



PUBLIC NOTICE

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

News Media Information 202 / 418-0500
Fax-On-Demand 202 / 418-2830
TTY 202 / 418-2555
Internet: <http://www.fcc.gov>
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DA 13-1536

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**PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SEEKS COMMENT ON
APPLICATION FILED BY THE STATE OF MAINE
SEEKING WAIVER OF ONE-WAY PAGING REQUIREMENTS ON PUBLIC SAFETY POOL
FREQUENCY 157.450 MHZ**

File No. 0005722810

Comment Date: July 19, 2013

Reply Comment Date: July 26, 2013

The State of Maine (Maine or the State) filed an application and waiver request seeking authority to operate Public Safety Pool frequency 157.450 MHz at its Huntoon Hill site as part of its VHF statewide public safety radio system.¹ Operations on frequency 157.450 MHz are only for one-way paging communications to mobile receivers with a maximum transmitter output power of 30 watts.² Maine seeks a waiver to operate this frequency in the voice mode with a maximum transmitter output power of 110 watts.³

Maine is in the process of implementing a new narrowband (12.5 kHz channel bandwidth) VHF Project 25 trunked radio system.⁴ In its ongoing effort to achieve statewide operability and interoperability on this system, Maine states that it “conducted a thorough search of Public Safety Pool frequencies for a site located at Huntoon Hill, which is needed to fill in system coverage along a portion of the Maine coastline,” and concluded that 157.450 MHz is the only Public Safety Pool frequency available at this location.⁵ Maine’s statewide radio system, however, is a “state-of-the-art” two-way voice communications system that is incompatible with limitations the Commission has imposed on the

¹ See File No. 0005722810. See also Request for Waiver, dated April 2013, attached to File No. 0005722810 (Waiver Request).

² 47 C.F.R. §§90.20(d)(13) and (45).

³ Waiver Request at 3-4. In its application, Maine noted an output power of 110 watts, but its waiver request noted 85 watts.

⁴ *Id.* at 1.

⁵ *Id.* at 3.

use of this frequency.⁶ Maine thus seeks waiver relief of Sections 90.20(d)(13) and (45) of the Commission's rules in order to incorporate the channel into its statewide network.⁷

Maine states that, while frequency 157.450 MHz is designated as a one-way paging channel, it should be allowed to operate voice communications on the channel because "there is no longer a demand for public safety paging in Maine."⁸ The State notes that the Commission has previously granted waivers to allow public safety use of frequencies limited to paging-related operations for voice communications.⁹ Maine furthermore claims its proposed operation of the frequency will utilize a more efficient bandwidth of 12.5 kHz or less, as opposed to the current 25 kHz bandwidth specification.¹⁰

In seeking a waiver from the 30 watts maximum transmitter output power limitation, Maine states that "the power level limitation is not served insofar as the ERP [effective radiated power] of the proposed operation would be less than the ERP of a typical operation at the power output set forth in the rule."¹¹ Maine claims that, although it requires use of an "85 watt transmitter"¹² to achieve necessary coverage in the area, its antenna/transmitter line configuration will actually allow it to operate with an ERP of 141.3 watts, while a more typical 30 watt transmitter would result in an ERP of 150 watts.¹³

Furthermore, Maine notes that the Commission has previously granted the State waivers on this project to "facilitate the modernization of the State's sub-standard radio system" and acknowledged the State's limited frequency options outside the VHF band due to its difficult terrain and proximity to Canada.¹⁴ Maine contends that a waiver of these limitations would be in the public interest because "it would allow for Maine's new statewide interoperability public safety communications network to extend into an otherwise underserved coastal area" without undermining the underlying purpose of the

⁶ *Id.* at 4.

⁷ *Id.* Section 90.20(d)(13) states that frequency 157.450 MHz will be assigned only for one-way paging communications while Section 90.20(d)(45) limits operations to 30 watts transmitter output power. *See* 47 C.F.R. §§ 90.20(d)(13) and (45).

⁸ Waiver Request at 4.

⁹ *Id.* Maine itself received a waiver to operate portions of its statewide network on Part 22 paging channels for which it obtained licenses. *See* State of Maine – MSCommNet Project, Request for Waiver of Sections 90.35(a), 20.9(a)(6), 22.377, and 22.565(f) of the Commission's Rules, *Order*, 27 FCC Rcd 8891 (PSHSB/WTB 2012) (*Maine I/B Waiver Order*).

¹⁰ Waiver Request at 4. *See also* 47 C.F.R. § 90.20(d)(30) (permitting licensees to operate with an authorized bandwidth up to 25 kHz on frequency 157.450 MHz).

¹¹ Waiver Request at 5.

¹² *See supra* note 3 (Maine noted an output power of 110 watts in its application, but its waiver request noted 85 watts).

¹³ *Id.* at 4. Maine notes that a 47.77 dBm (30 watt) transmitter would typically have an assumed antenna gain of 6 dB, and an average line and filtering loss of 2 dB, resulting in an ERP of 51.77 dBm (150 watts).

¹⁴ Waiver Request at 3. *See also Maine I/B Waiver Order*, 27 FCC Rcd 8894 at ¶ 11.

Commission's rules.¹⁵ Finally, Maine notes that no incumbents operate on this channel within the state other than Maine itself, and that the State "obviously concurs with this new application."¹⁶

Accordingly, by this public notice we seek comment on Maine's application and waiver request to use frequency 157.450 MHz in the voice mode with a maximum transmitter output power of 110 watts as part of its new statewide public safety radio system. In particular, we seek comment from any parties who would be impacted by Maine's voice operation on this frequency.

Interested parties may file comments on or before **July 19, 2013**.¹⁷ Parties may file replies on or before **July 26, 2013**.¹⁸ Parties may file statements and replies electronically¹⁹ 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),²⁰ 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.*"²¹ 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

¹⁵ Waiver Request at 4.

¹⁶ *Id.* at 3.

¹⁷ 47 C.F.R. § 1.405.

¹⁸ *Id.*

¹⁹ *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998)

²⁰ *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.

²¹ *See* 47 C.F.R. Part 1.

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.
- 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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