



PUBLIC NOTICE

Federal Communications Commission
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**WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON REQUEST FOR
 WAIVER OF PART 80 POWER LIMITS FOR STATE OF MISSOURI PUBLIC SAFETY LAND
 MOBILE RADIO OPERATIONS ON MARITIME FREQUENCIES**

WT Docket No. 12-133

Comment Date: July 2, 2012

Reply Date: July 17, 2012

On April 27, 2012, Motorola Solutions, Inc. (Motorola), on behalf of the State of Missouri (the State), filed a request for waiver of Section 80.123(e) of the Commission's Rules¹ to permit the operation of mobile units with 50 watts transmitter power output (TPO) and 45 watts effective radiated power (ERP) on VHF Public Coast (VPC) frequencies.²

In 2007, the Wireless Telecommunications Bureau granted applications for consent to partition and disaggregate portions of sixteen VPC geographic licenses to Motorola with requests for waivers to permit Motorola to provide this spectrum to third parties to satisfy public safety and other first responder requirements. Later in 2007, the Commission amended the Part 80 rules to afford VPC licensees additional operational flexibility to provide service to units on land, provided that certain conditions are met, including use of equipment that complies with Part 80 technical limits and providing priority for marine-originating communications. Section 80.123(e) requires licensees to meet the power limits set forth in Section 80.215, which generally restricts mobile units to 25 watts TPO and 18 watts ERP.

Motorola now seeks to partition and disaggregate VPC spectrum to the State to support a private land mobile system to meet the needs of its public safety-related and homeland security operations. Motorola believes that the proposed operations at a higher TPO will not 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 State. Motorola states that the proposed mobiles will have zero antenna gain and some line loss, which they believe would not increase the potential for interference any more than mobiles operating under the allowable level with a gain of 3 dB. Additionally, Motorola states that the +5 dBu contour of the State's operations would not extend to or overlap major navigable waterways. Consequently, Motorola requests a waiver to permit the operation of the State's mobile units with 50 watts TPO and 45 watts ERP. The State agrees to protect against interference to maritime operations. We seek comment on the waiver request.

¹ 47 C.F.R. § 80.123(e).

² See FCC File No. 0004835315, Description of Application and Request for Waiver.

Procedural Matters

Comments on the request are due **no later than July 2, 2012**. Reply comments are due **no later than July 17, 2012**. All filings should reference the docket number of this proceeding, WT 12-133.

This proceeding has been designated as a “permit-but-disclose” proceeding in accordance with the Commission's *ex parte* rules.³ 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.

Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters 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 for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, “get form.” A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent 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). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

-Effective December 28, 2009, all hand-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., S.W., Room TW-A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Envelopes must be disposed of before entering the building. The filing hours at this location are 8:00 a.m. to 7:00 p.m. **PLEASE NOTE:** The

³ See 47 C.F.R. §§ 1.1200(a), 1.1206.

Commission's former filing location at 236 Massachusetts Ave., N.E. is permanently closed.

-Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

-U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., 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.

The waiver request can be accessed electronically via the Commission's Universal Licensing System, <http://wireless.fcc.gov/uls>, under File No. 0004835315. The request, and comments and reply comments filed in response to this *Public Notice*, will be available for public inspection and copying during business hours in the FCC Reference Information Center, Portals II, 445 12th Street S.W., Room CY-A257, Washington, D.C. 20554, and via the Commission's Electronic Comment Filing System (ECFS) by entering the docket number, **WT 12-133**. They may also be purchased from Best Copy and Printing, Inc., telephone (800) 378-3160, facsimile (301) 816-0169, e-mail 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.

For further information, contact Mr. Jim Shaffer of the Wireless Telecommunications Bureau, Mobility Division, at (202) 418-0687, james.shaffer@fcc.gov.

Action by the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau.

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