



PUBLIC NOTICE

Federal Communications Commission
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DA 15-903

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**PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SEEKS COMMENT ON
APPLICATION AND WAIVER REQUEST FILED BY NORTH CAROLINA STATE HIGHWAY
PATROL FOR 800 MHZ BUSINESS/INDUSTRIAL/LAND TRANSPORTATION FREQUENCY**

FCC File Number 0006736772

Comment Date: September 9, 2015

Reply Comment Date: September 24, 2015

The Public Safety and Homeland Security Bureau seeks comment on an application filed on May 29, 2015 by the North Carolina State Highway Patrol (North Carolina) to modify its private land mobile radio license call sign WQOZ684 by adding three new 800 MHz channels to its license.¹ Included with its application is a request for waiver of the eligibility requirements of Section 90.617 of the Commission's rules.²

The waiver is necessary because North Carolina's F(50,10) 22 dBu contour on frequency 858.3875 MHz – a channel vacated by Sprint Corporation as part of 800 MHz rebanding – extends beyond the F(50,10) 22 dBu contour of the original Sprint station. Inside the F(50,10) 22 dBu contour of the vacated Sprint channel, frequency 858.3875 MHz is reserved for public safety use for a three-year period after it becomes available for licensing; outside the contour, however, frequency 858.3875 MHz continues to be assigned to the Business/Industrial/Land Transportation Pool.³

North Carolina states that two channels currently licensed at its High Peak site in Burke County, NC are “impacted by interference from the City of Salisbury, North Carolina” and that “on-air experience

¹ See North Carolina State Highway Patrol Application, FCC File no. 0006736772 (dated May 29, 2015).

² See letter from North Carolina to Federal Communications Commission (dated March 24, 2015) (attached to ULS File no. 0006736772) (North Carolina Waiver Request). See also 47 C.F.R. § 90.617.

³ See Public Safety & Homeland Security Bureau Announces Application & Licensing Procedures for Channels in Non-Border Regions Relinquished by Sprint Nextel Corp. in the 809.5-815/854.5-860 MHz Band, WT Docket No. 02-55, *Public Notice*, 27 FCC Rcd. 14785, 14788 (2012) (permitting public safety eligible entities to license Sprint-vacated site-based channels provided the 22 dBu F(50,10) contour of the proposed facilities remains within the 22 dBu F(50,10) contour of the Sprint-vacated facilities).

showed these two channels un-useable.”⁴ Consequently, North Carolina seeks to replace the two channels receiving interference with two alternate channels. It also seeks to add a third channel to the site to compensate for “increased traffic.”⁵

Attached to North Carolina’s application is a letter from its frequency coordinator, APCO International (APCO), stating that its frequency search confirmed that frequencies 854.5375, 858.3875, and 859.7875 MHz are the only available channels for the High Peak site.⁶ APCO notes that all other 800 MHz frequencies have short spacing issues.⁷ Furthermore, it states that North Carolina’s proposed contour does not stay within the footprint of Sprint’s vacated facilities on frequency 858.3875 MHz.⁸ It indicates, however, that North Carolina’s proposed contour on the other channels does remain within the footprint of Sprint-vacated facilities.⁹

North Carolina also includes a letter from UTC, a B/ILT frequency coordinator, concurring with the proposed addition of frequency 858.3875 MHz at the High Peak site.¹⁰

We seek comment on North Carolina’s waiver request to license B/ILT pool frequency 858.3875 MHz at a location which will extend North Carolina’s 22 dBu F(50,10) contour beyond the 22 dBu F(50,10) footprint of the Sprint-vacated facility.¹¹ In particular, we seek comment from any party who would be affected by North Carolina’s use of this frequency at its High Peak site.

Interested parties may file comments on or before September 9, 2015.¹² Parties may file replies on or before September 24, 2015.¹³ Parties may file statements and replies electronically¹⁴ or by paper.

All comments and reply comments should reference the subject North Carolina State Highway Patrol Waiver Request and the DA number indicated on this *Public Notice*. Comments may be filed: (1)

⁴ See letter from North Carolina to Federal Communications Commission (dated May 26, 2015) (attached to ULS File no. 0006736772) (North Carolina Explanation Letter).

⁵ *Id.*

⁶ See letter from APCO to Federal Communications Commission (dated May 29, 2015) (attached to ULS File no. 0006736772) (APCO Contour Letter).

⁷ *Id.* at 1.

⁸ *Id.*

⁹ *Id.*

¹⁰ See letter from UTC to Federal Communications Commission (dated April 1, 2015) (attached to ULS File no. 0006736772).

¹¹ See APCO Contour Letter at 3.

¹² 47 C.F.R. § 1.405.

¹³ *Id.*

¹⁴ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

electronically by accessing the applicant's file number(s) in the Commission's Universal Service Licensing System (ULS),¹⁵ 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.*"¹⁶ 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 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.

¹⁵ 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.

¹⁶ See 47 C.F.R. Part 1.

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, MD 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 North Carolina State Highway Patrol 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, Electronics Engineer, Policy and Licensing Division, Public Safety and Homeland Security Bureau, (voice) (202) 418-0838 or brian.marengo@fcc.gov.

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