

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

In the Matter of)	
)	
Green Mountain Power Corporation)	
)	
Request for Waiver of Section 90.209(b))	
)	WT Docket No. 99-87
Implementation of Sections 309(j) and 337 of)	RM-9332
the Communications Act of 1934, as Amended)	
)	
Promotion of Spectrum Efficient Technologies)	
on Certain Part 90 Frequencies)	

To: Chief, Wireless Telecommunications Bureau

REQUEST FOR TEMPORARY WAIVER

Green Mountain Power Corporation (“Green Mountain”) , which is Vermont’s largest electric utility, requests a three-month extension, to March 31, 2013, to comply with the Commission’s narrowbanding requirement.¹ For more than seven years, Green Mountain has worked diligently and in good faith to move its statewide radio system from wideband VHF to a new narrowband network on the 220 MHz band, but through no fault of its own recently encountered an unexpected delay in completing the transition. Green Mountain requests only a brief extension to test the new equipment and train more than 300 employees to use the new system, which is considerably more complex than the current VHF system. Extending the deadline would ensure that work crews can communicate and respond to power outages caused by Vermont’s severe winter weather.

¹ 47 C.F.R. § 90.209(b). Green Mountain requests the extension for the licenses listed in Attachment A of this request.

I. GREEN MOUNTAIN'S WIRELESS SYSTEM PROVIDES CRUCIAL PUBLIC SERVICES

Green Mountain transmits, distributes, and sells electricity to residential and business customers in Vermont. In June 2012, Green Mountain merged with Central Vermont Public Service Corporation ("Central Vermont") to become the state's largest electric utility, serving approximately 250,000 customers. This request applies only to the private land mobile radio services operated by legacy Central Vermont.

Consumers rely on Green Mountain to provide uninterrupted service and promptly respond to power outages and safety of life and property issues. To meet its high standards for customer service, Green Mountain employees must communicate in even the most treacherous weather conditions. For years, the utility's private land mobile radio service has met those needs. For instance, during Hurricane Irene in 2011, Vermont suffered widespread cellular and landline telephone service outages. Yet Central Vermont work crews experienced no disruption in their mobile radio services, allowing them to quickly restore power to homes and businesses.

II. GREEN MOUNTAIN HAS PURSUED MIGRATION DILIGENTLY AND FACES LAST-MINUTE DELAY THROUGH NO FAULT OF ITS OWN

Green Mountain is in the final stages of migrating the radio services for the legacy Central Vermont territory to a trunked, narrowband system on the 220 MHz band that is operated by Vermont Transco LLC ("Vermont Transco"), which maintains the state's electricity transmission grid. Despite its diligent effort to complete this transition, unforeseen delays arose in November and December 2012 due to manufacturer error outside of the control of Green Mountain, preventing timely transition.

Green Mountain is one of a number of Vermont electric utilities that are participating in Vermont Transco's new network. Under the arrangement, Vermont Transco is responsible for building the base stations that connect the statewide radio system, and the utilities are

responsible for installing the radios in their trucks and building dispatch control systems in their district offices. The new system will allow Vermont's electric utilities to communicate with one another and thereby more efficiently respond to power outages and weather emergencies.

Green Mountain and its predecessor, Central Vermont, have worked diligently and in good faith to comply with the Commission's narrowbanding requirement. Below is a summary of the steps that the companies have taken:

- In 2005, Central Vermont undertook a comprehensive analysis of how best to comply with the Commission's narrowbanding requirement. It investigated the technological feasibility of narrowbanding its existing VHF radio system, and it also considered moving the entire system off of the VHF spectrum.
- Vermont Transco had been considering whether to build a trunked radio system for utilities throughout Vermont. In late 2005 or early 2006, Central Vermont began discussions with Vermont Transco about collaborating on this project.
- In 2008, Central Vermont and Vermont Transco reached an agreement for Vermont Transco to construct the trunked system.
- As Central Vermont began to install equipment for the new system in its trucks and offices, it realized that there was a shortage of qualified mobile system installation professionals in the area. Accordingly, Green Mountain has hired contractors from Maine, New Hampshire, and Massachusetts to work with Green Mountain telecommunications employees to install mobile radios and control assets throughout its service territory.
- In 2010, Central Vermont purchased approximately 222 portable radios and 575 mobile radios that are compatible with Vermont Transco's trunked radio system. Central Vermont completed installation of the radios in its trucks in Summer 2011.
- In Fall 2010, Central Vermont purchased a dispatch control system that is compatible with Vermont Transco's statewide radio system. Over the past two years, Central Vermont (now Green Mountain) has been installing antennas, cables, computers and other control system hardware in its twelve statewide district offices.
- In November 2012, Green Mountain discovered that the equipment manufacturer of the control system failed to include a cable that is necessary for the control station to function properly. On December 3, 2012, Green Mountain also discovered that the manufacturer did not provide the necessary software. Green

Mountain promptly notified the manufacturer about both issues. The manufacturer agreed to rectify both problems and ship the necessary equipment and software by March 31, 2013.

In short, Green Mountain has dedicated considerable resources to meeting the Commission's narrowbanding deadline, but unexpected equipment and software problems have caused minor delays in completion of the new 220 MHz system.

III. GREEN MOUNTAIN REQUESTS ONLY A SHORT EXTENSION TO ADDRESS THE UNFORESEEN DELAY

Although Green Mountain has encountered unanticipated equipment and software problems, it expects to complete installation of the new system by March 31, 2013. While it is waiting for the additional equipment for its dispatch control station, Green Mountain will begin testing its mobile and portable radios and training its workforce. Below is a proposed timetable for bringing Green Mountain's new system into full operation, which is contingent on the control system manufacturer providing the necessary equipment and software by March 31, 2013:

- By December 31, 2012, Green Mountain expects to begin testing the 220 MHz system to ensure that coverage is adequate and that the trunked features work properly. Green Mountain anticipates that this testing will conclude within one month, barring any unexpected complications.
- By February 8, 2013, Green Mountain expects to begin training the approximately 300 field employees who will communicate via the new radio system. Green Mountain anticipates that it will complete the training no later than March 31, 2013.
- By March 31, 2013, Green Mountain expects to be able to complete the switch to the new 220 MHz system and abandon its wideband VHF system.

IV. THE COMMISSION SHOULD GRANT THE REQUESTED WAIVER

In light of the considerable effort that Green Mountain has devoted to migrating to an entirely new radio service and the significant challenges that it has overcome, a three-month extension of the narrowbanding deadline satisfies the Commission's standard for granting

waivers. All standards identified by the Commission as relevant to its analysis support a temporary extension here.

A. The Eight Factors Identified in the Narrowbanding Public Notice Support a Temporary Waiver

The Commission has stated that it will consider the following factors when reviewing applications to extend the narrowbanding deadline: (1) steps already taken to plan for, initiate, and complete the transition to narrowband operations; (2) system size and complexity; (3) whether system equipment is narrowband-capable or must be replaced or upgraded; (4) whether the licensee plans additional system upgrades or improvements in addition to converting to narrowband operation; (5) funding sources, including whether the licensee's budget requires government approval or a multi-year budget process; (6) whether the licensee's narrowbanding schedule is affected by neighboring systems due to interoperability relationships or other interdependencies; (7) plans to minimize the negative impact of extended wideband operations on co-channel and adjacent channel operations; and (8) whether the licensee plans to relinquish VHF/UHF spectrum.² All of these factors favor grant of the requested extension for Green Mountain:

1. Steps Taken to Complete the Transition

As stated above, Green Mountain has not slept on its duty to comply with the narrowbanding requirements. To the contrary, it has pursued its duty diligently and intended to achieve timely compliance had it not been faced with last-minute technical problems that arose through no fault of its own.

² *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, 26 FCC Rcd 9647 (2011).*

2. System Size and Complexity

The new radio system will cover the entire state of Vermont -- nearly 10,000 square miles. Vermont Transco has built approximately 33 base stations, which Green Mountain believes will be sufficient to provide statewide coverage. Vermont's rugged terrain and harsh winter weather have presented substantial challenges to Green Mountain and Vermont Transco as they have installed the radio system and ensured that it covers every corner of the state. Moreover, preliminary user testing has proven the new 220 MHz system to be considerably more complex than the existing VHF system.

3. Whether Equipment Must be Replaced or Upgraded

Green Mountain will replace all of its VHF radios and dispatch systems with new equipment for the trunked 220 MHz radio service. As stated above, Green Mountain already has purchased all of the equipment that is necessary to operate on the new system.

4. Whether Green Mountain Plans Additional System Upgrades or Improvements

Rather than convert its existing VHF system to narrowband, Green Mountain chose to operate on Vermont Transco's new system. After Green Mountain tests the control equipment and radios for the new system, it will determine whether additional upgrades are necessary.

5. Funding Sources

Both Vermont Transco and Green Mountain have approved multi-year budgets to complete the 220 MHz system. The budgets are not contingent on government approval.

6. Relationships with Neighboring Systems Due to Interoperability or Interdependencies

Green Mountain's existing VHF radio system operates independently of neighboring systems. Accordingly, extending the narrowbanding deadline would not affect other wireless systems.

7. Impact of Extended Wideband Operations on Co-Channel and Adjacent Channel Operations

Green Mountain is unaware of any co-channel or adjacent channel operations that have been negatively affected by Green Mountain's VHF radio system. Accordingly, a three-month extension of the deadline would not frustrate the purpose of the FCC's narrowbanding rule.

8. Whether Green Mountain Will Relinquish VHF/UHF Spectrum

Green Mountain intends to relinquish its VHF spectrum as soon as it completes its user training and system testing of the new 220 MHz narrowband system.

B. A Temporary Waiver is Justified Under the Commission's Rules

The Commission may waive the application of a rule to a party if the party shows: (1) that the "underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and that a grant of the requested waiver would be in the public interest;" or (2) "[i]n view of unique or unusual factual circumstances of the instant case, application of the rule(s) would be inequitable, unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative."³ Additionally, Section 1.3 of the Commission's rules allows the Commission to waive a rule for "good cause shown."⁴

A three-month waiver would not frustrate the purpose of the Commission's narrowbanding requirement. The Commission promulgated the rule to promote spectrum efficiency.⁵ As soon as Green Mountain completes system testing and user training on the 220 MHz system, it will relinquish all of its wideband VHF licenses, freeing up considerable

³ 47 C.F.R. § 1.925.

⁴ *Id.* at § 1.3.

⁵ 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, 18 FCC Rcd 3034 (2003).

spectrum. A three-month extension would not affect Green Mountain's plans to ultimately abandon its VHF spectrum.

Moreover, granting the waiver would be in the public interest. Hundreds of thousands of Vermonters depend on Green Mountain to provide uninterrupted electric service. This task is particularly challenging during Vermont winters. The temporary waiver would ensure that Green Mountain work crews will communicate seamlessly during the most challenging time of the year. For similar reasons, requiring Green Mountain to abandon its VHF system during the winter would be unduly burdensome both for Green Mountain and its customers.

Green Mountain also has demonstrated that it has no reasonable alternative to continuing to operate on the VHF bands for three more months. Although the 220 MHz system is near completion, it would be irresponsible for Green Mountain to completion migration to the new system until Green Mountain rigorously tests it and ensures that its 300 employees are properly trained.

Finally, Green Mountain has shown good cause for the brief extension. Despite Green Mountain's best efforts to meet the narrowbanding deadline, the control system manufacturer has failed to deliver the proper equipment and software. Although the manufacturer has promised to promptly rectify the problem, these mistakes have delayed completion of the 220 MHz system. Without all of the necessary hardware and software, Green Mountain cannot properly test the new radio service and train its employees.

V. CONCLUSION

Green Mountain has devoted significant time, effort, and money to comply with the Commission's narrowbanding deadline. Green Mountain requests a brief extension in an abundance of caution, to ensure that the radio system provides adequate coverage to the entire state and that Green Mountain employees are properly trained. Winter weather poses special

challenges in Vermont, and Green Mountain wants to ensure that the transition in mobile services does not prevent it from promptly responding to power outages.

Accordingly, Green Mountain respectfully requests a waiver of Section 90.209(b) of the Commission's Rules to allow continued operation on the wideband VHF channels authorized to Green Mountain under the call signs listed in Attachment A until March 31, 2013.

Respectfully submitted,

**GREEN MOUNTAIN POWER
CORPORATION**

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ATTACHMENT A

CALL SIGNS FOR WHICH A WAIVER IS REQUESTED

KB77881
KT1874
WNAN758
WNCE765
WNCE766
WNCE767
WNFD302
WNGL528
WNGL530
WNGL532
WNGN463
WNHH942
WNHH944
WNJU249
WNJW820
WNMA965
WNNQ697
WPAC558
WPAU902
WPBN918
WPBV749
WPED927
WPLQ684
WPPF639