

WT 99-87

THE PORT AUTHORITY OF NY & NJ

Darrell Buchbinder, General Counsel

June 11, 2013

ACCEPTED/FILED

Via Email (narrowbanding@fcc.gov)
Federal Communications Commission
Wireless Telecommunications Bureau
445 12th Street, S.W.
Washington, DC 20554

AUG 14 2013

Federal Communications Commission
Office of the Secretary

WAIVER – EXPEDITED ACTION REQUESTED

Re: FCC Registration No. 003462488; Request for Extension of Waiver of Commission Rules Regarding the Spectral Efficiency of Private Land Mobile Radio Services in the 150-174 and 450-470 MHz Bands, Requiring 12.5 KHz Channel Bandwidth or Equivalent Technology; WT Docket No. 99-87

Dear Commission:

The Port Authority of New York and New Jersey (the “Port Authority”) respectfully requests extension of the waiver granted on November 15, 2012 permitting operation in wideband emission mode for radio authorizations, Call Signs WQPM463 and KJF940, to December 31, 2013. The Port Authority provides the below background and information in support of this request for an extension.

Background

On November 15, 2012, the Federal Communications Commission (“Commission”) granted temporary waivers of Section 90.209(b) of the Commission Rules permitting operation in wideband mode for Call Signs WQPM463, KJF940, WZC621¹ and WZU433 through June 25, 2013. Currently, narrowband operational capability is at 100% completion for the mobile equipment of all four of the aforementioned licenses. In addition, all equipment operating under WZC621² and WZU433³ are in narrowband operation, and all equipment for channel-frequency 161.4600 MHz of WQPM463 is in narrowband operation. However, additional unforeseen impediments beyond the control of the Port Authority will prevent it from complete operation on narrowband for Call Signs WQPM463 (channel-frequencies 160.4700 MHz and 161.0400 MHz only) and KJF940 by June 25, 2013.

Reasons for Delay in Narrowband Conversion

The Port Authority’s simulcast project, to improve the Port Authority-Trans Hudson Corporation (“PATH”) communications network above ground and below ground within the

¹ Licensed to Port Authority Trans-Hudson Corporation, a subsidiary of the Port Authority.

² On May 2, 2013, the *license condition* permitting 20K0F3E operation was removed.

³ On April 29, 2013, the *license condition* permitting 20K0F3E operation was removed.

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tunnels and under the Hudson River, has affected the progress of the narrowband conversion work for Call Signs WQPM463 and KJF940. As more fully set forth in the Port Authority's waiver request filed on November 9, 2012⁴ ("Initial Request"), we stated that simulcast and narrowband conversion work must run sequentially for these radio authorizations. As a result of work performed in the intervening time supported by additional outside firms, the Port Authority developed a transition plan that would enable narrowband work to proceed concurrent with the simulcast conversion. This was achieved by using one of the channel-frequencies, 161.4600 MHz (referred to herein as "R3"), as a test bed.

The narrowband conversion of all equipment of channel R3 was successful; R3 is now in narrowband operation while its simulcast conversion is progressing. R3 was chosen as the test bed because it was the channel most available from the standpoint of work scheduling and down-time availability. We will apply the same approach as used for R3 to the conversion of channel-frequencies 160.4700 MHz (referred to herein as "R1") and 161.0400 MHz (referred to herein as "R2") to narrowband operation. Operations on channel-frequencies 161.4600 MHz (R3) of licenses WQPM463 and WZU433 and 161.5350 MHz of license WZC621 are in narrowband operation. Only channel-frequencies 160.4700 MHz and 161.0400 MHz remain the subject of this waiver request. Since the Commission's grant of the Initial Request in November 2012, 33% of the narrowband channel work has been completed. While we had anticipated completing all the work by June 25, 2013, the following impediments will delay the work beyond that date:

1. Hurricane Sandy Damage: The damage caused by Hurricane Sandy, amounting to \$800 million in overall repairs and replacement for PATH, forced diversion of Port Authority staff to perform that emergency work. The repair work to PATH resulting from Hurricane Sandy was much greater than anticipated in early November 2012 when the Initial Request was filed. In all, nearly four months of the waiver time has been lost to restoring PATH railroad commuter services and gaining site access after the inundation of millions of gallons of salt water into PATH railroad stations, tunnels, infrastructure and equipment. On March 1, 2013, for the first time since Hurricane Sandy, PATH train service resumed its normal operations and schedules. This was also the time when channel R3 became available as a test bed for performing simulcast work concurrently with the narrowband conversion.
2. TDI Issues: The Port Authority discovered it needs simplified alignment control equipment to complete the task of eliminating *time domain interference* ("TDI") between the tunnel-sourced and above-ground transmissions of the radio system that is to be narrowbanded. That need was discovered during the base alignment process intended to mitigate the TDI problem together with the channel R3 test-bed narrowband work. In March 2013, that alignment control equipment was identified and ordered. Re-design work was necessary to reduce the complexity of the simulcast system by simplifying the control and alignment of the system. Most of the equipment has now been received,

⁴The Port Authority's waiver request was filed electronically via ECFS on November 9, 2012 *In the Matter of Implementation of Sections of the Communications Act of 1934 as Amended*; WT Docket No. 99-87.

however, some equipment orders are outstanding which leaves us with insufficient time to install, configure and test the equipment prior to the expiration of the waiver on June 25, 2013.

3. Harmful Interference: The Port Authority encountered harmful interference into one of the three communication channel-frequencies, 161.0400 MHz (R2), of the simulcast system. The interfering signal into that channel-frequency of radio authorization WQPM463 has been identified as coming from an outside, unknown RF radiator, not from internal or external spurious emissions. While the problem has now been resolved, resolution of it resulted in additional lost time, of approximately one month during March 2013-April 2013, in the simulcast/narrowband conversion process.
4. Limited Availability of Heavily Used Communication Channels: Work on channel-frequencies 160.4700 MHz (R1) and 161.0400 MHz (R2) is more complex to schedule than the work on 161.4600 MHz (R3) because the former channel-frequencies are in constant use by PATH for its 24/7 rail service operations. The time-slots of availability for R1 and R2 are neither concurrent nor of the same length which results in more fieldwork instances at lower efficiency. Moreover, these channels must be returned to service at the end of the time-slots whether the work has been completed or not. Not only are these channels heavily used by PATH, but also during the recovery and repair of PATH service from Hurricane Sandy these channels were not available for simulcast and narrowbanding work.
5. Limited Staff Availability: Shortly after the filing of the Initial Request, the Port Authority had to reallocate its resources to replace the simulcast contractor. Please note that at the time of the Initial Request the simulcast contractor was different from the narrowband contractor; there has been no change in the narrowband contractor. In November 2012, the Port Authority mobilized its own staff and added additional outside consultant support to assist in design, testing and field work for the simulcast system and for seeking ways to perform the narrowband conversion concurrent with the simulcast work, which was successful as mentioned above by using channel R3 as a test bed. Although the Port Authority re-allocated its own staff and outside consultant resources to compensate for the loss of a dedicated simulcast contractor, these resources were limited due to competing priorities, that being, restoring communications at other Port Authority facilities as part of the Hurricane Sandy recovery effort.

The above-mentioned impediments have, in total, severely impacted the progress of the conversion of station KJF940 and the remainder of WQPM463 channel frequencies to permanent narrowband operation for those stations in a simulcast configuration.

Impact of Extended Wideband Operations

The Port Authority has evaluated demand for channel-frequencies 160.4700 MHz and 161.0400 MHz and potentially-affected adjacent channels. These channels are allocated to railroad operations for which coordination certification is assigned to the railroad coordinator. A copy of this request will be provided to the railroad coordinator concurrent with this submission.

The Port Authority knows of no current requests for the potentially-affected channels. If potential interference issues arise during the wideband operation of the waiver time herein requested, the Port Authority will take action to mitigate any issue(s).

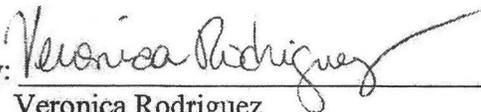
Extension of the Narrowband Waiver is in the Public Interest

Approval of this request to extend the waiver to operate in wideband through December 31, 2013 would be in the public interest in accordance with Section 1.925(b)(3) of the Commission's Rules. Continued operation in wideband mode while the simulcast and narrowband work proceeds on these heavily used PATH communications channels will ensure the reliable functionality and operation of the PATH rail system when it operates in permanent narrowband mode. Approval of this request would also avoid the necessity for PATH to use and rely on a degraded radio communications system in the operation, maintenance and safety of the PATH rail system used by millions of passengers each year.

Therefore, for the reasons stated above, the Port Authority respectfully requests an extension of the temporary waivers granted on November 15, 2012 to continue wideband operations from June 26, 2013 through December 31, 2013, 189 days, for radio authorizations WQPM463 (channel-frequencies 160.4700 MHz and 161.0400 MHz only) and KJF940.

Respectfully submitted,

**THE PORT AUTHORITY OF
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