



PUBLIC NOTICE

Federal Communications Commission
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PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SEEKS COMMENT ON REQUEST FOR WAIVER OF THE DECEMBER 31, 2016 700 MHZ NARROWBAND DEADLINE FILED BY STATE OF ARKANSAS

PS DOCKET 06-229

COMMENTS DUE: November 30, 2012

By this Public Notice, the Public Safety and Homeland Security Bureau (PSHSB) seeks comment on a petition for waiver¹ filed by the State of Arkansas (Arkansas) to operate the Arkansas Wireless Information Network (AWIN) in the 700 MHz narrowband spectrum utilizing the current 12.5 kHz channel efficiency through December 31, 2024.²

Arkansas developed AWIN to provide a single system for first responders to coordinate emergency response within the state.³ AWIN is a multiple site, trunked communications system based on a digital 700/800 MHz system.⁴ Arkansas states that AWIN consists of “[o]ver 21,400 subscribers representing 900 public safety agencies.”⁵ Arkansas states that AWIN is the key element in its statewide emergency communications plan, and that first responders have come to rely on AWIN.⁶ Arkansas claims AWIN provides 99.86 percent reliability for mobile radios across the state, covering 93 percent of the state’s population.⁷

In support of its Petition for Waiver, Arkansas claims the \$70 million AWIN system was fully installed and went operational in June, 2007.⁸ Arkansas argues that the AWIN system can be expected to last close to 15 years, so the December 31, 2016 deadline “prematurely and artificially shortens the life-

¹ Petition for Waiver of Rules, State of Arkansas, WT Docket 96-86 (filed Sep. 21, 2012) (Waiver Request) attached to letter from Mike Beebe, Governor of Arkansas, to Julius Genachowski, Chairman, Federal Communications Commission (Sep 5, 2012) (Beebe Letter).

² Previously, the State of Louisiana sought broader consideration of a change in the narrowbanding through a Petition for Rulemaking. *See* Petition for Rulemaking of the State of Louisiana, RM-11577 (filed Oct. 5, 2009).

³ Waiver Request at 1.

⁴ *Id.*

⁵ *Id.*

⁶ *Id.* at 2.

⁷ *Id.*

⁸ *Id.* at 1.

cycle of the statewide system.”⁹ Arkansas also claims that much of the equipment needed to comply with the Commission’s deadline has only recently become available, so a waiver of the December 31, 2016 deadline will help to ensure that equipment which will comply with the Commission’s rules will be available.¹⁰

Arkansas further argues that, because a significant portion of AWIN infrastructure and 90% of current subscriber units do not support the 6.25 kHz channel efficiency, the majority of AWIN’s infrastructure and handheld units will have to be replaced to comply with the December 31, 2016 deadline.¹¹ Arkansas claims that, due to budgetary challenges, the cost of these upgrades, totaling \$136 million dollars, will be overly burdensome and prohibitive for the state and local jurisdictions that rely on AWIN.¹² Arkansas also asserts that no channel contention exists at this time which would necessitate costly upgrades by the December 31, 2016 deadline.¹³

By this Public Notice, we seek comment on Arkansas’s petition and announce the pleading cycle during which comments and replies may be filed.

This proceeding will be treated as “permit but disclose” for purposes of the Commission’s *ex parte* rules. See generally 47 C.F.R. §§ 1.1200-1.1216. As a result of the permit-but-disclose status of this proceeding, *ex parte* presentations will be governed by the procedures set forth in Section 1.1206 of the Commission’s rules applicable to non-restricted proceedings.¹⁴ 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). 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.

Parties may file comments on the Petition on or before **November 30, 2012**. Please place the docket number, **PS DOCKET 06-229**, on all filings. Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.

⁹ Beebe Letter; Waiver Request at 4.

¹⁰ Waiver Request at 4.

¹¹ Beebe Letter; Waiver Request at 4.

¹² Waiver Request at 4.

¹³ *Id.* at 3.

¹⁴ 47 C.F.R. § 1.1206.

- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.
- Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
 - All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered 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.
 - 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, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.
- People with Disabilities: 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 or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

Copies of the Petition and any subsequently filed documents in this matter are also available for inspection in the Commission's Reference Information Center:

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(202) 418-0270

For further information, contact: Brian Marengo, Policy and Licensing Division, Public Safety and Homeland Security Bureau, at (202) 418-0838 or brian.marengo@fcc.gov.

Action by the Chief, Public Safety and Homeland Security Bureau.

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