

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Service Rules for the 698-746, 747-762 and 777-792 MHz Bands)	WT Docket No. 06-150
)	
Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems)	CC Docket No. 94-102
)	
Section 68.4(a) of the Commission's Rules Governing Hearing Aid-Compatible Telephones)	WT Docket No. 01-309
)	
Biennial Regulatory Review – Amendment of Parts 1, 22, 24, 27, and 90 to Streamline and Harmonize Various Rules Affecting Wireless Radio Services)	WT Docket No. 03-264
)	
Former Nextel Communications, Inc. Upper 700 MHz Guard Band Licenses and Revisions to Part 27 of the Commission's Rules)	WT Docket No. 06-169
)	
Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band)	PS Docket No. 06-229
)	
Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Communications Requirements Through the Year 2010)	WT Docket No. 96-86
)	
Declaratory Ruling on Reporting Requirement under Commission's Part 1 Anti-Collusion Rule)	WT Docket No. 07-166
)	

REQUEST FOR WAIVER OF COMMISSION RULES

CITY OF STAMFORD (CT)

Captain Gregory D. Tomlin

I. INTRODUCTION

The City of Stamford, Connecticut (“City”) hereby respectfully requests that the Federal Communications Commission (“Commission” or “FCC”) grant a waiver of the prohibition on new 700 MHz operations to permit continued deployment of the City of Stamford (CT)’s already-planned system. The Commission has prohibited “authorization . . . of any new narrowband operations in Channels 63 and 68, or in the upper 1 megahertz of channels 64 and 69,” after August 30, 2007.¹ A recent public notice further states that narrowband equipment may be placed into operation after August 30, 2007, but only in the new consolidated narrowband block.² Thus, the City of Stamford (CT) respectfully requests that the Commission grant a waiver of the prohibition to permit deployment of new equipment, limited to handsets, after August 30, 2007 to operate in conjunction with the City of Stamford (CT)’s already-licensed 700 MHz system that was in the process of deployment prior to August 30, 2007.³ Without such a waiver, the Commission’s policy poses a significant threat to the City of Stamford (CT)’s plans to complete implementation of a needed new life-saving communication system in its jurisdiction.

¹ *Service Rules for the 698-746, 747-762 and 777-792 MHz Bands, WT Docket No. 06-150, Second Report and Order, FCC 07-132 (rel. Aug. 10, 2007) (“Order” or “Second Report and Order”).*

² *New Public Safety Narrowband Operations Outside of the 700 MHz Consolidated Block Prohibited as of August 30, 2007, Public Notice, PS Docket No. 06-229, WT Docket No. 96-86, DA 07-3644 (August 16, 2007).*

³ The City of Stamford (CT) recognizes that, pursuant to the Order, this new equipment will not be eligible for relocation funding. The City of Stamford (CT) disagrees with this policy against relocation funding, but notes that this Request for Waiver does not address reimbursement issues. Thus, the City of Stamford (CT) seeks this waiver request without prejudice to any future motions opposing the policy for relocation funding.

II. BACKGROUND

The City of Stamford (CT) has a city wide interoperable trunked public safety (police, fire and EMS) and local government radio system. The City of Stamford (CT)'s jurisdiction is the City of Stamford, operating in conjunction with other public safety agencies in lower Fairfield County (CT). Currently, the City of Stamford (CT) is in the process of implementing a mission critical communication system on the current 700 MHz narrowband spectrum under call signs WQGH335/WQGH338. Under these call signs the City of Stamford (CT) is authorized the following frequencies: (see our attached licenses). Prior to the August 30, 2007 deadline imposed by the Commission, the City of Stamford (CT) was deploying 791 multi-band portables (100 of which were being programmed on 700 MHz frequencies), for use with our 37 vehicular repeaters. In order to complete full implementation of this planned system, the following equipment is scheduled to be implemented according to the estimated timetable: The current estimated timetable is for full deployment of our new 800 MHz system, by 01/01/2008, to include 4 new 10 channel sites, 48 control stations, 577 mobiles, as well as the 37 repeaters and 791 portables (100 using the 700 MHz frequencies requested in our waiver).

III. THE COMMISSION SHOULD GRANT THE CITY OF STAMFORD (CT) A WAIVER OF THE COMMISSION'S RULE PROHIBITING NEW EQUIPMENT.

Under Section 1.3 of the Commission's rules,⁴ the Commission may exercise its discretion to waive a rule for "good cause shown."⁵ A waiver is appropriate if special

⁴ 47 C.F.R. § 1.3.

⁵ *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996; Petition of Southwestern Bell Telephone Company, Pacific Bell, and Nevada Bell for Expedited Declaratory Ruling on Interstate IntraLATA Toll Dialing Parity or, in the Alternative, Various Other Relief*, Order, 14 FCC Rcd 6806, ¶ 11 (1999).

circumstances warrant a deviation from the general rule and such deviation will help serve the public interest.⁶

The waiver process allows the Commission to “maintain the fundamentals of principled regulation without sacrifice of administrative flexibility and feasibility.”⁷ In deciding whether or not to grant specific waiver requests, the Commission has indicated it must “take into account considerations of hardship, equity, or more effective implementation of overall policy” in its broader quest for regulation in the “public interest.”⁸ As explained below, grant of the City of Stamford (CT)’s request would serve policy objectives of the Commission, particularly the deployment of spectrum to meet public safety needs.

The City of Stamford (CT) will undergo significant hardship if the FCC does not waive the new rule to permit the City of Stamford (CT) to deploy its equipment as planned. It was impossible for the City of Stamford (CT) to fully deploy this system by the August 30, 2007 deadline. By the time the public notice was issued, the City of Stamford (CT) was left with two weeks to deploy the remaining equipment described above. The FCC’s new rule will cause a significant portion of the system to not be usable; specifically the 37 mobile repeaters to be used in conjunction with the 100 newly purchased portables programmed to our 700 MHz licensed frequencies. While all of the public safety first responders would be impacted, the 30% of calls for service handled by the various fire departments within our licensed area would have to go without the benefit of vital communications equipment they need to protect their citizens. Given the critical need for interoperable communications in the City of Stamford (CT), the inability to fully utilize the planned system threatens the safety and lives of the City of Stamford (CT)’s first

⁶ *Id.* (citing *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) and *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969)).

⁷ *WAIT Radio*, 418 F.2d at 1159.

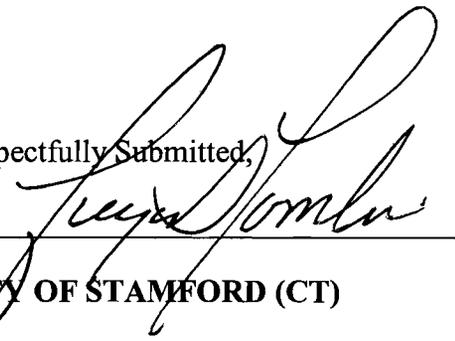
⁸ *Id.*

responders and the health and property of the public they serve. Allowing the City of Stamford (CT) to deploy its equipment as planned will further the Commission's goal of helping public safety provide the most effective and efficient communications for the American public

IV. CONCLUSION

The City of Stamford (CT) respectfully requests that the Commission grant a waiver of the prohibition on deploying any additional equipment on the 700 MHz original narrowband channel plan after August 30, 2007. Expedited Commission approval of this waiver is vital for the City of Stamford (CT) to complete the implementation of the already-licensed 700 MHz portion of the mission critical communications system that was in the process of deployment prior to August 30, 2007, as described herein. The City of Stamford (CT)'s ability to build out the remaining system on the original narrowband channels warrants a deviation from this rule and such deviation will help serve the public interest.

Respectfully Submitted,

By: 

CITY OF STAMFORD (CT)

**Captain Gregory D. Tomlin
Stamford Police Department
888 Washington Blvd. FL6
P.O. Box 10152
Stamford CT 06904-2152
gtomlin@ci.stamford.ct.us**



RADIO STATION AUTHORIZATION

Licensee: Stamford, City of

FCC Registration
 Number (FRN): 0005180120

CAPTAIN GREGORY D. TOMLIN
 STAMFORD, CITY OF
 888 WASHINGTON BLVD.
 PO BOX 10152
 STAMFORD CT 06904

Call Sign WQGH335	File Number 0002873782
Radio Service SG - Conventional Public Safety 700 MHz	
Regulatory Status PMRS	
Frequency Coordination Number	

Grant Date 01-17-2007	Effective Date 01-17-2007	Expiration Date 01-17-2017	Print Date 01-18-2007
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STATION TECHNICAL SPECIFICATIONS

Fixed Location Address or Mobile Area of Operation

Loc. 1 Area of Operation
 Statewide: CT

Antennas

Loc. No.	Ant. No.	Frequencies (MHZ)	Sta. Cls.	No. Units	No. Pagers	Emission Designator	Output Power (watts)	ERP (watts)	Ant. Ht./Tp meters	Ant. AAT meters	Construct Deadline Date
1	1	794.056250	MOI	100	0	11K2F3E	2.000	2.000			
1	1	764.056250	MOI	100	0	11K2F3E	2.000	2.000			
1	1	764.068750	MOI	100	0	11K2F3E	2.000	2.000			
1	1	775.993750	MOI	100	0	11K2F3E	2.000	2.000			
1	1	794.068750	MOI	100	0	11K2F3E	2.000	2.000			
1	1	805.993750	MOI	100	0	11K2F3E	2.000	2.000			

Control Points

Control Address
 Pt. No. 1 888 Washington Blvd.
 City Stamford County FAIRFIELD State CT Telephone Number (203)977-5291

Additional Waivers/Conditions

Conditions:
 Pursuant to Section 309(h) of the Communications Act of 1934, as amended, 47 U.S.C. Section 309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. Section 310(d). This license is subject in terms to the right of use or control conferred by Section 706 of the Communications Act of 1934, as amended. See 47 U.S.C. Section 606.



RADIO STATION AUTHORIZATION

Licensee: Stamford, City of

FCC Registration
 Number (FRN): 0005180120

GREGORY D. TOMLIN
 STAMFORD, CITY OF
 888 WASHINGTON BLVD.
 PO BOX 10152
 STAMFORD CT 06904

Call Sign WQGH338	File Number 0002873809
Radio Service SG - Conventional Public Safety 700 MHz	
Regulatory Status PMRS	
Frequency Coordination Number	

Grant Date 01-17-2007	Effective Date 01-17-2007	Expiration Date 01-17-2017	Print Date 01-18-2007
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STATION TECHNICAL SPECIFICATIONS

Fixed Location Address or Mobile Area of Operation

Loc. 1
 Area of Operation
 Operating Nationwide including Hawaii, Alaska, and US Territories.
 LOCATION 1 SPECIAL CONDITION: Operation on frequencies associated to this location is on a non-interference basis to Canadian operations and you must accept all interference from operations in Canada. Licensee is responsible for resolving any complaints of interference to Canadiansystems arising from operations on this frequency, including, if necessary, cessation of such operations.

Antennas

Loc. No.	Ant. No.	Frequencies (MHZ)	Sta. Cls.	No. Units	No. Pagers	Emission Designator	Output Power (watts)	ERP (watts)	Ant. Ht./Tp meters	Ant. AAT meters	Construct Deadline Date
1	1	805.993750	MOI	100	0	11K2F3E	2.000	2.000			
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1	1	764.068750	MOI	100	0	11K2F3E	2.000	2.000			
1	1	775.993750	MOI	100	0	11K2F3E	2.000	2.000			

Control Points

Control Pt. No.	Address	County	State	Telephone Number
1	888 Washington Blvd. City			

Conditions:

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