



# PUBLIC NOTICE

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DA 12-794

Released: May 21, 2012

## WIRELESS TELECOMMUNICATIONS BUREAU AND PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SEEK COMMENT ON NEW YORK CITY TRANSIT AUTHORITY REQUEST FOR WAIVER OF THE JANUARY 1, 2013 VHF-UHF NARROWBANDING DEADLINE

WT Docket 99-87

**Comment Date: June 11, 2012**

**Reply Comment Date: June 21, 2012**

By this *Public Notice*, comment is sought on the request, filed on December 22, 2011,<sup>1</sup> of the New York City Transit Authority (NYCTA) for a temporary waiver of the Commission's January 1, 2013 VHF-UHF narrowbanding deadline, which requires private land mobile radio (PLMR) licensees in the 150-174 MHz and 450-512 MHz bands to operate using channel bandwidth of no more than 12.5 kHz or equivalent efficiency by January 1, 2013.<sup>2</sup> NYCTA seeks a 42-month extension of the deadline, until June 30, 2016, for PLMR Stations KA34484, KB81204, KB81205, KEM727, KG9550, KGL738, KGL739, KGL741, KJ3732, KLE770, KLE772, KLO237, KQT915, KSZ887, KTA917, KTA918, KTA919, KTA920, KTA927, KTA928, WNGI988, WNGX515, WNGX516, WNGZ991, WNHI787, WNSA945, WNZK581, and WPEM901.

NYCTA, the nation's largest provider of mass transit services, operates a subway and bus transportation network in New York City. It requests a waiver of the narrowbanding deadline only with respect to communications equipment deployed on its subway system. NYCTA's rapid transit network operates at all hours, and typically makes more than 8,000 scheduled trips and transports more than 4.5 million customers each workday. The rapid transit operations communications system

<sup>1</sup> See Request for Waiver of Commission Rules (filed Jan. 27, 2012). The request was entered into the docket for WT 99-87 on January 27, 2012. The request previously was placed on public notice, but the instant *Public Notice* provides additional information for interested parties. See Public Safety and Homeland Security Bureau Seeks Comment on Requests for Waiver of the January 1, 2013 VHF-UHF Narrowbanding Deadline, *Public Notice*, WT Docket No. 99-87, 27 FCC Rcd 430 (PSHSB 2012).

<sup>2</sup> See 47 C.F.R. § 90.209(b)(5); see also Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended; Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies, *Third Memorandum Opinion and Order and Third Further Notice of Proposed Rule Making and Order*, WT Docket No. 99-87, RM-9332, 19 FCC Rcd 25045 (2004). On April 26, 2012, the Wireless Telecommunications Bureau, Public Safety and Homeland Security Bureau, and Office of Engineering and Technology waived the January 1, 2013 narrowbanding deadline for 470-512 MHz band frequencies. See Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended; Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies, *Order*, WT Docket No. 99-87, RM-9332, DA 12-642 (WTB/PSHSB/OET rel. Apr. 26, 2012).

consists of 119 radio sites, of which 83 are underground and 36 are outdoors. Because channels are reused at multiple locations, however, the system occupies only 23 discrete VHF frequencies, of which 16 are former Railroad Radio Service frequencies.

NYCTA's compliance with the Commission's narrowbanding deadline requires it to replace all radio equipment and devices in the subway radio system. In 2003, it began an extensive, multi-year program to modernize and upgrade the system, which included procuring approximately 15,000 portable handheld radio devices that are capable of operating in narrowband mode. NYCTA states that its narrowbanding efforts have been complicated by actions beyond its control that delayed the awarding of the contract to complete the narrowband transition. It requests a 42-month extension, until June 30, 2016, to replace and reprogram radio base stations and related site equipment throughout the subway system. NYCTA states that work related to above-ground transmitter sites will be completed first (by August 31, 2014), so that outdoor radio transmissions will be in narrowband mode as soon as possible in order to minimize potential interference to other licensees.

We seek comments evaluating the waiver request in light of the July 13, 2011 *Public Notice* providing guidance on the submission of requests for waiver of the narrowband deadline.<sup>3</sup> In particular, we seek comment from parties whose operations could be impacted by grant of the waiver.

### **Procedural Matters**

Interested parties may file comments and reply comments in response to the waiver request on or before the dates listed on the first page of this *Public Notice*. All pleadings must reference WT Docket No. 99-87. Parties may file comments using (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies.<sup>4</sup>

- **Electronic Filers:** File comments electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- If multiple docket or rulemaking numbers appear in the caption of this proceeding, ECFS filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.
- **Paper Filers:** Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Send filings by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). Address filings to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

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<sup>3</sup> See Wireless Telecommunications Bureau, Public Safety and Homeland Security Bureau, and Office of Engineering and Technology Provide Reminders of the January 1, 2013 Deadline for Transition to Narrowband Operations in the 150-174 MHz and 421-512 MHz Bands and Guidance for Submission of Requests for Waiver and Other Matters, *Public Notice*, 26 FCC Rcd 9647 (WTB/PSHSB/OET 2011); see also Wireless Telecommunications Bureau and Public Safety and Homeland Security Bureau Provide Supplemental Guidance for Licensees in the 150-174 MHz and 421-512 MHz Bands Seeking Waivers of the January 1, 2013 Narrowbanding Deadline, *Public Notice*, 27 FCC Rcd 1936 (WTB/PSHSB 2012).

<sup>4</sup> See Electronic Filing of Documents in Rulemaking Proceedings, *Report and Order*, GC Docket No. 97-113, 13 FCC Rcd 11322 (1998).

- Deliver hand-delivered or messenger-delivered paper filings to FCC Headquarters at 445 12<sup>th</sup> St., SW, Room TW-A325, Washington, DC 20554 between 8:00 AM and 7:00 PM. Use rubber bands or fasteners to hold deliveries together. Dispose of all envelopes 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 mail to 445 12<sup>th</sup> Street, SW, Washington DC 20554.

Parties are requested to send one copy of their comments and reply comments to Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, (800) 378-3160, e-mail [FCC@BCPIWEB.com](mailto:FCC@BCPIWEB.com).

Documents in WT Docket No. 99-87 available for viewing on ECFS, <http://www.fcc.gov/cgb/ecfs>, by entering the docket number, WT 99-87. These documents are available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12<sup>th</sup> St. SW, Room CY-A257, Washington, D.C. 20554. The documents are also available for purchase from Best Copy and Printing, Inc., telephone (800) 378-3160, facsimile (301) 816-0169, e-mail [FCC@BCPIWEB.com](mailto:FCC@BCPIWEB.com), telephone (202) 488-5300, facsimile (202) 488-5563, TTY (202) 488-5562, e-mail [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com).

Alternate formats of this *Public Notice* (computer diskette, large print, audio recording, and Braille) are available to persons with disabilities by contacting the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY), or send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov).

This proceeding has been designated as a “permit-but-disclose” proceeding in accordance with the Commission's *ex parte* rules.<sup>5</sup> Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

For further information, contact Mr. Melvin Spann of the Wireless Telecommunications Bureau at (202) 418-1333, or via e-mail at [Melvin.Spann@fcc.gov](mailto:Melvin.Spann@fcc.gov) or Mr. Roberto Mussenden of the Public Safety and Homeland Security Bureau at (202) 418-1428, or via e-mail at [Roberto.Mussenden@fcc.gov](mailto:Roberto.Mussenden@fcc.gov).

Action by the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau and the Chief, Policy Division, Public Safety and Homeland Security Bureau.

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<sup>5</sup> See 47 C.F.R. §§ 1.1200(a), 1.1206.