

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

In the Matter of:)
)
)
Implementation of Sections 309(j) and 337 of)
the Communications Act of 1934 as Amended;)
) WT Docket No. 99-87
Promotion of Spectrum Efficient Technologies)
on Certain Part 90 Frequencies)
)
Narrowbanding Memorandum Opinion and Order)
)
47 C.F.R. § 90.209(b)

Dated: October 1, 2012

**Armstrong County Department of Public Safety
450 E. Market Street
Kittanning, PA 16001**

Armstrong County, Pennsylvania, (“the County”) pursuant to Section 1.925 of the Commission’s rules¹ and the Commission’s *Public Notice*, DA 11-1189 (released July 13, 2011), hereby respectfully requests that the Federal Communications Commission (“Commission” or “FCC”) grant a temporary waiver of 47 C.F.R. §90.209(b), specifically the requirement to convert four (4) FCC radio station authorizations (listed in Appendix B) operating in the 150-174 MHz to a 12.5 kHz efficiency technology by the date of January 1, 2013.² As detailed below, the

¹ 47 C.F.R. §1.925.

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

County has already begun construction of an 800 MHz digital trunked regional radio system for the replacement of its legacy communications infrastructure. Although the timeline for completion will coincide closely with the narrowband deadline of January 1, 2013, a three (3) month additional time period is necessary to ensure that the implementation is completed in a manner that acknowledges the life-safety nature of the communications and ensures that migration to the new 800 MHz system will be functional with no disruption in service. Once construction is complete, along with the transition the county will relinquish their non-narrowband frequencies in the 150-174 MHz band and return them to the commission.

I. BACKGROUND

The County of Armstrong is located in the southwestern region of the Commonwealth of Pennsylvania. Armstrong County comprises 664 square miles, and is bordered by six of the Commonwealth's 67 counties. The county's 68,941 full-time residents have access to a state-of-the-art 9-1-1 system³ operated by the Armstrong County Department of Public Safety, and receive service from the county's 17 law enforcement agencies, 34 fire companies, and 8 emergency medical agencies. Additionally, the Armstrong County Department of Public Safety provides services to the County Sheriff's Department, County Coroner's Office, County Probation Department, and magisterial district judges.

Docket No. 99-87, RM-9332, 19 FCC Rcd 25045 (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).

³ Armstrong County 9-1-1 ("the Division"), a division of the Department of Public Safety, began operation in 1968 as a private dispatch center, and became a county facility in 1993.

Given the population density of the county, full or part-time law enforcement services are provided to only 10 of the county's 45 townships, boroughs, and cities as detailed in Appendix A. Where full or part-time law enforcement protection does not exist, the Pennsylvania State Police have jurisdiction and provide police protection. Furthermore, the Pennsylvania State Police provide mutual aid (backup) services to the county's police departments when necessary, and vice versa.

The 9-1-1 Division of the County Department of Public Safety currently provides alerting and radio dispatch services via conventional radio systems operating in the VHF-Low band for Fire services and VHF-High band for Police and Ems agencies throughout the county. Between all disciplines, it is estimated that approximately 900 subscriber units (portable, mobile, and control stations) are in operation on various frequencies. Of the 25 base stations in use for law enforcement and emergency medical services communications, none are narrowband-capable and must be replaced.

Funding for the replacement of the communications infrastructure has come from the issuance of municipal bonds in the amount of \$19.5 million dollars. This security requires substantial governmental planning that has already taken place to secure funds to complete the project. Furthermore, replacement of subscriber equipment will be required in all of the Public Safety agencies, and this replacement must be coordinated. A majority of funding for this effort has already been secured with FEMA Assistance to Firefighters Grant funds that were submitted under two regional applications and approved. Additionally, a grant was secured in 2011 to purchase the necessary subscriber equipment for all county law enforcement agencies.

II. SCOPE OF THE WAIVER REQUEST

The County has been committed to and planned for the replacement of its aging communications infrastructure for nearly four years, as will be described in subsequent sections. Construction is well under

way and is over 75 percent complete. Although the timeline for completion of this replacement will coincide closely with the narrowband deadline of January 1, 2013, a three (3) month additional time period is necessary to ensure that the acceptance testing, implementation, and transition of agencies is completed in a manner that acknowledges the life-safety nature of the communications it facilitates.

Over the course of the past year Armstrong County has encountered numerous circumstances beyond our control in being able to initiate construction at three of fourteen (14) sites. In one such case the county had to abandon plans for a shared site with Pennsylvania State Police and select a new location after the State Police site failed a structural analysis and the site was not included in their capital improvement plan. The search for a replacement site required negotiations and an agreement with the US Army Corp of Engineers, which involves decommissioning an existing Federal tower, building a new tower in its place, and co-locating with the Corp of Engineers on the site. In addition, there have been requirements to negotiate with private land owners to obtain Right-of-way access into desired sites. All had previously been negotiated; however the landowner for the New Bethlehem site delayed signing an agreement for several months while consulting legal counsel. This delayed the execution of a final agreement for several months, thus delaying construction at that site.

The County is firmly committed to completing the transition of affected agencies no later than March 31, 2013, and in turn meeting the requirements of the rule on all authorizations detailed in Appendix B.

III. STEPS TAKEN PRIOR TO JANUARY 1, 2013

Actual construction began in December 2011 on a county-wide 6 channel, fourteen site simulcast, digital trunked 800 MHz radio system as part of a regional radio project being constructed in partnership with neighboring Indiana and Westmoreland Counties. A new master site that will serve all three counties was installed in Westmoreland County and was turned on in March of this

year. Construction is currently underway or soon to be completed at all but two Armstrong County tower sites. Of the two sites, one is a green field site that requires new construction of a radio tower and communications shelter. The second site requires replacement of the radio tower and communications shelter. Connectivity between the master site, fourteen tower sites, and the 9-1-1 center is being accomplished via a 286 mile fiber optic loop network. This network is currently under construction and is approximately 93% complete. It is anticipated that this network will be completed by the end of the year. Critical backhaul connectivity to the master site in Westmoreland County has also been delayed; this is covered under scopes of other county and regional projects outside the control of Armstrong County but affecting the turn-up of the Armstrong system.

IV. PROPOSED TIMETABLE FOR COMPLETION OF NARROWBANDING

As described in the prior section, the County has worked diligently and in good faith toward the goal of modernizing and unifying its disparate communications systems, meeting the narrowband deadline, and upgrading technology department-wide. This progress has, however, not been without unique and unusual circumstances – namely negotiating and finalizing agreements with private land owners – that have delayed key milestones in the process and ultimately leave the County with no reasonable alternative to timely meet the narrowband requirement.⁴

Implementation of the upgraded communications network infrastructure is expected to occur rapidly due to the limited complexity of the design and the resources available to expedite deployment. Full system implementation and acceptance testing will be completed by February 7, 2013. Finally,

⁴ 47 C.F.R. § 1.925(b)(3)(ii).

complete subscriber transition to the new network will be completed no later than March 31, 2013. In

summary:

Task	Completed By
Site Modifications to Mt. Tabor site	September 30, 2012
Site Construction completed Widnoon Site	October 15, 2012
Site Construction completed New Bethlehem	October 15, 2012
Acceptance Testing Complete	Feb 7, 2013
Complete subscriber transition	March 31, 2013

The replacement network will be both fully interoperable with the 2 adjoining counties, and fully compliant with APCO Project 25 standards. Additionally, the network will have gateways into the disparate surrounding county radio systems, providing interoperability to all of our first responders.

V. IMPACT ON CO-CHANNEL AND ADJACENT CHANNEL LICENSEES

Given the limited number of frequencies that are sought for relief and the limited area of operation, a grant of the waiver in the instant case will not have a negative impact on any other public safety licensees. An examination of all co- and adjacent channel licenses impacted by the County's

service contours has been conducted, and the County is not aware of any agency, project, or effort that will be negatively impacted if the waiver in the instant case is granted.

In the event that any negative impact results from continued wideband operations during the waiver period, the County commits to transitioning users from the wideband, interference-causing frequencies to other operational wideband frequencies that do not cause a negative impact.

VI. CONCLUSION

For the reasons set forth herein, the Armstrong County Department of Public Safety believes that it has satisfied all of the requirements for granting a waiver and extension of the narrowband deadline. Therefore, as the sole licensee covered by this waiver request, the Department hereby requests that the Commission grant the waiver relief sought herein for the radio station authorizations listed in Appendix B. The public safety users and the citizens of Armstrong County would be put at risk if the County is forced to stop operating on current frequencies without the three (3) month additional time period requested to properly complete and test the new system prior to migration.

Respectfully submitted,/s/

Randall J. Brozenick, Director

Armstrong County Department of Public Safety

450 E. Market St.

Kittanning, Pa

(724) 548-3430

APPENDIX A

AFFECTED PUBLIC SAFETY AGENCIES IN ARMSTRONG COUNTY

Law Enforcement

Kittanning Borough
Ford City Borough
Manor Township
West Kittanning
North Buffalo Township
Worthington Borough
Bethel Township
Rural Valley Borough
Elderton Borough
East Franklin Township
Kiskiminetas Township
Gilpin Township
Apollo Borough
Parks Township
South Buffalo Township
Freeport Borough
Leechburg Borough
Armstrong County Probation
Armstrong County Sheriff
Armstrong County Coroner
Armstrong County District Attorney's Office

Emergency Medical Services

Kittanning # 6 EMS (2 stations)
Ford City EMS
Lower Kiski EMS
Freeport EMS
Citizens Ambulance Service (2 stations)
Sugarcreek EMS
Oklahoma EMS
Clarion Hospital EMS

APPENDIX B

FCC RADIO STATION AUTHORIZATIONS SEEKING RELIEF

Licensee	Call Sign	Use	Frequencies
Armstrong, County of	KNDE755	Law Enforcement	155.010
Armstrong, County of	KNDE755	Law Enforcement	155.070
Armstrong, County of	KNDE755	Law Enforcement	155.475
Armstrong, County of	KNDD693	Law Enforcement	154.055
Armstrong, County of	KNDD693	Law Enforcement	154.040
Armstrong, County of	KNDD693	Law Enforcement	154.980
Armstrong, County of	WNAH613	EMS	155.220
Armstrong, County of	WNAH613	EMS	155.340
Armstrong County Memorial Hospital*	KNHU506	EMS	155.325

***KNHU506 is licensed to the Armstrong County Memorial Hospital. This is the only hospital in our county. All of our EMS agencies use this frequency for routine and emergency communications, including medical command, to the Hospital Emergency Department. As this license is an integral part of our county EMS communications, the hospital has authorized the county to act on their behalf by including their license on our waiver request. A copy of that authorization is attached.**