

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
LINN COUNTY SHERRIFF'S OFFICE,)
MARION, IOWA)
)
Request For Extension Of Mandatory)
Narrowbanding Deadline)
)
Implementation of Sections 309(j) and 337 of the)
Communications Act of 1934 as Amended)

FILED/ACCEPTED

JUL 20 2011

Federal Communications Commission
Office of the Secretary

WT Docket No. 99-87

To: The Commission

PETITIONERS' REQUEST FOR EXTENSION

The Linn County Sherriff's Office and Marion, Iowa (collectively, Petitioners), through counsel and pursuant to Section 1.925 of the Commission's Rules, 47 C.F.R. §1.925, and the Commission's Public Notice of July 13, 2011,¹ hereby submits its request for a limited extension of the Commission's January 1, 2013 deadline for all VHF and UHF Part 90 operations to migrate to narrowband (maximum 12.5 kHz bandwidth or equivalent efficiency).² In support thereof, the following is shown:

I. BACKGROUND

Petitioners, public safety agencies located in Linn County, Iowa, have used separate land mobile radio systems. The Linn County Sheriff's Office used VHF analog conventional radios

¹ Wireless Telecommunications Bureau, Public Safety and Homeland Security Bureau, And Office of Engineering and Technology Provide Reminder of 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*, DA 11-1189, released July 13, 2011 ("*Narrowbanding Extension Public Notice*").

² See, Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended, *Second Report and Order and Second Further Notice of Proposed Rulemaking*, WT Docket No. 99-87, RM-9332, 18 FCC Rcd 3034 (2003) ("*Second R&O*"); Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended, *Third Memorandum Opinion and Order, Third Further Notice of Proposed Rule Making and Order*, WT Docket No. 99-87, RM-9332, 19 FCC Rcd 2-545 (2004) ("*Third MO&O*"); Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended, *Order*, WT Docket No. 99-87, RM-9332, 25 FCC Rcd 8861 (2010) ("*Narrowbanding Waiver Order*"); see also 47 C.F.R. §§90.203(j), 90.209(b).

and the City of Marion's police department used UHF analog conventional radios while the fire department used VHF radios. Exhibit 1, attached hereto, lists Petitioners' land mobile stations licensed pursuant to Part 90 of the Commission's Rules and impacted by the Commission's narrowbanding rules.

Due to the technology end of life of the Motorola Smartnet system and the FCC narrowbanding mandate, Petitioners, along with the City of Cedar Rapids, decided to upgrade all of their land mobile radio systems to 800 MHz P25 trunking. A contract for the new system was awarded to Harris Corporation in 2011 and the system is currently being installed. The new system will replace the disparate systems in Linn County, providing seamless interoperability, improved coverage, and narrowband compliance. Additionally, the system will connect seamlessly to the Harris 800 MHz P25 system currently used in Johnson County, immediately south of Linn County, further enhancing multi-jurisdictional mutual aid response and improved in-building coverage.

The installation of the new system has been delayed due to the lengthy tower site acquisition process, putting the project completion date past January 1, 2013. System cutover is expected in August 2013, with final acceptance in late September or early October 2013. Once the new system is live, the VHF and UHF systems will be decommissioned. On this basis Petitioners request a waiver of the Commission's Rules to permit additional time for Petitioners to complete their narrowbanding effort.

II. PETITIONERS' EXTENSION REQUEST

The Commission's *Narrowbanding Extension Public Notice* contains a list of questions which the Commission requests that applicants seeking extension provide information on in their extension requests. The following represents Petitioners' responses to those questions and issues.

A. Steps Already Taken To Complete The Narrowband Transition

As described above, Petitioners have taken a major effort to upgrade their land mobile radio systems and comply with narrowbanding requirements. More specifically, Petitioners have already hired a consultant, issued a Request for Proposals, selected a vendor, awarded a contract, completed a detailed design review, developed an implementation schedule, and organized a Radio Board. Site work is underway, towers have been built, and shelters are currently being

placed. Infrastructure equipment is in factory final acceptance and is scheduled to be installed later this summer.

B. System Size And Complexity

As described above, Petitioners currently use three separate systems which are not interoperable. The Marion and Linn County systems have approximately 20 conventional repeater and/or simplex channels on VHF and UHF bands. In contrast, the replacement system will have 13 trunked 800 MHz channels. Interoperability will be maintained with the neighboring counties and the state using an integrated bridging product.

Linn County and Cedar Rapids both have large radio systems, adding to the complexity of moving to the new system. Linn County has ordered 420 mobile radios, 768 portable radios, and 45 control stations. Cedar Rapids has ordered 174 mobile radios, 400 portable radios, and 17 control stations. Marion has ordered 25 mobile radios, 69 portable radios, and 2 control stations.

C. Whether System Equipment Must Be Replaced Or Upgraded

Some of Petitioners' equipment is incapable of narrowband operation; they intend to replace the equipment with new radios compatible with the new system and narrowband operation on needed VHF and UHF channels.

D. Planned System Upgrades During Narrowbanding

As described above, Petitioners are creating a new joint communications system that will comply with narrowbanding requirements.

E. Funding Sources, Government Approval, Multi-Year Budgeting

The Petitioners received budgetary approval for their new system in April 2011.

F. Narrowbanding Scheduling Dependency On Neighboring Licensees

The Petitioners consist of neighboring systems that are working together to create a single interoperable system. Petitioners' new system will also be interoperable with the P25 system used in a neighboring county and with adjacent county and state VHF and UHF channels.

G. Plans To Minimize Impact On Co-Channel And Adjacent Channel Licensees

Petitioners hope to minimize to the greatest extent possible interference to adjacent and co-channel licensees. To do so, Petitioners will use wideband for the shortest amount of time possible, which is expected to be less than one year.

In addition, Exhibit 2, attached hereto, represents a list of adjacent channel licensees within proximity of Petitioners' operations. Petitioners are providing a copy of this Waiver Request to each impacted licensee. In this manner, each licensee will be alerted to Petitioners' continued wideband operation, the schedule for narrowbanding the relevant station, and contact information should there be an interference problem. Petitioners pledge to work with each impacted licensee to minimize interference.

H. Licensee Plans To Migrate To Non-VHF/UHF Band Systems

Once the Petitioners have migrated out of the VHF/UHF bands, the Linn County Sheriff's Office and the City of Marion police and fire departments will relinquish their unused VHF/UHF spectrum.

III. CONCLUSION

Petitioners' new land mobile radio system is currently under construction and will likely be operational before January 1, 2013. However, the new system may not be completely tested and accepted by that date. Installation of the new radios in vehicles is expected to be underway but incomplete at that time. Radio replacement and infrastructure replacement are expected to be complete by mid-2013.

A grant of an extension of time to complete narrowbanding for Petitioners would not frustrate the Commission's Rules as the Petitioners expect to complete system cutover in mid-2013 and will decommission their old VHF/UHF systems as soon as the new system is operational. Petitioners face unique difficulties, as they are not only transitioning to narrowband but also replacing three separate non-interoperable systems with a single P25 system. Furthermore, the Petitioners are well on their way toward completing the narrowband transition, having resolved site acquisition delays. For these reasons, failure to extend the narrowbanding deadline for the impacted stations would be contrary to the public interest and would not serve any public purpose. There is no reasonable alternative for narrowbanding such stations, as the effort has been underway for some time, is continuing, and requires a significant amount of personnel.

WHEREFORE, Petitioners respectfully request that the FCC act expeditiously to grant Petitioners a waiver of the Commission's Rules, and extend the narrowbanding deadline for Petitioners' impacted stations by one year.

Respectfully submitted,

**LINN COUNTY SHERIFF'S OFFICE,
MARION, IOWA**

A handwritten signature in black ink that reads "Alan S. Tilles, Esquire". The signature is written in a cursive style with a large, stylized initial 'A'.

By: Alan S. Tilles, Esquire
Its Attorney

Shulman Rogers Gandal Pordy & Ecker,
P.A.

12505 Park Potomac Ave., Sixth Floor
Potomac, Maryland 20854

(301) 231-0930

Date: July 20, 2012

Exhibit 1

Licensee	Call Sign
Linn County	KB80510
Linn County	KB80822
Linn County	KEU928
Linn County	KFA423
Linn County	KGJ746
Linn County	KNFH931
Linn County	KNGJ620
Linn County	KVN527
Linn County	WDN364
Linn County	WNHT616
Linn County	WNHT617
Linn County	WNLI211
Linn County	WNQJ607
Linn County	WQA884
Linn County	WQBC933
Linn County	WPJQ579
Linn County	WGH601
City of Marion (Fire)	KDB473
City of Marion (Police)	WQCU883

Exhibit 2

Licensee	Licensee Street Address	Licensee City, State, ZIP Code
ADAMS, NICK	6226 WAPELO JEFFERSON RD	BATAVIA, IA 52533
AKRON, CITY OF	350 REED STREET	AKRON, IA 51001
ALLAMAKEE, COUNTY OF	110 ALLAMAKEE ST	WAUKON, IA 52172
AMANA FIRE DEPARTMENT	PO Box 281	AMANA, IA 52203
ANAMOSA, CITY OF	107 S FORD ST	ANAMOSA, IA 52205
AREA AMBULANCE SERVICE	701 10TH STREET SE	CEDAR RAPIDS, IA 52403
ARLINGTON, CITY OF	862 HIGH ST	ARLINGTON, IA 50606
ATKINS, CITY OF	PO Box 171 90 Railroad St	ATKINS, IA 52206-0171
AURORA, CITY OF	PO Box 117	AURORA, IA 50607
BELLE PLAINE, CITY OF	1207 8TH AVE	BELLE PLAINE, IA 52208
BENTON COUNTY EMERGENCY MANAGEMENT AGENCY	PO Box 398	VINTON, IA 52349-0398
BENTON, COUNTY OF	113 E 3RD ST	VINTON, IA 52349
B-K Electric, Inc.	501 N. Federal Street	Griggsville, IL 62340
BLACK HAWK COUNTY EMERGENCY MANAGEMENT AGENCY	1925 NEWELL ST	WATERLOO, IA 50707
BLACK HAWK, COUNTY OF	225 EAST 6TH. ST. SHERIFFS OFFICE	WATERLOO, IA 50703
BOONE, COUNTY OF	201 State St	BOONE, IA 50036
BROOKLYN, CITY OF	PO Box 145 138 Jackson	BROOKLYN, IA 52211
BUCHANAN COUNTY HEALTH CENTER	1600 FIRST STREET EAST	INDEPENDENCE, IA 50644
BUCHANAN, COUNTY OF	210 5TH AVE NE	INDEPENDENCE, IA 50644
CALAMUS, CITY OF	PO Box 165	CALAMUS, IA 52729-0165
CALHOUN, COUNTY OF	416 4TH STREET	ROCKWELL CITY, IA 50579
CARL KARCHER ENTERPRISES, INC.	PO Box 4349 401 W CARL KARCHER WAY	ANAHEIM, CA 92803
CARROLL, COUNTY OF	112 E. 5th St.	CARROLL, IA 51401
CASS, COUNTY OF	5 W 7TH ST	ATLANTIC, IA 50022
CEDAR FALLS, CITY OF	1718 Main St.	CEDAR FALLS, IA 50613
CEDAR, COUNTY OF	711 E South St.	TIPTON, IA 52772
CEDAR, COUNTY OF	400 CEDAR STREET	TIPTON, IA 52772-1752
CEDAR, TOWNSHIP OF	PO Box 304	FREMONT, IA 52561
CENTRAL CITY, CITY OF	PO Box 165	CENTRAL CITY, IA 52214
CERRO GORDO COUNTY CONSERVATION	3501 LIME CREEK	MASON CITY, IA 50401
CITY OF DES MOINES	400 ROBERT D RAY DRIVE	DES MOINES, IA 50309
CITY OF OTTUMWA (HAZMAT) SOUTHEAST IOWA RESPONSE GROUP	105 E THIRD STREET	OTTUMWA, IA 52501
CKE	1301 N. ANAHEIM BLVD.	ANAHEIM, CA 92801
CLARENCE, CITY OF	411 LOMBARD	CLARENCE, IA 52216
CLAYTON, COUNTY OF	429 HIGH ST BOX 456	ELKADER, IA 52043
CLAYTON, COUNTY OF	PO Box 10	Saint Olaf, IA 52072-0010
CLINTON, CITY OF	PO Box 2958 City Hall, 611 South 3rd Street	CLINTON, IA 52732-2958
Cocking, Kyrion E	2640 200th St	Winthrop, IA 50682
COLUMBUS JUNCTION, CITY OF	P.O. Box 209	COLUMBUS JUNCTION, IA 52738-0209
DAVENPORT HOSPITAL AMBULANCE CORP	1204 E HIGH ST	DAVENPORT, IA 52803
DELAWARE COUNTY MEMORIAL HOSPITAL	709 W MAIN	MANCHESTER, IA 52057
DELAWARE, COUNTY OF	208 EAST MAIN STREET	MANCHESTER, IA 52057
DES MOINES, COUNTY OF	13522 WASHINGTON RD	WEST BURLINGTON, IA 52655
DUBUQUE, COUNTY OF	770 Iowa St PO Box 875	DUBUQUE, IA 52004-0875
Electronic Specialties, Inc.	PO Box 248 2103 Highway 169 North	ALGONA, IA 50511
FARNHAMVILLE, CITY OF	250 HARDIN	FARNHAMVILLE, IA 50538
FAYETTE COUNTY IA E911 SERVICE BOARD	PO Box 518 220 N Industrial Pkwy	WEST UNION, IA 52175
FLOYD, COUNTY OF	105 MILWAUKEE MALL	CHARLES CITY, IA 50616
FRANKLIN, COUNTY OF	12 1ST AVE NW	HAMPTON, IA 50441
GARRISON FIRE PROTECTION AGENCY	205 NORTH SYCAMORE AVE.	GARRISON, IA 52229
GLENWOOD COMMUNITY SCHOOL DISTRICT	103 CENTRAL SUITE 300	GLENWOOD, IA 51534
GUTTENBERG, CITY OF	502 S 1ST ST	GUTTENBERG, IA 52052
HANCOCK, COUNTY OF	PO Box 70 875 State St	GARNER, IA 50438
HARDIN, COUNTY OF	1116 14TH AVE	ELDORA, IA 50627

HARLAN, TOWNSHIP OF	102 MAIN ST	MAYNARD, IA 50655
HAZLETON, TOWN OF	PO Box 500 103 Hayes St W	HAZLETON, IA 50641
HED	401 W CARL KARCHER WAY	ANAHEIM, CA 92801
Highway Equipment Company	1330 76th Ave SW	Cedar Rapids, IA 52404
HOLDEN, ARLENE	2509 Q BLVD.	WILLIAMSBURG, IA 52361
HOWARD, COUNTY OF	124 SOUTH PARK PLACE	CRESKO, IA 52136
HOWARD, COUNTY OF	114 7TH ST W	CRESKO, IA 52136
INDIANOLA, CITY OF	111 S BUXTON	INDIANOLA, IA 50125
IOWA COUNTY AMBULANCE SERVICE	PO Box 167 960 Franklyn Ave	MARENGO, IA 52301
IOWA, COUNTY OF	PO Box 167 960 FRANKLIN AVE	MARENGO, IA 52301
IOWA, STATE OF	5912 SECOND AVE	DES MOINES, IA 50313
IOWA, STATE OF	502 E 9th St	DES MOINES, IA 50319
IOWA, STATE OF	321 E 12TH STREET	DES MOINES, IA 50319-0075
IOWA, STATE OF	800 LINCOLN WAY	AMES, IA 50010
JACKSON, COUNTY OF/EMERGENCY MANAGEMENT	18720 250TH AVE.	BELLEVUE, IA 52031
JASPER, COUNTY OF	2300 LAW CENTER DRIVE	NEWTON, IA 50208
JESUP, TOWN OF	PO Box 592 791 6th St	JESUP, IA 50648
JOHNSON COUNTY EMERGENCY AMBULANCE	808 S DUBQUE	IOWA CITY, IA 52240
JOHNSON COUNTY, IA JECC	4810 MELROSE AVE.	IOWA CITY, IA 52246
JOHNSON, COUNTY OF	511 S. CAPITOL ST.	IOWA CITY, IA 52240
Jones Regional Medical Center	1795 Highway 64 East	ANAMOSA, IA 52205
JONES, COUNTY OF	500 W Main St	ANAMOSA, IA 52205
JONES, COUNTY OF	PO Box 431 100 Park Ave	ANAMOSA, IA 52205-0431
KALONA, CITY OF	PO Box 155 310 5th St	KALONA, IA 52247-0155
KEOKUK CO AMBULANCE	1312 S STUART ST	SIGOURNEY, IA 52591
KEOKUK COUNTY OF	PO Box 273	SIGOURNEY, IA 52591
LEE, COUNTY OF	2530 255TH STREET	MONTROSE, IA 52639
LISBON MT VERNON AMBULANCE SERVICE	213 FIRST ST W	MOUNT VERNON, IA 52314
LISBON, CITY OF	PO Box 68	LISBON, IA 52233
LOUISA, COUNTY OF	PO Box 254 503 FRANKLIN ST.	WAPELLO, IA 52653
MANCHESTER, CITY OF	208 E MAIN	MANCHESTER, IA 52057
MARION COUNTY COMMUNITY HEALTH SERVICES	PO Box 152 104 S 6th St	KNOXVILLE, IA 50138
MARSHALLTOWN, CITY OF	24 N CENTER ST	MARSHALLTOWN, IA 50158
MECHANICSVILLE, CITY OF	100 E FIRST ST	MECHANICSVILLE, IA 52306
MERCY HEALTH CENTER	250 MERCY DRIVE	DUBUQUE, IA 52001
MONROE, COUNTY OF	10 Benton Ave E	ALBIA, IA 52531
MONTGOMERY, COUNTY OF	106 W COOLBAUGH	RED OAK, IA 51566
MONTICELLO, CITY OF	200 E 1ST ST	MONTICELLO, IA 52310
MOUNT VERNON FIRE DEPARTMENT	213 1ST W	MOUNT VERNON, IA 52314
MUSCATINE, CITY OF	312 5TH STREET	MUSCATINE, IA 52761
MUSCATINE, CITY OF	1459 WASHINGTON ST	MUSCATINE, IA 52761
MUSCATINE, COUNTY OF	400 WALNUT ST	MUSCATINE, IA 52761
NATIONAL SKI PATROL SYSTEM INC	133 S VAN GORDON ST	LAKEWOOD, CO 80228-1706
Newhall Fire Department	PO Box 473 220 Railroad St W	NEWHALL, IA 52315
NORWALK, CITY OF	1100 Chatham Avenue	NORWALK, IA 50211
NORWAY, CITY OF	PO Box 283 Railroad St	NORWAY, IA 52318
OBRIEN, COUNTY OF	PO Box 482	PRIMGHAR, IA 51245
ORAN, CITY OF	5054 MAIN STREET	ORAN, IA 50664
PAGE, COUNTY OF	123 W WASHINGTON ST	CLARINDA, IA 51632
PAROCHETTI ENTERPRISES	108 E 12TH STREET, #6	DAVENPORT, IA 52803
PERRY, CITY OF	908 WILLIS AVE	PERRY, IA 50220
POCAHONTAS, COUNTY OF	99 COURT ST	POCAHONTAS, IA 50574
POTTAWATTAMIE, COUNTY OF	227 S 6TH STREET	COUNCIL BLUFFS, IA 51501
PRESCOTT, CITY OF	211 6TH AVE	PRESCOTT, IA 50859
R Comm lic	2010 Washington Ave.	Iowa Falls, IA 50126
RADIO COMMUNICATIONS CO INC	2131 N TOWNE LN NE	CEDAR RAPIDS, IA 52402
RESTAURANT CONCEPTS, INC.	645 32ND AVE SW	CEDAR RAPIDS, IA 52404

RION, LLC	645 32ND AVE SW	CEDAR RAPIDS, IA 52404
ROWLEY, CITY OF	Fire Station	ROWLEY, IA 52329
SAC CITY	302 E MAIN	SAC CITY, IA 50583
SCOTT, COUNTY OF	1100 E. 46TH ST	DAVENPORT, IA 52807
SHELBY, COUNTY OF	P.O. Box 66 1313 Industrial Pkwy	HARLAN, IA 51537
SIOUX, COUNTY OF	4363 IRONWOOD AVENUE	ORANGE CITY, IA 51041
Slattery, Kenny	3101 280th St	Masonville, IA 50654
TAMA COUNTY EMERGENCY MANAGEMENT	PO Box 61 100 N Main St	TOLEDO, IA 52342
TRAER, CITY OF	631 SECOND ST	TRAER, IA 50675
UNION, COUNTY OF	302 N. Pine St	CRESTON, IA 50801
UNITY HEALTHCARE	1518 MULBERRY AVE	MUSCATINE, IA 52751-3499
UNIVERSITY OF IOWA HOSPITALS & CLINICS	200 HAWKINS DR 1008 RCP	IOWA CITY, IA 52242
URBANA, CITY OF	PO Box 906 West Main St.	URBANA, IA 52345
URBANDALE, CITY OF	3927 121ST	URBANDALE, IA 50323
VAN HORNE, CITY OF	PO Box 359 115 Main St	VAN HORNE, IA 52346
WAPELLO, COUNTY OF	536 MILL ST	OTTUMWA, IA 52501
WASHINGTON, COUNTY OF	221 W SECOND ST	WASHINGTON, IA 52353
WATERLOO, CITY OF	425 E THIRD ST	WATERLOO, IA 50703
WATERLOO, CITY OF	715 MULBERRY STREET	WATERLOO, IA 50703
WAYNE, COUNTY OF	207 LAFAYETTE	CORYDON, IA 50060
WEBSTER CITY, CITY OF	400 SECOND ST	WEBSTER CITY, IA 50595
WEBSTER, COUNTY OF	702 1ST AVE S	FORT DODGE, IA 50501
WEST LIBERTY, CITY OF d/b/a WEST LIBERTY VOLUNTEER FIRE DEPARTMENT	109 E 2ND ST	WEST LIBERTY, IA 52776
WHEATLAND EMERGENCY MEDICAL SERVICE	PO Box 1 204 E Madison St	WHEATLAND, IA 52777
WINNEBAGO, COUNTY OF	LAW ENFORCEMENT CTR 216 S CLARK	FOREST CITY, IA 50436
WINTHROP, TOWN OF	PO Box 109	WINTHROP, IA 50682
WYOMING, CITY OF	141 W Main St	WYOMING, IA 52362