



# PUBLIC NOTICE

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

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**DA 02-1214**

**Released: May 21, 2002**

**WIRELESS TELECOMMUNICATIONS BUREAU  
SEEKS COMMENT ON REQUEST FOR WAIVER BY SUMMIT COUNTY, OHIO,  
TO ALLOW USE OF 20 kHz BANDWIDTH ON CHANNELS  
ADJACENT TO PUBLIC SAFETY INTEROPERABILITY CHANNELS**

**Comment Date: June 4, 2002**

**Reply Comment Date: June 11, 2002**

On January 17, 2002, Summit County, Ohio (“Summit”) filed an amended application<sup>1</sup> and associated request for waiver<sup>2</sup> of Section 90.20(d)(81) of the Commission’s Rules,<sup>3</sup> which provides that new stations are only licensed on the requested frequency pair (453/458.450 MHz) with an authorized bandwidth not to exceed 11.25 kHz. Summit is requesting a waiver to allow operation with an authorized bandwidth of 20 kHz.

By way of background, under rule changes that became effective on December 7, 2000, four Public Safety Pool channel pairs in the 450-470 MHz band are available primarily for public safety interoperability only communications.<sup>4</sup> Operations on these channels will be authorized for a bandwidth not to exceed 11.25 kHz.<sup>5</sup> Before these rule changes, licenses for certain channels that are *adjacent* to the four interoperability channel pairs were granted with an authorized bandwidth not to exceed 20 kHz. However, after the rule changes became effective on December 7, 2000, new stations will only be licensed on these *adjacent* channels with an authorized bandwidth not to exceed 11.25 kHz.<sup>6</sup>

<sup>1</sup> Summit County, Ohio, FCC Form 601, FCC File No. 0000593862 (filed Jan. 17, 2002).

<sup>2</sup> Letter from Jeff Mitchell, President, Mitchell Communications, Inc., to FCC (dated Dec. 17, 2001) (“Waiver Request”).

<sup>3</sup> 47 C.F.R. § 90.20(d)(81). Section 90.20(d)(81) states: “After December 7, 2001 new stations will only be licensed with an authorized bandwidth not to exceed 11.25 kHz. Licensees authorized prior to December 7, 2001 may continue to use bandwidths wider than 11.25 kHz on a co-primary basis until January 1, 2005. After January 1, 2005, all stations operating with an authorized bandwidth greater than 11.25 kHz will be secondary to adjacent channel interoperability operations.”

<sup>4</sup> 47 C.F.R. § 90.20(d)(80).

<sup>5</sup> 47 C.F.R. § 90.20(d)(27).

<sup>6</sup> 47 C.F.R. § 90.20(d)(81). See The Development of Operational, Technical and Spectrum Requirements For Meeting Federal, State and Local Public Safety Agency Communications Requirements Through the Year 2010; Establishment of Rules and Requirements For Priority Access Service, WT Docket No. 96-86, *Third Memorandum Opinion and Order and Third Report and Order*, 15 FCC Rcd 19844, 19883-84 ¶ 89 (2000).

The Commission decreased the authorized bandwidth, from 20 kHz to 11.25 kHz for new stations licensed on the *adjacent* channels, to decrease the potential for adjacent channel operations to interfere with interoperability communications. Nonetheless, the Commission recognized that the rule changes necessary to designate interoperability channels, *inter alia*, would affect licensees on nearby channels operating with 25 kHz equipment (20 kHz authorized bandwidth).<sup>7</sup> In this connection, the Commission adopted a transition period through January 1, 2005, for *adjacent* channel licensees as follows: licensees authorized prior to December 7, 2000, may continue to use bandwidths wider than 11.25 kHz on a co-primary basis until January 1, 2005. Thereafter, all *adjacent* channel stations operating with an authorized bandwidth greater than 11.25 kHz will be secondary to interoperability operations on the four interoperability channel pairs.<sup>8</sup>

Summit states that it was licensed for over thirty years to operate with a 20 kHz bandwidth on a channel pair that is adjacent to one of the four interoperability channel pairs, until February 25, 2001, when its license, former call sign KVL952, expired because no renewal application was filed.<sup>9</sup> In this connection, Summit notes that had it filed a timely renewal application it still would be authorized to operate with a 20 kHz bandwidth (*i.e.*, Summit would have been grandfathered to operate with an authorized bandwidth exceeding 11.25 kHz).<sup>10</sup>

Summit reports that it has moved more than 115 mobile and portable radios to a single UHF channel pair. In this connection, Summit states that it needs to restore operation on the second channel, formerly licensed under Call Sign KVL952, to alleviate congestion<sup>11</sup> that places the health and safety of its employees and the public at risk. Moreover, Summit states that most of its equipment is incapable of narrowband operation and thus would have to be replaced absent a waiver, which would be a great financial burden.<sup>12</sup> Additionally, Summit asserts no other suitable frequencies are available<sup>13</sup> whereas granting the Waiver Request would not cause additional harmful interference to any other stations.<sup>14</sup>

Interested parties may file comments on Summit's Waiver Request on or before June 4, 2002. Parties interested in submitting reply comments must do so on or before June 11, 2002. All comments should reference Summit's Waiver Request, including the DA number of this Public Notice, and should be filed with the Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., TW-325, Washington, D.C. 20554. A copy of each filing should be sent to: (1) Qualex International, Inc., Portals II, 445 12<sup>th</sup> Street, S.W., Room CY-B402, Washington, D.C. 20554, (202) 863-2893; and

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<sup>7</sup> *Id.* at 19884 ¶ 89.

<sup>8</sup> *Id.* at 19884 n.284 (noting that January 1, 2005, corresponds with the required date by which the new equipment in the UHF band must meet new 6.25 kHz standards).

<sup>9</sup> Waiver Request at 1.

<sup>10</sup> *Id.* Summit notes that the license could not be renewed because the thirty-day period for reinstating the license had expired. *Id.* at 2.

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

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

<sup>13</sup> *Id.* See also Frequency Search Results enclosed with the Waiver Request.

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

(2) Bert Weintraub, Esq., Federal Communications Commission, Wireless Telecommunications Bureau, Public Safety and Private Wireless Division, Policy and Rules Branch, 445 12th Street, S.W., Room 3-230, Washington, D.C. 20554; and (3) Maria Ringold, Federal Communications Commission, Consumer and Governmental Affairs Bureau, Reference Information Center, 445 12<sup>th</sup> Street, S.W. Room CY-B529, Washington, D.C. 20554.<sup>15</sup>

The full text of the Waiver Request, comments and reply comments will be available for inspection and duplications during regular business hours in the Reference Information Center (RIC) of the Consumer and Governmental Affairs Bureau, Federal Communications Commission, 445 12th Street, S.W., CY-A257, Washington, D.C. 20554. Copies may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12<sup>th</sup> Street, S.W. Room CY-B402, Washington, D.C. 20554, (202)-863-2893, facsimile (202) 863-2898, or via-e-mail [qualexint@aol.com](mailto:qualexint@aol.com). For further information regarding the public reference file for this Request, contact Maria Ringold, Chief, Wireless Branch, RIC, (202) 418-1355.

Unless otherwise provided, requests for waiver of the Commission's Rules are subject to treatment by the Commission as restricted proceedings for *ex parte* purposes under Section 1.1208 of the Commission's Rules, 47 C.F.R. § 1.1208. 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* 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 Bert Weintraub, Esq., of the Policy and Rules Branch of the Public Safety and Private Wireless Division of the Wireless Telecommunications Bureau at (202) 418-1316, TTY (202) 418-7233, or via e-mail to [bweintra@fcc.gov](mailto:bweintra@fcc.gov).

By the Chief, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau

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<sup>15</sup> The address for FCC locations should be used only for documents filed by United States Postal Service first-class mail, Express Mail, and Priority Mail. Hand-delivered or messenger-delivered documents for the Commission's Secretary are accepted only at our new location at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. Other messenger-delivered documents, including documents sent by overnight mail (other than United States Postal Service Express Mail and Priority Mail) should be addressed for delivery to 9300 East Hampton Drive, Capitol Heights, MD 20743. *See* FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence, *Public Notice*, 16 FCC Rcd 22165 (rel. Dec. 14, 2001).