

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

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

**REQUEST FOR WAIVER OF COMMISSION RULES  
EXPEDITED ACTION REQUESTED**

**Dated: October 1, 2013**

**Northumberland County Department of Public Safety  
911 Greenough Street, Suite No. 2  
Sunbury, PA 17801**

Northumberland County, Pennsylvania, (“the County”) pursuant to Section 1.925 of the Commission’s rules<sup>1</sup> 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 an extension to a temporary waiver of 47 C.F.R. §90.209(b) received by the County, specifically the requirement to convert three (3) FCC radio station authorizations (listed in Appendix B) operating in the 150-174 MHz and 421-512 MHz (VHF/UHF) bands to a 12.5 kHz efficiency technology by the date of January 1, 2013.<sup>2</sup> The County has worked toward the replacement of its communications infrastructure for four years, but the

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<sup>1</sup> 47 C.F.R. §1.925.

<sup>2</sup> 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 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).

timeline for completion is projected beyond the extended deadline of January 1, 2014. Additional time is necessary to ensure that the implementation is completed in a manner that acknowledges the life-safety nature of the communications.

## **I. BACKGROUND**

The County of Northumberland is located in the central region of the Commonwealth of Pennsylvania. Northumberland County comprises 477 square miles, and is bordered by nine of the Commonwealth's 67 counties. The county's approximately 95,000 full-time residents have access to a state-of-the-art 9-1-1 system<sup>3</sup> operated by the Northumberland County Department of Public Safety, and receive service from the county's 14 law enforcement agencies, 52 fire companies, and six emergency medical agencies. Additionally, the Northumberland County Department of Public Safety provides services to the County Sheriff's Department, County Coroner's Office, and magisterial district judges.

Given the population density of the county, full or part-time law enforcement services are provided to only 10 of the county's 36 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 provides alerting and radio dispatch services via voice radio systems operating in the VHF-High and UHF bands to agencies throughout the county. Among all disciplines, it is estimated that approximately 700 subscriber units (portable, mobile, and control stations) are in operation on various frequencies. Of the 17 base stations in use for law enforcement and emergency medical services communications, none are narrowband-capable and must be replaced.

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<sup>3</sup> Northumberland County 9-1-1 ("the Division"), a division of the Department of Public Safety, was established in the early 1990s and became fully operational September 7, 1995.

In March of 2012, the Division requested a temporary narrowband waiver to extend the narrowband deadline. This request was granted by the FCC on December 3, 2012 for an extension of 12 months.<sup>4</sup>

## **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. Although the timeline for completion of this replacement will coincide closely with the waiver deadline of January 1, 2014, additional time is necessary to ensure that the implementation and transition of agencies is completed in a manner that acknowledges the life-safety nature of the communications it facilitates.

The County is firmly committed to completing the transition of affected agencies no later than September 30, 2014, and in turn meeting the requirements of the rule on all authorizations detailed in Appendix B.

Funding for the replacement of the communications infrastructure comes from the issuance of a municipal bond. A copy of the General Obligation Note associated with said bond is attached in Appendix F. Furthermore, replacement of subscriber equipment will likely be required in the majority of agencies, and this replacement must be coordinated over a multi-year budget process, again once the system design is finalized.

It should be noted that no waiver is necessary or sought with respect to the County's fire services – which represent the majority of the subscriber and infrastructure equipment – as these agencies operate in bands other than the affected VHF/UHF spectrum. It is reasonable that given the scope of this project, a nine month extension of the previously-granted waiver would *not* represent an amount of time more than is reasonably necessary to complete the narrowbanding process.<sup>5</sup>

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<sup>4</sup> A copy of the Waiver Approval can be found in Appendix E

<sup>5</sup> 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 9649 (2011) (*Narrowbanding Waiver Guidance Notice*).

### **III. STEPS TAKEN PRIOR TO JANUARY 1, 2014**

The master planning process for the replacement of the County's aging communications structure has been complicated by a number of factors, namely the disparate nature of dispatch operations that exists within its boundaries and numerous discontinuities of governance.

Throughout Northumberland County, 11 of the 36 municipalities receive dispatch services from the neighboring counties of Montour or Union. These agencies seek services outside of their jurisdictional county primarily due to poor communications coverage from the Northumberland infrastructure. The leadership of the County Department of Public Safety recognized in 2009 that an upgraded communications infrastructure would be required to provide acceptable coverage to all agencies within the county, to include those agencies that had sought dispatch services elsewhere.

As a result, in 2010 a committee of representatives from first responder agencies was established to begin planning for narrowband compliance, as well as develop a long-term strategy for communications improvements. Then, in early 2011, the County commissioned a comprehensive study of its current radio infrastructure,<sup>6</sup> specifically to assess readiness for compliance with the narrowband deadline. One task of the study solicited designs and cost proposals from vendors to bring all current systems into compliance. The results of that study were published in August, 2011, and the leadership of the Department of Public Safety subsequently completed an assessment of the vendor proposals.

Throughout the last five years, however, the Department of Public Safety has not maintained continuity in governance, experiencing a change in leadership four times during the narrowband planning project. The planning tasks, financial expenditures, and effort by outside firms to move toward timely completion of the narrowband process have not been trivial or superficial, though. The steps taken by the Department of Public Safety personnel have involved significant investments of time and effort, and have been made in good faith to timely comply.

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<sup>6</sup> Northumberland County PA Needs Assessment, August 2011

In order to regain the momentum of the project, the County retained a public safety consultancy to manage the communications upgrade and ensure timely progress toward future milestones. Since the County’s initial narrowband extension request, important steps have been made toward implementation of an upgraded radio system.

The county released an RFP in 2013 and subsequently awarded a contract for a new P25 trunked radio system, along with the purchase of Part 80 licenses for use in the new radio system, and all associated subscriber equipment. The resolution for building the new radio system was signed by the County’s Board of Commissioners on June 26, 2013.<sup>7</sup>

<b>Step Taken</b>	<b>Completed</b>
Public Safety Communications Committee formed	2010
Northumberland County PA Needs Assessment	August 2011
Development and release of RFP	April 2013
Communication System and Subscriber contract awarded	June 2013

#### **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 numerous changes in leadership throughout the period – that have delayed key milestones in the process and ultimately leave the County with no reasonable alternative to timely meet the narrowband requirement.<sup>8</sup>

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. A

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<sup>7</sup> A copy of the signed resolution can be found in Appendix D

<sup>8</sup> 47 C.F.R. § 1.925(b)(3)(ii).

schedule for the implementation of the radio communications system has been developed with the vendor. The County has worked diligently to bring the schedule into compliance with the January 1, 2014 extended deadline, but has not been able to do so. Full system implementation and acceptance testing will be completed by July 30, 2014. Finally, complete subscriber transition to the new network will be completed no later than September 30, 2014. A schedule has been made available from the vendor with firm commitment to meet the following deadlines:

<b>Task</b>	<b>Completed By</b>
FCC Licensing	November 12, 2013
Factory Staging and Testing	October 21, 2013
System Installation	February 28, 2013
System Optimization	April 4, 2014
Auditing and Acceptance Testing	July 30, 2014
Complete subscriber transition	September 30, 2014

The replacement network is anticipated to be both fully interoperable with the Pennsylvania State Police, and fully compliant with APCO Project 25 standards. APCO Project 25 was established by the Association of Public-Safety Communications Officials, International (APCO) to provide an industry-wide effort to set standards for uniform digital two-way radio communications for public safety and emergency services. P25 is an open standard for digital radio developed under the governance of state, local and federal representatives and the Telecommunications Industry Association (TIA). The P25 standard was developed to foster the development and progress of the art of public safety communications.

**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 Northumberland 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.

Respectfully submitted,

/s/

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William Brown, Director  
Northumberland County Department of Public Safety  
911 Greenough Street, Suite No. 2  
Sunbury, PA 17801  
(570) 988-4394

**APPENDIX A**

**AFFECTED PUBLIC SAFETY AGENCIES  
IN NORTHUMBERLAND COUNTY**

**Law Enforcement**

Coal Township  
Milton Borough  
Mount Carmel Borough  
Mount Carmel Township  
Northumberland Borough  
Point Township  
Ralpho Township  
Shamokin City  
Sunbury City  
Watsonstown Borough  
Kulpmont Borough  
Lower Mahanoy Township  
Riverside Borough  
Zerbe Township  
Northumberland County Sheriff  
Northumberland County Coroner

**Emergency Medical Services**

Mount Carmel  
Shamokin Borough  
Northumberland Borough  
Elysburg Police  
Sunbury City

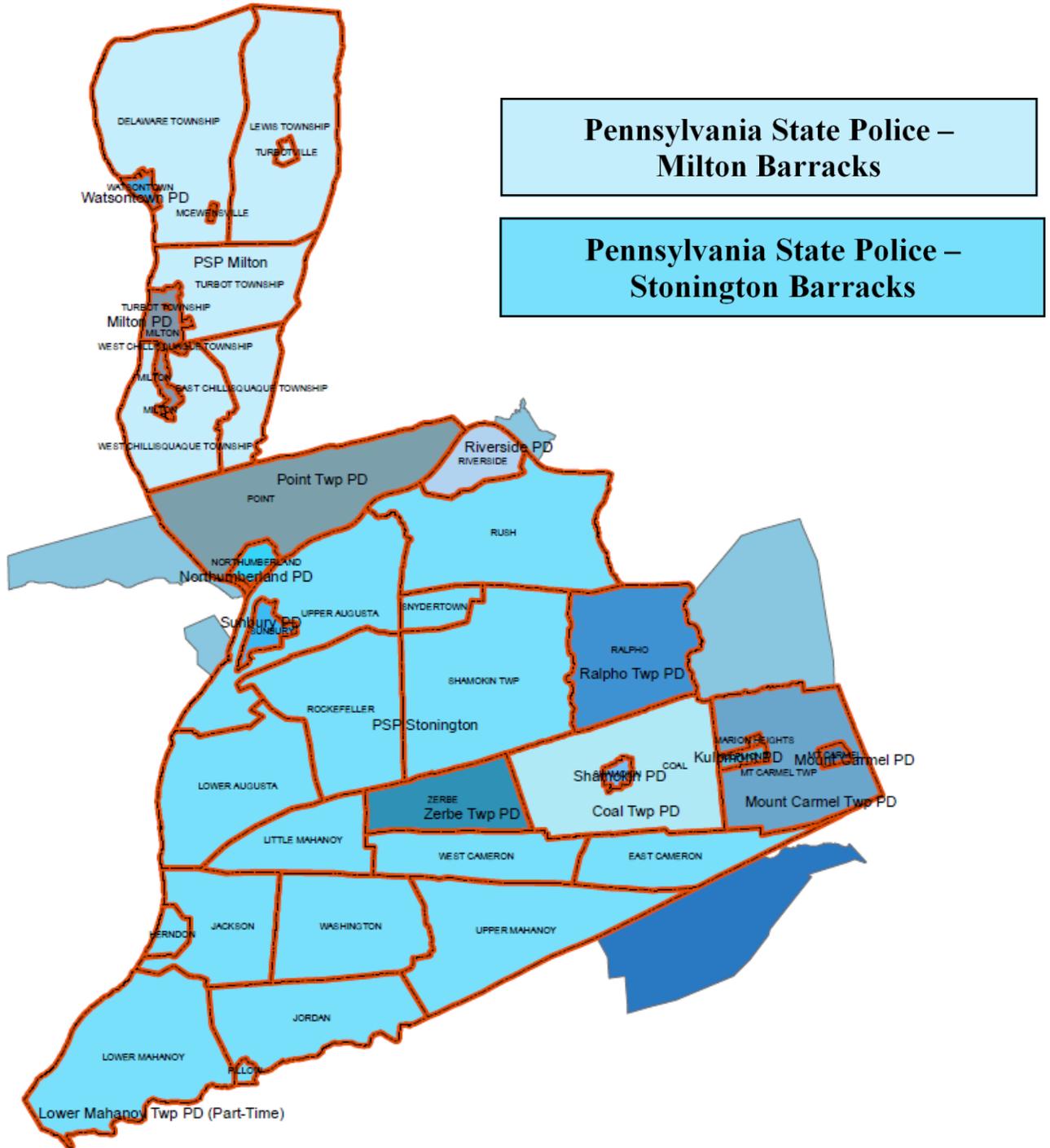
**APPENDIX B**

**FCC RADIO STATION AUTHORIZATIONS SEEKING RELIEF**

Licensee	Call sign	Use	Frequencies (MHz)			
Northumberland, County of	KNNK577	Law Enforcement	154.650	155.490	453.600	
			155.100	155.610	453.750	
			155.250		458.600	
			155.415		458.750	
			155.475			
Northumberland, County of	WPIE981	Emergency Medical	463.000	463.125	468.000	468.125
			463.025	463.150	468.025	468.150
			463.050	463.175	468.050	468.175
			463.075	462.950	468.075	467.950
			463.100	462.975	468.100	467.975
Northumberland, County of	WPSS271	Sheriffs	151.355			
			159.135			

APPENDIX C

PENNSYLVANIA STATE POLICE PRIMARY POLICE COVERAGE



**APPENDIX D**

**NORTHUMBERLAND NARROWBANDING WAIVER APPROVAL  
DECEMBER 3, 2013**



Federal Communications Commission  
Washington, D.C. 20554

December 3, 2012

Mr. Jerome Alex  
Director  
Northumberland County Department of Public Safety  
911 Greenough Street, Suite No. 2  
Sunbury, PA 17801

Re: Northumberland County Department of Public Safety Request for Extension of  
Narrowbanding Deadline

Dear Mr. Alex:

On March 16, 2012, the Northumberland County Department of Public Safety (NCDPS) submitted a request<sup>1</sup> for a waiver until March 1, 2014, of the Federal Communications Commission's (Commission) VHF/UHF narrowbanding deadline, which requires private land mobile radio (PLMR) licensees in the 150-174 MHz and 450-512 MHz bands to operate using channel bandwidth of no more than 12.5 kHz or equivalent efficiency by January 1, 2013.<sup>2</sup> NCDPS seeks the extension on behalf of Northumberland County (the County) and other cities, towns and municipalities located within Northumberland County for PLMR Stations KNNK577, WPIE981 and WPSS271.<sup>3</sup>

*Background.* Located in the central region of the Commonwealth of Pennsylvania, Northumberland County is comprised of 477 square miles and is bordered by nine of Pennsylvania's 67 counties.<sup>4</sup> Working with local law enforcement, fire companies, and emergency medical services, NCDPS provides 911 services to the County's resident population of 94,528, and also provides 911 services to the County Sheriff's Department, the County Coroner's Office, and magisterial district

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<sup>1</sup> See Request for Waiver of Commission Rules by the Northumberland County Department of Public Safety (filed March 16, 2012) (Waiver Request).

<sup>2</sup> See 47 C.F.R. § 90.209(b)(5); see also Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended; Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies, *Third Memorandum Opinion and Order and Third Further Notice of Proposed Rule Making and Order*, WT Docket No. 99-87, RM-9332, 19 FCC Rcd 25045 (2004). On April 26, 2012, the Wireless Telecommunications Bureau, Public Safety and Homeland Security Bureau, and Office of Engineering and Technology waived the January 1, 2013 narrowbanding deadline for 470-512 MHz band frequencies. See Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended; Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies, *Order*, WT Docket No. 99-87, RM-9332, 27 FCC Rcd 4213 (WTB/PSHSB/OET 2012).

<sup>3</sup> See *Appendix*. While Northumberland County is the licensee for these authorizations, its radio system serves the following public safety entities: Coal Township Law Enforcement; Milton Borough Law Enforcement; Mount Carmel Borough and Township Law Enforcement and Emergency Medical Services; Northumberland Borough Law Enforcement, Sheriff, Coroner, and Emergency Medical Services; Point Township Law Enforcement; Ralpho Township Law Enforcement; Shamokin City Law Enforcement and Shamokin Borough Emergency Medical Services; Sunbury City Law Enforcement and Emergency Medical Services; Watsontown Borough Law Enforcement; Kulpmont Borough Law Enforcement; Lower Mahanoy Township Law Enforcement; Riverside Borough Law Enforcement; Zerbe Township Law Enforcement; and Elysburg Police and Emergency Medical Services. See Waiver Request at Appendix A.

<sup>4</sup> Waiver Request at 2.

judges.<sup>5</sup> However, given Northumberland County's low population density, full or part-time law enforcement services are provided to only ten of the county's thirty-six townships.<sup>6</sup> The Pennsylvania State Police (PSP) fill in these jurisdictional gaps where there is otherwise no full- or part-time police protection; Northumberland County states that the PSP provide nearly 70 percent of police coverage in the county.<sup>7</sup>

As a result, law enforcement officers in Northumberland County rely heavily on the PSP and other agencies for mutual aid and during large-scale events.<sup>8</sup> This interdependency makes interoperability with the PSP and other nearby law enforcement agencies in Northumberland County critical for public safety. The PSP is in the process of transitioning from its legacy VHF/UHF system to a state-wide 800 MHz system known as PA-STARNET, but due to a number of delays caused by terrain-coverage issues and outages, the PSP has also sought a waiver of the narrowbanding deadline.<sup>9</sup> On November 9, 2012, the Bureau granted the PSP a waiver to allow it to continue wideband operation until December 31, 2013.<sup>10</sup>

To accommodate its interoperability needs while the PSP moves toward narrowband compliance, NCDPS seeks a waiver of the Commission's rules until March 1, 2014, to coincide generally with PSP's request.<sup>11</sup> NCDPS argues that if it were forced into narrowband compliance before PSP, then PSP units "would be unable to monitor vital traffic, and would be seriously limited in the number of frequencies available for interoperability...."<sup>12</sup> Moreover, compliance with narrowbanding requirements in the interim period before PSP replaces its radios and fully transitions to narrowband equipment would require NCDPS to "install two base stations per fixed site – one narrowband configuration, and one in wideband configuration," and that "[t]his scenario would . . . be unduly burdensome on the County."<sup>13</sup> NCDPS contends that "[r]eplacement of all of the subscriber equipment in the county with narrowband-capable units prior to January 1, 2013 would negatively impact operational readiness, mutual aid, and interoperability."<sup>14</sup>

NCDPS plans to migrate to a 700 MHz system that will be fully interoperable with PA-STARNET.<sup>15</sup> NCDPS expresses a firm commitment to achieving narrowbanding compliance by March

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<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.* at 3; *see also* Waiver Request Appendix C.

<sup>9</sup> Waiver Request at 3 *citing* Request for Waiver of the Commission Rules by Pennsylvania State Police (filed Jan. 25, 2012) (PSP Waiver Request).

<sup>10</sup> In the Matter of Pennsylvania State Police, *Order*, WT Docket No. 99-87, 2012 WL 5463054 (F.C.C. Nov. 9, 2012) (*PSP Waiver*).

<sup>11</sup> Waiver Request at 4.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*, *citing* 47 C.F.R. § 1.925(b)(3)(ii).

<sup>14</sup> Waiver Request at 4.

<sup>15</sup> Phone conversation between Sean Petty, Senior Technology Specialist, Mission Critical Partners, Inc., and Dana Zelman, Public Safety and Homeland Security Bureau (Oct. 23, 2012).

1, 2014,<sup>16</sup> but notes that it must await funding for the replacement of 700 subscriber units and 17 base stations<sup>17</sup> from a municipal bond, which requires substantial governmental planning and cannot be formalized until a full design for the system is finalized.<sup>18</sup> NCDPS adds that "this replacement must be coordinated over a multi-year budget process, again once the system design is finalized."<sup>19</sup>

Finally, NCDPS says that it has invested significant time and effort towards narrowbanding compliance, but stresses that disparate dispatch operations throughout the county and numerous leadership changes within NCDPS over the past four years have substantially complicated its ability to achieve compliance by the January 1, 2013 deadline.<sup>20</sup> NCDPS contends that these factors have delayed "key milestones in the process" and have left the County "with no reasonable alternative to timely meet the narrowbanding requirement."<sup>21</sup>

*Discussion.* To obtain a waiver of the Commission's rules a petitioner must demonstrate either that (i) the underlying purpose of the rule(s) would not be served or would be frustrated by application to the present case, and that a grant of the waiver would be in the public interest;<sup>22</sup> or (ii) in 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.<sup>23</sup> Applying this standard to narrowbanding, we have stated in the *Narrowbanding Waiver Guidance Notice*, jointly issued by the Wireless Telecommunications Bureau, the Public Safety and Homeland Security Bureau, and the Office of Engineering and Technology, that narrowbanding waiver requests "will be subject to a high level of scrutiny" under the waiver standard.<sup>24</sup> We have also provided recommended guidance on the factors that licensees should address in their requests and have recommended that in addressing these factors, licensees should seek to demonstrate that "(i) they have worked diligently and in good faith to narrowband their systems expeditiously; (ii) their specific circumstances warrant a temporary extension of the deadline; and (iii) the amount of time for which a waiver is requested is no more than is reasonably necessary to complete the narrowbanding process."<sup>25</sup>

Based on the record before us, we conclude that NCDPS has presented sufficient facts to meet the high standard for grant of the requested waiver. In light of NCDPS' unusual dependency and need for

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<sup>16</sup> *Id.*

<sup>17</sup> *Id.* at 2.

<sup>18</sup> *Id.* at 4.

<sup>19</sup> *Id.*

<sup>20</sup> *Id.* at 5-6.

<sup>21</sup> *Id.* at 6.

<sup>22</sup> 47 C.F.R. § 1.925(b)(3)(i).

<sup>23</sup> 47 C.F.R. § 1.925(b)(3)(ii).

<sup>24</sup> 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) (*Narrowbanding Waiver Guidance Notice*); see also Wireless Telecommunications Bureau and Public Safety and Homeland Security Bureau Provide Supplemental Guidance for Licensees in the 150-174 and 421-512 MHz Bands Seeking Waivers of the January 1, 2013 Narrowbanding Deadline, *Public Notice*, 27 FCC Rcd 1936 (WTB/PSHSB 2012).

<sup>25</sup> *Narrowbanding Waiver Guidance Notice*, 26 FCC Rcd at 9649.

interoperability with PSP, strict application of the January 1, 2013 narrowbanding deadline would be contrary to the public interest of the County and its numerous public safety agencies. NCDPS assures us that it will not have any negative impact on other public safety licensees during the proposed waiver and extension of the narrowbanding deadline.<sup>26</sup> In reaching this conclusion, we also place significant weight on the showing that NCDPS has made with respect to the factors identified in our *Narrowbanding Waiver Guidance Notice*.

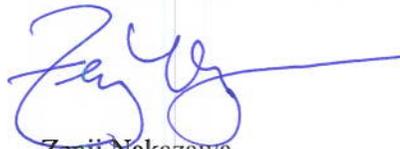
NCDPS and the other entities have shown diligence in planning for a transition to narrowbanded technology, which will enable them to decommission its existing wideband facilities and vacate certain VHF frequencies. In its waiver request, NCDPS gives a clear plan and timetable for its transition to a new 700 MHz network.<sup>27</sup> NCDPS has undertaken substantial steps in good faith toward the timely achievement of narrowbanding compliance, in the face of limited and conditional funding, continuous turnover in key leadership positions, and a notable dependency on the PSP. The proposed radio system, which will complement the PSP's network on PA-STARNET, will be a significant upgrade to NCDPS' communications capabilities, thereby improving the safety and reliability of its public safety operations. However, given that we are only granting the PSP a twelve-month waiver,<sup>28</sup> we decline to grant the full fifteen-month waiver period requested by NCDPS but rather harmonize its waiver period with that of the PSP.<sup>29</sup>

Based on the foregoing, we conclude that grant of the requested waiver is warranted. Accordingly, we grant a waiver of the Commission's January 1, 2013 VHF/UHF narrowbanding deadline, until December 31, 2013, for the call signs set forth above.

Accordingly, IT IS ORDERED pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 1.925(b)(3) of the Commission's rules, 47 C.F.R. § 1.925(b)(3), that the Request for Waiver of Commission Rules, filed on March 16, 2012, by the Northumberland County Department of Public Safety IS GRANTED to the extent described herein.

This action is taken under delegated authority pursuant to Sections 0.191 and 0.392 of the Commission's rules, 47 C.F.R. §§ 0.191, 0.392.

FEDERAL COMMUNICATIONS COMMISSION



Zenji Nakazawa  
Deputy Chief, Policy and Licensing Division  
Public Safety and Homeland Security Bureau

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<sup>26</sup> Waiver Request at 7.

<sup>27</sup> *Id.* at 6.

<sup>28</sup> *See PSP Waiver.*

<sup>29</sup> *See Narrowbanding Waiver Guidance Notice* (waiver applicant should show that "the amount of time for which a waiver is requested is no more than is reasonably necessary to complete the narrowbanding process").

**Appendix**

<b>Use</b>	<b>Call Sign</b>	<b>UHF Frequencies</b>	<b>VHF Frequencies</b>
Law Enforcement	KNNK577	154.650; 155.100; 155.250; 155.415; 155.475; 155.490; 155.610	453.600; 453.750; 458.600; 458.750
Emergency Medical Services	WPIE981		463.000; 463.025; 463.050; 463.075; 463.100; 463.125; 463.150; 463.175; 462.950; 462.975; 468.000; 468.025; 468.050; 468.075; 468.100; 468.125; 468.150; 468.175; 467.950; 467.975
Sheriffs	WPSS271	151.355; 159.135	

**APPENDIX E**  
**NORTHUMBERLAND COUNTY RESOLUTION**  
**JUNE 26, 2013**

COMMISSIONERS

County of Northumberland

Vinny Clausi, Chairman  
Stephen Bridy, Vice Chairman  
Richard J. Shoch



Gary L. Steffen, Chief Clerk

Frank W. Garrigan, Solicitor  
John P. Muncer, Ass't Solicitor

Voice 570 988-4564  
Fax 570 988-4445

[www.northumberlandco.org](http://www.northumberlandco.org)

Office of the Commissioners

Administration Center  
399 S. Fifth Street  
Sunbury, PA 17801

June 26, 2013  
R#74-13

RESOLUTION

WHEREAS, the Northumberland County Board of Commissioners, on behalf of the Northumberland County Department of Public Safety, is desirous of entering into a Professional Services Contract with Motorola Solutions, Inc., 410 Red Barn Road, Willow Grove, PA 19090; and

WHEREAS, Motorola Solutions, Inc. per bid award shall provide professional services for the Northumberland County Radio Communications Systems for enhanced, two way wireless communications capabilities to all users.

NOW THEREFORE, BE RESOLVED, that the attached agreement between the Northumberland County Board of Commissioners and Motorola Solutions, Inc. is hereby accepted and the proper officers authorized to execute the attached agreement.

NORTHUMBERLAND COUNTY  
BOARD OF COMMISSIONERS

Vinny Clausi, Chairman

Stephen Bridy, Vice Chairman

Not At Meeting

Richard J. Shoch

ATTEST:

  
Gary Steffen, Chief Clerk

**APPENDIX F**

**NORTHUMBERLAND COUNTY GENERAL OBLIGATION NOTE – SERIES OF 2013  
SEPTEMBER 11, 2013**

\$7,355,000

\$7,355,000

UNITED STATES OF AMERICA  
COMMONWEALTH OF PENNSYLVANIA

COUNTY OF NORTHUMBERLAND  
GENERAL OBLIGATION NOTE, SERIES OF 2013

The COUNTY OF NORTHUMBERLAND, Pennsylvania (the "County"), a municipality existing under laws of the Commonwealth of Pennsylvania, for value received, acknowledges itself to be indebted to and promises to pay to PNC BANK, NATIONAL ASSOCIATION (the "Purchaser"), or registered assigns, the maximum principal sum of

\*\*\*SEVEN MILLION THREE HUNDRED FIFTY-FIVE THOUSAND AND 00/100 Dollars\*\*\*  
\*\*\*(\$7,355,000.00)\*\*\*

payable in the stated minimum principal installments set forth in the Payment Record attached hereto and incorporated herein on October 15 of each year, beginning October 15, 2014, through and including October 15, 2025 (the "Maturity Date"), unless this Note shall have been prepaid, in whole, as herein permitted, and to pay interest on the unpaid principal balance (calculated on the basis of twelve (12) 30-day months over a 360-day year), payable on each April 15 and October 15 (each, an "Interest Payment Date"), beginning on April 15, 2014, from the immediately preceding Interest Payment Date to which interest has been paid, through and including the Maturity Date, unless: (a) this Note is registered prior to April 15, 2014, in which event this Note shall bear interest from the date of issuance; or (b) as shown by the records of the Paying Agent, interest on this Note shall be in default, in which event this Note shall bear interest from the date on which interest was last paid, until the principal sum thereof is paid.

This Note shall bear interest at the bank-qualified, tax-exempt fixed rate of 3.15% *per annum*, from the date of delivery hereof to the Maturity Date on the principal amount hereof.

Payments of principal hereof, in whole or in part, and of interest here on shall be made in any coin or currency of the United States of America which, at time of payment, shall be legal tender for payment of public and private debts, at the office of PNC Bank, National Association (the "Paying Agent" which term shall include any duly appointed alternate or successor paying agent), at 4242 Carlisle Pike, Camp Hill, Pennsylvania. So long as the Purchaser shall be the registered owner hereof, payment of any part of the principal of and interest on this Note by or on behalf of the County shall be valid and effective to satisfy and discharge fully the obligations of the County or its Paying Agent, with respect to such payments of principal and interest, without surrender hereof to the Paying Agent for appropriate notation upon the Payment Record attached hereto and made part hereof. At any time the registered owner hereof shall not be the Purchaser, payment of any part of the principal of and interest on this Note shall be made only upon surrender hereof by the registered owner at the office of the Paying Agent (or the office of any successor paying agent) for appropriate notations with respect to such payments and any unrecorded prior payments upon such Payment Record. Notations upon such Payment Record with respect to payments of principal and interest shall satisfy and discharge fully the obligations of the County with respect to such payments of principal and interest, and such notations upon such Payment Record shall be conclusive and binding upon the registered owner hereof. Final

payment of principal and interest appertaining hereto shall be made only upon complete surrender hereof to the Paying Agent. Payment of principal of this Note is prepayable at any time, in whole or in part, subject to the prepayment provisions described in the Break Funding Indemnification section hereof. Any partial prepayment of principal may be credited against the stated installments of principal of the Note as the County may designate in writing to the Bank at the time of prepayment; otherwise a partial prepayment shall be applied against the principal installments last, by date, due and payable.

If the date for payment of the principal of or interest on this Note shall be a Saturday, Sunday, legal holiday or on a day on which banking institutions in the municipality where the office of the Paying Agent is located are authorized by law or executive order to close, then the date of such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or on a day on which such banking institutions are authorized to close, and payment on such date shall have the same force and effect as if made on the date fixed for such payment.

This Note is issued in accordance with provisions of the Local Government Unit Debt Act, 53 Pa. C.S. § 8001 *et seq.*, as amended and supplemented (the "Debt Act"), and by virtue of a duly enacted Ordinance (the "Ordinance") of the Board of Commissioners of the County. The Debt Act, as such shall have been in effect when this Note was authorized, and the Ordinance shall constitute a contract between the County and the registered owner, from time to time, of this Note. A copy of the Ordinance, duly certified by the Chief Clerk of the County, is on file at the principal office of the County.

Increased Costs; Yield Protection. On written demand, together with written evidence of the justification therefor, the County agrees to pay the Bank all direct costs incurred, any losses suffered or payments made by the Bank as a result of any Change in Law (hereinafter defined), imposing any reserve, deposit, allocation of capital or similar requirement (including without limitation, Regulation D of the Board of Governors of the Federal Reserve System) on the Bank, its holding company or any of their respective assets relative to the Note. "Change in Law" means the occurrence, after the date of this Note, of any of the following: (a) the adoption or taking effect of any law, rule, regulation or treaty, (b) any change in any law, rule, regulation or treaty or in the administration, interpretation, implementation or application thereof by any governmental authority or (c) the making or issuance of any request, rule, guideline or directive (whether or not having the force of law) by any governmental authority; provided that notwithstanding anything herein to the contrary, (x) the Dodd-Frank Wall Street Reform and Consumer Protection Act and all requests, rules, guidelines or directives thereunder or issued in connection therewith and (y) all requests, rules, guidelines or directives promulgated by the Bank for International Settlements, the Basel Committee on Banking Supervision (or any successor or similar authority) or the United States or foreign regulatory authorities, in each case pursuant to Basel III, shall in each case be deemed to be a "Change in Law," regardless of the date enacted, adopted or issued.

If for any reason an event of taxability or deductibility, or an increase in federal income tax rates applicable to this Note, shall occur, the interest rate charged on the outstanding principal balance of this Note shall, effective as of and after the date of the occurrence of such event, be increased to a maximum taxable rate of 4.80%. In the event that the County's Standard & Poor's rating falls to BBB-, the maximum taxable rate shall be 5.05%. Further, in the event the County's Standard & Poor's rating falls below BBB-, the maximum taxable rate shall be 7.05%.

Break Funding Indemnification. The County agrees to indemnify the Bank against any liabilities, losses or expenses (including, without limitation, loss of margin, any loss or expense sustained or incurred in liquidating or employing deposits from third parties, and any loss or expense incurred in connection with funds acquired to effect, fund or maintain any advance (or any part thereof) bearing interest at a fixed rate) which the Bank sustains or incurs as a consequence of either (i) the County's failure to make a payment on the due date thereof, (ii) the County's revocation (expressly, by later inconsistent notices or otherwise) in whole or in part of any notice given to the Bank to request, convert, renew or prepay any advance bearing interest at a fixed rate, or (iii) the County's payment or prepayment (whether voluntary, after acceleration of the maturity of this Note or otherwise) or conversion of any advance bearing interest at a fixed rate on a day other than the regularly scheduled due date therefor. A notice as to any amounts payable pursuant to this paragraph given to the County by the Bank, which notice shall be in a written format sufficiently specific to inform a reasonable person of the basis and computation of the amount presented for payment, shall, in the absence of error, be conclusive and shall be payable upon demand. The County's indemnification obligations hereunder shall survive the payment in full of the advances and all other amounts payable hereunder.

So long as this Note remains outstanding, the County agrees to provide its annual audited consolidated financial statements of the County within 270 days of each fiscal year end, and further agrees to provide other financial information or operating reports as may be reasonably requested by the Bank.

It is hereby certified that: (i) all acts, conditions and things required to be done, to happen or to be performed as conditions precedent to and in issuance of this Note or in creation of the debt of which this Note is evidence have been done, have happened or have been performed in due and regular form and manner, as required by law; and (ii) the debt represented by this Note, together with any other indebtedness of the County, if any, is not in excess of any limitation imposed by the Debt Act upon the incurring of debt by the County. The County has covenanted in the Ordinance with the registered owners, from time to time, of this Note that the County, as appropriate, shall include the maximum principal amortization and tax-exempt debt service as set forth in Schedule A to the Ordinance, for each fiscal year of the County in which sums are payable, in its budget for that fiscal year, shall appropriate such amounts to the payment of such debt service and duly and punctually shall pay or shall cause to be paid the principal of this Note and the interest thereon at the dates and place and in the manner stated herein, according to the true intent and meaning thereof; and, for such budgeting, appropriation and payment, the County has and does pledge, irrevocably, its full faith, credit and taxing power. The Debt Act provides that the foregoing covenant of the County shall be enforceable specifically.

The County, in the Ordinance, has established a sinking fund with the Paying Agent, as the sinking fund depository, into which funds for the payment of the principal of and the interest on this Note shall be deposited not later than the date fixed for disbursement thereof. The County has covenanted in the Ordinance to make payments out of such sinking fund or out of any other of its revenues or funds, at such times and in such annual amounts, as shall be sufficient for prompt and full payment of all obligations of this Note.

This Note, immediately upon execution and delivery hereof by the County, shall be registered, both as to principal and interest, in the name of the Purchaser, and thereafter in the name of any subsequent owner, on records of the County to be kept for that purpose by the Paying Agent, each such registration to be noted on the Registration Record hereon by a duly

authorized representative of the Paying Agent. After such registration, no transfer hereof shall be valid unless made by the registered owner hereof in person or by his duly authorized attorney and similarly noted upon said records and hereon. Rights of any registered owner hereof, subsequent to the initial registered owner hereof, shall not exceed rights of the predecessor registered owner hereof.

This Note, immediately upon execution and delivery hereof by the County, shall be registered, both as to principal and interest, in the name of the Purchaser, and thereafter in the name of any subsequent registered owner, on the Registration Record that is a part of this Note and such registrations shall be kept for that purpose by the Paying Agent, such registration to be noted hereon by a duly authorized representative of the Paying Agent. After such

This Note is issuable only in the form of a fully registered Note, without coupons.

**THE INTEREST PAYABLE ON THIS NOTE IS EXEMPT FROM FEDERAL INCOME TAXATION.** The County has designated, under and for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended, this Note as a "qualified tax-exempt obligation," as such phrase is defined in Section 265(b)(3)(B) of such Code.

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the COUNTY OF NORTHUMBERLAND, Pennsylvania, has caused this Note to be duly executed in its name and on its behalf by the manual signature of a majority of the members of the Board of Commissioners, and a manual seal to be imprinted hereon and attested by the manual signature of its Chief Clerk, all as of the 11th day of September, 2013.

COUNTY OF NORTHUMBERLAND  
Commonwealth of Pennsylvania



Chairman, Board of Commissioners



Vice Chairman, Board of Commissioners

ATTEST:



Chief Clerk

[SEAL]