

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

In the Matter of)
)
WASHOE COUNTY, NEVADA)
)
)
Request For Extension Of Mandatory)
Narrowbanding Deadline)
)
Implementation of Sections 309(j) and 337 of the)
Communications Act of 1934 as Amended)

FILED/ACCEPTED

DEC 18 2012

Federal Communications Commission
Office of the Secretary

WT Docket No. 99-87

To: The Commission

PETITIONER'S REQUEST FOR EXTENSION

Washoe County, Nevada ("Petitioner"), 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:

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).

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I. BACKGROUND

Petitioner is responsible for the water, wastewater, and reclaimed water utilities in southern Washoe County and has nearly 40,000 customer accounts. Petitioner operates eighteen permitted water systems, including several treatment facilities and dozens of wells and water storage tanks. Exhibit 1, attached hereto, lists Petitioner's land mobile stations licensed pursuant to Part 90 of the Commission's Rules and impacted by the Commission's narrowbanding rules. Petitioner has made a great deal of progress installing its new system. Budget authority to transition to narrowband was first obtained in FY 2007 and the amount budgeted has significantly increased in the past two fiscal years as additional information regarding system requirements became known. During that time Petitioner has also been replacing inoperable equipment with narrowband-capable equipment and making sure that all new installations are narrowband-compliant. In addition, consultants are under contract to support the narrowband transition and upgrade. Petitioner intends to complete the narrowband transition as soon as possible, but is not able to complete narrowbanding for the entire system by the January 1, 2013 deadline. On this basis, Petitioner requests a waiver of the Commission's Rules to permit additional time for Petitioner to complete its narrowbanding effort.

II. PETITIONER'S 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 Petitioner's responses to those questions and issues.

A. Steps Already Taken To Complete The Narrowband Transition

As described above, Petitioner has made a great deal of progress towards completing the narrowband transition. Forty percent of Petitioner's data radios are narrowband-compliant and

are currently operating in narrowband mode. For the remaining radios, funding has been approved and is in place. Replacement radios and repeaters have been identified and the County Commissioners have authorized the solicitation of bids to purchase and install them. Consultants are under contract and are working on the final implementation plan.

B. System Size And Complexity

Petitioner's radio system is large and complex; Petitioner has 109 VHF radios and 39 UHF radios, including two mountaintop repeaters. The system is a non-voice SCADA system used to monitor unmanned wells and other facilities.

C. Whether System Equipment Must Be Replaced Or Upgraded

Petitioner upgraded 65 radios that were narrowband compliant but 83 radios, including the mountaintop repeaters, require replacement.

D. Planned System Upgrades During Narrowbanding

During the narrowbanding process, Petitioner is also transitioning to a new communication system for its wastewater and reclaimed water utilities. The new system will feature improvements such as faster data transmission.

In addition, Petitioner is in the process of merging with another water utility, the Truckee Meadows Water Authority. The merger process has taken longer than anticipated; it started over three years ago and is expected to take another eighteen months to complete. There are fundamental differences between Petitioner's SCADA system and the Truckee Meadows SCADA system, which Petitioner is in the process of resolving by reconfiguring its SCADA system. This process has significantly slowed the ability for Petitioner to timely complete its reband.

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

Petitioner has received funding in the FY 2013 budget to complete its narrowband implementation. Additional funding is available if necessary. This funding is supported through rates paid by water customers.

F. Narrowbanding Scheduling Dependency On Neighboring Licensees

Petitioner's narrowbanding schedule does not depend on any neighboring licensees, although its merger with Truckee Meadows (which does not use frequencies in the band) does impact the schedule.

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

While Petitioner does not believe any adjacent and co-channel licensees would be affected by continued wide-band operation, Petitioner hopes to minimize interference as much as possible. To do so, Petitioner will use wide-band operations for the shortest amount of time possible.

In addition, Exhibit 2, attached hereto, represents a list of adjacent channel licensees within proximity of Petitioner operations. Petitioner pledges to work with each impacted licensee to minimize interference. Should any adjacent channel licensee have a question about this request, they may contact Gregory Oshel of Shulman Rogers at goshel@shulmanrogers.com.

III. CONCLUSION

A grant of an extension of time to complete narrowbanding for Petitioner would not frustrate the Commission's Rules as Petitioner would continue to operate on a secondary basis to voice operations. As fixed data systems operate on a secondary basis on shared Part 90 channels,³ Petitioner operates on a secondary basis with either wideband or narrowband operation. The failure to timely narrow Petitioner's bandwidth would only potentially impact

³ 47 C.F.R. §90.233(b).

adjacent channel users, while co-channel users would continue to “hear” the same data burst regardless of whether the system is operated in wideband or narrowband mode. Since the system is secondary (whether wide-band or narrowband), Petitioner is required to rectify any interference it causes to primary Part 90 users. Thus, its position on the frequency does not change simply by narrowbanding its equipment. However, Petitioner believes such interference to adjacent channel users is unlikely, as its SCADA radio system polls, at most, every five minutes with a two second burst.

Furthermore, Petitioner is well on its way to completing the narrowband transition; it has upgraded its narrowband-capable radios and expects to purchase replacement radios and repeaters early next year. Full implementation of the system upgrade is expected to be completed for the wastewater/reclaimed water subsystem by the end of March 2013, with the water subsystem by the end of 2014.

Continued use of Petitioner’s radio systems is critical to its facilities’ operation and security. Petitioner uses its SCADA system to monitor unmanned facilities for tampering, trespassing, and other security threats. Over the past six months there have been several intrusion incidents at Petitioner’s facilities; one incident required Petitioner to empty and disinfect a water storage tank. Petitioner uses its SCADA system to remotely implement protective strategies such as initiating tank fill cycles or disabling wells. Without uninterrupted operation of Petitioner’s radio systems, Petitioner’s water system will be much more susceptible to attacks and contamination.

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, Petitioner respectfully requests that the FCC act expeditiously to grant Petitioner a waiver of the Commission's Rules, and extend the narrowbanding deadline for Petitioner's impacted stations until December 31, 2014.

Respectfully submitted,

WASHOE COUNTY, NEVADA

Alan S. Tilles, Esquire
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: December 17, 2012

Exhibit 1

| Call Sign | Licensee |
|-----------|---------------|
| WBH975 | Washoe County |
| WNDG951 | Washoe County |
| WNDG952 | Washoe County |
| WNHI361 | Washoe County |
| WNLQ253 | Washoe County |
| WNLQ254 | Washoe County |
| WNMT539 | Washoe County |
| WNPZ625 | Washoe County |
| WNVI466 | Washoe County |
| WNWJ964 | Washoe County |
| WNWP737 | Washoe County |
| WNY410 | Washoe County |
| WPAH655 | Washoe County |
| WPHI283 | Washoe County |
| WPJH644 | Washoe County |
| WPLT787 | Washoe County |
| WPMF751 | Washoe County |
| WPMF761 | Washoe County |
| WPMN509 | Washoe County |

Exhibit 2

Licensee

City of Carson City
Day Management Corp. d/b/a Day Wireless Systems
Nevada Division of Forestry
Sierra Electronics
Trimont Land Company d/b/a Northstar-at-Large
Western Nevada College

Licensee Street Address

3505 Butti Way ATTN: Shawn Wiese
4700 SE International Way PO Box 22169 ATTN: Dean Ballew
2525 South Carson Street ATTN: Randy Levine
PO Box 1545 ATTN: Eucke Warren
50 Trimont Ln P.O. BOX 129 ATTN: Bill Rock
2201 W College Parkway ATTN: Dan Neverett

Licensee City, State, ZIP Code

CARSON CITY, NV 89701
MILWAUKIE, OR 97222
CARSON CITY, NV 89701
SPARKS, NV 89432-1545
TRUCKEE, CA 96160
CARSON CITY, NV 89703