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Federal Communications Commission
Office of the Secretary

Attachment to Form 603 Application
For Partial Assignment of License
ULS File No. 0006637147

19-72

DESCRIPTION OF APPLICATION AND REQUEST FOR WAIVER

By the above-referenced application, Motorola Solutions, Inc. ("MSI")¹ seeks Federal Communications Commission ("FCC") consent to the partial assignment of its licenses issued under call sign WQHE714 to the County of Columbia, New York. This license authorizes MSI to operate on frequencies in VHF Public Coast Service Area ("VPCSA") No. 1 – Northern Atlantic using the channel pairs listed in Section 80.371(c) of the FCC's rules.²

A. Disaggregation and Partitioning

Specifically, MSI proposes to disaggregate channels³ 224, 284, 485, 426, and 286 from its license in the area set forth in Exhibit A so that the County may operate base stations and associated mobiles as described in Exhibit B to support a private land mobile radio system to meet the communications needs of its public safety-related and homeland security operations.

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B. Certification of Provision of Public Safety Communications

Pursuant to Section 20.9(b) of the Commission's rules, 47.C.F.R. §20.9(b) (2013), the County of Columbia certifies that it will not provide commercial mobile radio services ("CMRS"). The County provides public safety services within the meaning of Section 337(f)(1) of the Communications Act of 1934, as amended, *i.e.*, services the sole or principal purpose of which is to protect the safety of life, health, or property, that are provided by state or local government entities or by nongovernmental organizations that are authorized by a governmental entity whose primary mission is the provision of such services, and that are not made commercially available to the public.⁴

¹ MSI applied for the licenses at issue in this application under the corporate name "Motorola, Inc." On January 4, 2011, Motorola, Inc. changed its name to "Motorola Solutions, Inc." in connection with the restructuring of the company, as approved by the Commission. *See, e.g.*, Universal Licensing System ("ULS") File No. 0004425243. References in this letter to "Motorola" or "MSI" are intended to be interchangeable.

² 47 C.F.R. § 80.371(c) (2013).

³ The channel numbers are derived from ITU Recommendation ITU-R M.1084-4, "Interim Solutions for Improved Efficiency in the Use of the Band 156-174 MHz By Stations in the Maritime Mobile Service."

⁴ *See generally Application for Consent To Partition and Disaggregate Licenses and Requests for Waiver of Part 80 Rules To Permit Use of Maritime Frequencies for Private Land Mobile Radio Communications*, 22 FCC Rcd 579 (2007) ("MariTEL/Motorola Assignment Order") (citing 47 U.S.C. §337(f)(1), 47 C.F.R. §90.523).

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The license for this Station was partially assigned to Motorola from MariTEL, Inc., under Universal Licensing System ("ULS") File No. 0002438759. The FCC's decision in the *MariTEL/Motorola Assignment Order* granting consent to MSI's acquisition of portions of MariTEL's spectrum also allowed public safety entities, such as the County, to take assignment of these channels without the need to seek certain additional waivers. In the *VPC Flexibility Order*,⁵ decided after the release of the *MariTEL/Motorola Order*, the FCC granted further flexibility to licensees to use VPC spectrum for private land mobile radio ("PLMR") operations. In particular, the *VPC Flexibility Order* established the rights of VPC licensees to support non-maritime, private land mobile radio operations without a waiver, subject to certain conditions.

The County will comply with the requirements in the *MariTEL/Motorola Assignment Order* and the *VPC Flexibility Order*. In particular, it will:

- Operate base stations at the power levels specified under Part 80. Specifically, base stations (on the 161 MHz side of the channels) will operate subject to a maximum antenna terminal input power of 50 Watts.
- Ensure that the field strength of its operations will not exceed +5 dBu at the shorelines of major navigable waterways.
- Install base station transmitters that are certified under Part 80 of the FCC's rules.
- Protect against interference to the maritime operations on the spectrum.⁶

In addition, the County will not operate any base stations or mobiles on these channels within 30 miles of the major navigable waterways (*e.g.*, in areas licensed to MariTEL, Inc., or its subsidiaries) and the +5 dBu contour of its operations would not extend to or overlap such waterways.

As described in the *MariTEL/Motorola Assignment Order*, MariTEL, Inc., will be responsible for meeting the other conditions set forth in the *VPC Flexibility Order*, including providing priority to marine-originating traffic and, if required, a channel 16 watch.

⁵ See *MariTEL, Inc. and Mobex Network Services, LLC*, 22 FCC Rcd 8971 (2007) ("VPC Flexibility Order").

⁶ The County understands that: (1) no interference may be caused to current or future authorized maritime communications, including Automatic Identification System ("AIS") operations; and, (2) it must accept interference from current or future authorized maritime communications, including AIS operations. The U.S. Coast Guard was provided a copy of the instant application prior to its submission to the FCC.

C. Request for Waiver

Section 80.123(e) requires licensees to meet the power limits set forth in Section 80.215. The FCC stated that “these restrictions were will allow operational flexibility while ensuring that distress and safety communications from vessels at sea are given priority.” Essentially, the rules restrict ship and land stations to 25 watts transmitter power output (“TPO”).

Power levels permitted for transmitters used for operations licensed under Part 90 are typically higher than the limits in Section 80.215, however, and the County proposes to operate the VPC channels at levels consistent with its Part 90 facilities, such as those authorized under its existing license issued under call sign KEG594. The County therefore seeks a waiver of this requirement, so that it may operate mobiles with 50 watts TPO and 50 watts effective radiated power (“ERP”).

Grant of a waiver is justified under Sections 1.3 and 1.925 of the Commission’s rules. First, a waiver in this case will not undermine the purpose of the rules because the County will provide the required protection to maritime operations. As noted above, the +5 dBu contour of its operations would not extend to or overlap major navigable waterways, based on the technical parameters set forth under Exhibit B. Moreover, the County’s consulting engineers have evaluated the proposed power level in the mobiles that will be deployed in the system, which have limited antenna gain and some line loss, and determined that the requested increase in the TPO from 25 watts to 50 watts would not result in any greater (and perhaps would create less) potential for interference than mobiles operating under the allowable level with an antenna gain of 3 dB. Thus, it is highly unlikely that its proposed operations will cause interference to maritime operations or adversely affect priority to maritime communications provided by licensees on the channels and in the geographic areas not being acquired by the County.

Second, grant of a waiver would promote long-standing policy objectives of the Commission, in particular: (1) the deployment of spectrum to meet public safety needs, and (2) the efficient utilization of scarce spectrum. Indeed, such action is also consistent with the agency’s previous decision in connection with a similar waiver granted to the State of Missouri. *See State of Missouri, Request for Waiver of Part 80 Power Limits for Public Safety Land Mobile Operations on Maritime Frequencies*, FCC File No. 0004835315 WT Docket No. 12-133, *Order*, DA 13-100 (rel. Jan. 25, 2013 – Mob. Div., WTB).

D. Build-Out and Construction Obligations

As permitted under Section 80.60(d) of the FCC's rules, MSI indicated in the application through which it obtained the licenses at issue in this application that the partitioner and disaggregator would satisfy the construction requirements.⁷ Indeed, both the three-year and five-year construction notifications have been filed and accepted for the underlying licenses.⁸

Accordingly, MSI should not be subject to, nor responsible for meeting, the build-out or construction requirements associated with VPCSA No. 1, as disaggregated to MSI. For the same reasons, the County should not be responsible for meeting the build-out or construction requirements after consummation of the transaction proposed in this application.

E. Public Interest Statement

The parties submit that the grant of this application and, if deemed required, a waiver of the FCC's rules is in the public interest, convenience, and necessity, as it will permit the development and operation of innovative equipment and functionalities that will be deployed to support the communications of users involved in public safety and homeland security activities.

⁷ See ULS File Nos. 0002438759, Exhibit B. Section 80.60(d)(2) states:

Disaggregation. Partial assignors and assignees for license disaggregation have two options to meet construction requirements. Under the first option, the disaggregator and disaggregatee would certify that they each will share responsibility for meeting the substantial service requirement for the geographic service area. ... The second option would allow the parties to agree that either the disaggregator or the disaggregatee would be responsible for meeting the substantial service requirement for the geographic service area.

⁸ See generally ULS File Nos. 0002637829 and 0003741181 (Notifications of Construction filed on 06/02/2006 and 02/17/2009 and accepted on 07/05/2006 and 02/23/2009, respectively, for VPCSA No. 1).

EXHIBIT A

Disaggregated Channels and Partitioned Areas To Be Assigned

MSI proposes to disaggregate the channels listed in table below in the area to be partitioned by the coordinates provided in Schedule C attached to the accompanying application on FCC Form 603 so that the County may construct a private land mobile radio system to meet the communications needs of its public safety-related and homeland security operations.

Channel No. (12.5 kHz)	Channel Center MHz (Mobile/Base)	Mobile Transmit Freq. Range. (MHz)	Base Transmit Freq. Range (MHz)
224	157.2125/161.8125	157.20625-157.21875	161.80625-161.81875
284	157.2375/161.8375	157.23125-157.24375	161.83125-161.84375
485	157.2750/161.8750	157.26875-157.28125	161.86875-161.88125
426	157.3000/161.9000	157.29375-157.30625	161.89375-161.90625
286	157.3375/161.9375	157.33125-157.34375	161.93125-161.94375

The County proposes to operate base stations in the partitioned areas with a bandwidth not to exceed 12.5 kHz and a maximum power of 50 watts at the input terminals of the antennas, in accordance with Section 80.215 of the FCC's rules, 47 C.F.R. § 80.215 (2013). Mobile stations will operate with a bandwidth not to exceed 12.5 kHz and will operate only within the County or in the immediate vicinity of its political border subject to a maximum effective radiated power ("ERP") of 50 Watts. The emission designator for the operations is 11K3F3E.

EXHIBIT B

Operational Specifications

The County is in the process of finalizing the base station locations for its system, but currently proposes to operate at the sites and with the specifications set forth in the table below that create a 37 dBu field strength contour specified by the coordinates provided in the Schedule C attached to the accompanying application on FCC Form 603. The County might not construct some of the sites listed in the table, however, and it might construct other sites not listed in the table, including certain sites that might be located outside the County's political border.

Site Name/ Location	Coordinates (NAD83)	AMSL (m)	HAAT (m)	Ant. Model	Ant. Hgt (m)	Azimuth (deg.)	ERP (W)
BLUE HILL FARM, LIVINGSTON	42-11-10.3 N 073-48-48.5 W	184.00	94.16	COL54-166	22.86	0	50.00
W. HILL RD., AUSTERLITZ	42-18-21.9 N 073-29-26.7 W	508.00	225.38	COL54-166	32.00	0	50.00
WILLIAM BLACK RESIDENCE, NEW LEBANON	42-26-51.3 N 073-26-04.4 W	393.00	71.74	COL54-166	7.92	0	25.06
3120 ROUTE 7 COPAQUE	42-14-56.3 N 073-46-56.5 W	296.00	38.30	COL54-166	14.33	0	37.50

The County has agreed with MSI that any modifications to its operations that would extend its aggregate 37 dBu contour beyond the areas to be partitioned and assigned as proposed in the instant application would require: (1) further approval from the FCC and incumbent or adjacent geographic area licensees, including MSI, and (2) the filing of an additional application on FCC Form 603 for agency approval. In addition, the County has agreed that the operations of MSI or its other assignees may create, but not exceed, a field strength of 21 dBu at the boundary of the areas to be partitioned and assigned to the County.