



# PUBLIC NOTICE

Federal Communications Commission  
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**DA 02-3495**

**Released: December 20, 2002**

## **WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON REQUESTS FOR WAIVERS BY THE STATE OF ALASKA TO ALLOW WIDE-AREA JOINT FEDERAL/NON-FEDERAL INTEROPERABLE VHF ALASKA MOBILE RADIO SYSTEM**

**Comment Date: January 21, 2003**

**Reply Comment Date: February 5, 2003**

Between September 23 and September 25, 2002, the State of Alaska (“Alaska”) filed three applications for authorization to construct and operate trunked Public Safety Pool stations at eighteen locations in Alaska.<sup>1</sup> The proposed stations constitute the first phase of a planned wide-area joint Federal/Non-Federal digital, trunked interoperable VHF land mobile radio communications system to be implemented in five phases over a projected period of five years. Alaska states that it has been working with local, state and Federal government agencies to implement this wide-area public safety communications system. Reciprocal licensing authorizations for the partnering Federal government entities are being requested through the National Telecommunications and Information Administration.

Our rules permit non-Federal use of Federal frequencies for the purpose of Federal/non-Federal interoperability, but Alaska also intends to allow non-Federal licensees to use shared Federal Public Safety spectrum for day-to-day communications and activities in certain areas. In addition, Alaska intends to pair Federal frequencies with non-Federal frequencies, and to operate on a 12.5 kHz bandwidth, while our rules set forth a 15 kHz bandwidth for VHF Public Safety channels. Consequently, Alaska requests waivers of Sections 2.102(c), 90.20(c)(3), and 90.173(c) of the Commission’s Rules.<sup>2</sup>

Alaska argues that waivers are appropriate because the underlying purpose of these rules would not be served by their application to this case, and would prove unduly burdensome in meeting and implementing the intended “joint use” trunked radio system by the state, local and Federal government entities engaged in public safety and Homeland Security operations. Alaska believes that the sharing of radio communications infrastructure among state, local and Federal government agencies within the state will result in greater inter-agency communications capability and reduce overall costs. It states that a new system is needed to meet current shortfalls in interoperable communications and secure communications, and to replace the current public safety infrastructure in Alaska, which is twenty-five to thirty years old. Alaska states that the conditions by which this radio spectrum use will occur are unique in nature and application, and that grant of a waiver is in the best interest of the citizens of Alaska.

<sup>1</sup> FCC File Nos. 0001036496 (filed Sept. 23, 2002), 0001036497 (filed Sept. 23, 2002), 0001039631 (filed Sept. 25, 2002).

<sup>2</sup> 47 C.F.R. §§ 2.102(c), 90.20(c)(3), 90.173(c).

Interested parties may file comments on Alaska's Waiver Request on or before January 21, 2003. Parties interested in submitting reply comments must do so on or before February 5, 2003. All comments should reference Alaska'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; (2) Joy Alford, Federal Communications Commission, Wireless Telecommunications Bureau, Public Safety and Private Wireless Division, Policy and Rules Branch, 445 12th Street, S.W., Room 4-C327, 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>3</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 Ms. Joy Alford, of the Policy and Rules Branch of the Public Safety and Private Wireless Division of the Wireless Telecommunications Bureau at (202) 418-0694, TTY (202) 418-7233, or via e-mail to [jalford@fcc.gov](mailto:jalford@fcc.gov).

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

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<sup>3</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 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 (2001).