this issue to you, I encourage your constituents in St. Johnsbury to contact staff in the Commission's Public Safety and Homeland Security Bureau if they need further assistance in this matter.

The Commission's Part 90 rules set forth a formula to determine the maximum power level at which a public safety radio licensee may operate. This formula is based on the applicant's proposed antenna height and its proposed service area. Applicants who seek to exceed these formula-based power limits must either request a waiver of our rules or provide an engineering analysis demonstrating that the proposed facilities will not exceed a certain signal level at the edge of the applicant's proposed service area.

In this case, St. Johnsbury sought to operate at power levels in excess of the maximum power levels allowed under our rules. However, St. Johnsbury did not file an engineering analysis justifying this increased power level nor did it otherwise seek a waiver of our rules. Therefore, while St. Johnsbury's license application was granted, the power level authorized under this license was lower than that power level requested in St. Johnsbury's application.¹

Unfortunately, St. Johnsbury is outside the period for seeking timely reconsideration of the Bureau's decision. However, St. Johnsbury is not precluded from filing a new application to operate a repeater on Burke Mountain. Such an application must be submitted through an FCC-certified frequency coordinator, and if the application seeks authorization to exceed the

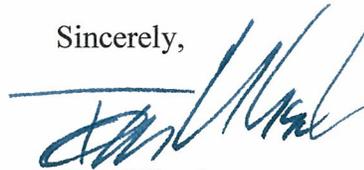
¹ Our records indicate that the application filed by St. Johnsbury through its frequency coordinator (file no. 004749692) sought authorization for a 40-watt repeater at Burke Mountain. Staff recently contacted the frequency coordinator and learned that St. Johnsbury initially sought a power of 100 watts, but that the frequency coordinator suggested that St. Johnsbury apply for 40 watts, given the proposed area of operation. Based on the proposed antenna height and service area in the application, the Commission's Public Safety and Homeland Security Bureau (Bureau) authorized a maximum power of 19.22 watts based on the formula set forth in Section 90.205 of the Commission's rules.

maximum power specified in Section 90.205, it must include an engineering analysis or, alternatively, a request for waiver of Section 90.205, supported by a showing of good cause.

The new application will also need to go through cross-border coordination with Canada. While Canada previously indicated it had no objection to a repeater of up to 40 watts on Burke Mountain, a request for higher power will need to be re-coordinated. For your review I have attached a Public Notice that provides information to licensees and frequency coordinators about the coordination process with Canada. The Bureau licensing staff is available to assist in the Canadian coordination process and address any questions that you or St. Johnsbury may have.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Wheeler", with a horizontal line above it.

Tom Wheeler

Enclosure



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

March 14, 2016

The Honorable Bernard Sanders
United States Senate
332 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Sanders:

Thank you for your letter concerning the important public safety licensing issue raised by your constituents in the Town of St. Johnsbury, Vermont. Your views on this issue are very important to us.

I wholeheartedly agree that efficient and effective communication during emergencies is critical. It appears that your constituents in the Town of St. Johnsbury did not file the proper documentation to justify operating at power levels exceeding the limits currently set forth in our rules. Because I understand the importance of this issue to you, I encourage your constituents in St. Johnsbury to contact staff in the Commission's Public Safety and Homeland Security Bureau if they need further assistance in this matter.

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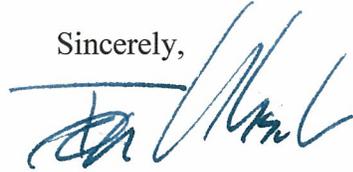
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Tom Wheeler

Enclosure



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

March 14, 2016

The Honorable Peter Welch
U.S. House of Representatives
2303 Rayburn House Office Building
Washington, D.C. 20515

Dear Senator Welch:

Thank you for your letter concerning the important public safety licensing issue raised by your constituents in the Town of St. Johnsbury, Vermont. Your views on this issue are very important to us.

I wholeheartedly agree that efficient and effective communication during emergencies is critical. It appears that your constituents in the Town of St. Johnsbury did not file the proper documentation to justify operating at power levels exceeding the limits currently set forth in our rules. Because I understand the importance of this issue to you, I encourage your constituents in St. Johnsbury to contact staff in the Commission's Public Safety and Homeland Security Bureau if they need further assistance in this matter.

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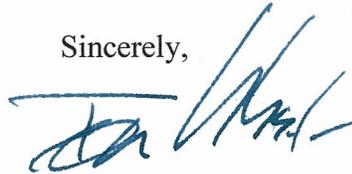
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