



# PUBLIC NOTICE

**Federal Communications Commission**  
**445 12<sup>th</sup> St., S.W.**  
**Washington, D.C. 20554**

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**DA 08-125**

**Released: January 17, 2008**

**PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SEEKS COMMENT ON REQUEST  
FOR WAIVER FILED BY THE COUNTY OF LOS ANGELES, CALIFORNIA TO OPERATE A  
PUBLIC SAFETY RADIO SYSTEM UTILIZING TELEVISION CHANNEL 15 SPECTRUM**

**FCC File Nos. 0002981309 *et al.***

**Comment Date: February 7, 2008**

**Reply Comment Date: February 19, 2008**

The Public Safety and Homeland Security Bureau seeks comment on fifty-seven applications<sup>1</sup> filed on April 5, 6, and 9, 2007, and an associated waiver request<sup>2</sup> filed by the County of Los Angeles, California (the County). The County seeks a waiver of Sections 90.303 and 90.305, and Part 73 of the Commission's rules, 47 C.F.R. §§ 90.303 and 90.305, Part 73, pursuant to Section 1.925 of the Commission's rules, 47 C.F.R. § 1.925, to use all frequencies in the television (TV) channel 15 band (476-482 MHz) for public safety communications. On November 6 and 7, 2007 and January 2, 2008, the County attached to its applications an amended waiver request dated October 17, 2007 with a showing pursuant to Section 337(c) of the Communications Act of 1934, as amended, 47 U.S.C. § 337(c), and an engineering supplement dated October 2007.<sup>3</sup> The County contends that its proposed use of the subject frequencies is necessary due to the lack of available UHF public safety frequencies in the Los Angeles metropolitan area.<sup>4</sup> The County also asserts that use of the requested frequencies would provide seamless coverage across the county and would be compatible with existing UHF radio infrastructure.<sup>5</sup>

<sup>1</sup> See File Nos. 0002981309, 0002981681, 0002981683, 0002981684, 0002981686, 0002981689, 0002981694, 0002981696, 0002981697, 0002981699, 0002981702, 0002981703, 0002981706, 0002981710, 0002981716 (filed Apr. 5, 2007, amended Jan. 2, 2008); File Nos. 0002983904, 0002983906 (filed Apr. 6, 2007, amended Jan. 2, 2008); File Nos. 0002983909, 0002983910, 0002983913, 0002983917, 0002983924, 0002983926, 0002983929, 0002983932, 0002983935, 0002983938, 0002983941, 0002983944 (filed Apr. 6, 2007, amended Nov. 7, 2007); File Nos. 0002985272, 0002985273, 0002985274, 0002985275, 0002985276, 0002985277, 0002985278, 0002985279 (filed Apr. 9, 2007, amended Nov. 7, 2007); File Nos. 0002985280, 0002985281, 0002985282, 0002985283, 0002985284, 0002985285, 0002985286, 0002985287, 0002985288, 0002985289, 0002985291, 0002987900, 0002987901, 0002987903, 0002987907, 0002987909, 0002987911, 0002987913, 0002987914, 0002987915 (filed Apr. 9, 2007, amended Nov. 6, 2007).

<sup>2</sup> *Id.*, attached Request for Waiver dated Feb. 21, 2007 (Waiver Request).

<sup>3</sup> See *supra* note 1, attached Supplement to Request for Waiver dated Oct. 17, 2007 (Supplement) and Engineering Study dated Oct. 2007.

<sup>4</sup> Waiver Request at 5, Supplement at 3.

<sup>5</sup> Waiver Request at 2-3.

The County states that it has a population of ten million residents and covers an area of approximately four thousand square miles of extremely varied terrain.<sup>6</sup> The County further indicates that it is home to the two busiest ports in the nation, the fifth busiest airport in the world, sensitive military and industrial facilities, and other high profile targets.<sup>7</sup> The County states that its region is prone to natural disasters, such as earthquakes and wildfires.<sup>8</sup> The County asserts that these factors, coupled with heightened security concerns since 2001, have placed tremendous strain on existing public safety communication networks.<sup>9</sup> The County states that the current public safety radio systems are inadequate to meet the growing demands on first responders and other public safety agencies in the region.<sup>10</sup> The County further contends that the systems are over-crowded and lack the ability to provide area-wide interoperability between public safety agencies and jurisdictions.<sup>11</sup>

The County is planning a single-platform, UHF voice radio system that it anticipates will replace existing disparate systems and provide seamless coverage for all public safety agencies throughout the county.<sup>12</sup> The County asserts that frequencies in the TV channel 15 band are ideal because the band is immediately adjacent to TV channels 14 and 16, which are already allocated to land mobile operations in the Los Angeles urbanized area.<sup>13</sup> The County notes that channel 15 is not currently assigned for TV service in the Los Angeles area primarily due to the aforementioned adjacent-channel land mobile allocations.<sup>14</sup> In support of its request, the County submitted an engineering study to demonstrate that its land mobile operations would not interfere with the reception of any full power TV stations.<sup>15</sup>

We note that this waiver request is contested by Entravision Holdings, LLC, applicant for a low power digital television channel 14 station in San Diego, California.<sup>16</sup> Entravision Holdings, LLC states that grant of the waiver would disrupt the Commission's careful balancing of policy concerns to the detriment of broadcast television and the viewing public because the Commission has already allocated the 700 MHz band for public safety services.<sup>17</sup> Therefore, as a part of the analysis under Section 337 of the Act, as well as the Commission's waiver criteria, we also seek comment on whether the 700 MHz public safety band would provide a viable alternative, particularly in light of the approaching February 17, 2009 digital television transition date, and the Commission's recent actions in facilitating a nationwide, interoperable public safety network.<sup>18</sup> The County states that it seeks to remain in the 470-

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<sup>6</sup> *Id.* at 1.

<sup>7</sup> *Id.* at 2.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.* at 3.

<sup>14</sup> *Id.*

<sup>15</sup> See *supra* note 1, attached Engineering Study dated Dec. 2006.

<sup>16</sup> See Consolidated Informal Objection filed by Entravision Holdings, LLC on August 14, 2007 (Entravision Initial Objection). See also Consolidated Informal Objection filed by Entravision Holdings, LLC on October 29, 2007.

<sup>17</sup> Entravision Initial Objection at 3.

<sup>18</sup> See Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band, PS Docket No. 06-229; Development of Operational, Technical and Spectrum Requirements for Meeting Federal State

512 MHz band to preserve critical interoperability with its channel 14 and 16 infrastructure, and to avoid the crippling cost of rebuilding in another band.<sup>19</sup> The County asserts that even if it could rebuild, there would not be sufficient capacity in the 700 MHz public safety narrowband spectrum to accommodate all of the expected public safety use of the UHF system for which channel 15 is requested.<sup>20</sup> The County states that there is no mobile/portable equipment available today that spans both the 470-512 and 700 MHz bands.<sup>21</sup> We seek comment on the County's arguments.

Finally, we also invite comment and analysis on the impact of the County's waiver request on low power TV, TV translator and Class A TV stations located outside of the 130-kilometer area around Los Angeles. We note that such stations may not operate within 130 kilometers of Los Angeles because of the land mobile service allocation on channels 14 and 16 according to Sections 73.6020 and 74.709 of the Commission's rules, 47 C.F.R. §§ 73.6020, 74.709. However, we particularly seek comment on the potential impact on the ability of LPTV, TV translator and Class A TV stations to convert existing analog operations on channels 14, 15 or 16 to digital operations.

Comments must be filed no later than February 7, 2008, and reply comments must be filed no later than February 19, 2008. All comments and reply comments should reference the subject waiver request, including the DA number of this *Public Notice*. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue NE, Suite 110, Washington DC 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class mail, Express, and Priority mail must be sent to 445 12th Street, S.W., TW-A325, Washington, D.C. 20554.

The applications, waiver request, engineering studies, waiver supplement, and Entravision Holdings LLC filings can be accessed electronically via the Commission's Universal Licensing System, <http://wireless.fcc.gov/uls>. The full text of the waiver request, other application attachments, comments, and reply comments will be available for inspection and duplication during regular business hours in the FCC Reference Information Center (RIC) of the Consumer and Governmental Affairs Bureau, Federal Communications Commission, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. Copies of the comments and other filings in this docket also may be obtained from the Commission's duplicating contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, S.W., Room CY-B402,

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and Local Public Safety Communications Requirements through the Year 2010, WT Docket No. 96-98, *Second Report and Order*, 22 FCC Rcd 15289 (2007).

<sup>19</sup> Waiver Request at 6.

<sup>20</sup> Supplement at 4-5.

<sup>21</sup> *Id.* at 4.

Washington, D.C. 20554. Customers may contact BCPI through its web site, <http://www.bcpweb.com>, by email at [fcc@bcpweb.com](mailto:fcc@bcpweb.com), by phone at (202) 488-5300 or (800) 378-3160, or by facsimile at (202) 488-5563. To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty). For further information regarding the public reference file for this waiver request, contact Lisa Williams, RIC, (202) 418-1352.

Because of the policy implications and potential impact of this proceeding on persons not parties to the waiver request, we believe it would be in the public interest to treat this case as a permit-but-disclose proceeding under the *ex parte* rules. See Sections 1.1200(a), 1.1206 of the Commission's rules, 47 C.F.R. §§ 1.1200(a), 1.1206. Therefore, subsequent to the release of this *Public Notice*, *ex parte* presentations that are made with respect to the issues involved in the subject waiver request will be allowed but must be disclosed in accordance with the requirements of Section 1.1206(b) of the Commission's Rules, 47 C.F.R. § 1.1206(b).

For further information, contact Mr. Zenji Nakazawa, Associate Chief, Policy Division, Public Safety and Homeland Security Bureau at 202-418-7949 (voice), 202-418-7233 (tty), or via e-mail to [Zenji.Nakazawa@fcc.gov](mailto:Zenji.Nakazawa@fcc.gov), or Mr. Thomas Eng of the Policy Division, Public Safety and Homeland Security Bureau at 202-418-0019 (voice), 202-418-7233 (tty), or via e-mail to [Thomas.Eng@fcc.gov](mailto:Thomas.Eng@fcc.gov).

By the Deputy Chief, Public Safety and Homeland Security Bureau.

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