

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

In the Matter of )  
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Implementation of Sections 309(j) and 337 of the ) WT Docket No. 99-87  
Communications Acts of 1934, as Amended )  
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**REQUEST FOR LIMITED WAIVER AND FURTHER EXTENSION**

Dixie County, Florida (“Dixie County” or “County”), by its attorneys and pursuant to Sections 1.3 and 1.925 of the Rules and Regulations of the Federal Communications Commission (“FCC” or “Commission”)<sup>1</sup> and the Commission’s *Narrowbanding Extension Public Notice*,<sup>2</sup> hereby requests a limited waiver of Section 90.209(b) of the Commission’s rules, which requires private land mobile radio (“PLMR”) licensees in the 150-174 MHz and 450-512 MHz (VHF/UHF) bands to have converted and migrated systems to technology utilizing channel bandwidths of no more than 12.5 kHz or equivalent efficiency (“narrowband”) by January 1, 2013.<sup>3</sup> On December 17, 2012, Dixie County requested that the Commission waive Section

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<sup>1</sup> 47 C.F.R. §§ 1.3 and 1.925.

<sup>2</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, DA 11-1189 (July 13, 2011) (“*Narrowbanding Extension Public Notice*”); *see also Wireless Telecommunications Bureau and Public Safety and Homeland Security Bureau Provide Supplemental Guidance for Licensees in the 150-174 MHz and 421-512 MHz Bands Seeking Waivers of the January 1, 2013 Narrowbanding Deadline*, Public Notice, DA 12-246 (rel. Feb. 1, 2012).

<sup>3</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, 18

90.209(b) of its rules to provide a eighteen (18) months extension of the narrowband migration deadline for each of its PLMR Stations KKC960, WNRT539, WNUE989, WQFH883, WPGP534, WNJM523 (the “Licenses”). The Commission granted Dixie County’s waiver request on January 2, 2013, but only granted the County a one-year extension, until January 1, 2014.<sup>4</sup>

Although Dixie County has worked diligently over the past year to dramatically upgrade and transition its current wideband system to state-of-the-art narrowband technology, as explained in greater detail herein, circumstances beyond Dixie County’s control will preclude full migration of the Licenses to narrowband technology by the current January 1, 2014 deadline. Pursuant to *Grant Letter*,<sup>5</sup> for the reasons set forth below, Dixie County requests that the Commission waive Section 90.209(b) of its rules to provide a further extension of the narrowband migration deadline for each of the Licenses until January 1, 2015, twelve (12) months from the current deadline. Specifically, Dixie County has been informed by its frequency coordinator that, due to an increase in coordination requests, it will not be able to provide coordinated frequencies to Dixie County until April 4, 2014. Following coordination

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FCC Rcd 3034 (2003); *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, 19 FCC Rcd 25045 (2004); *Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended*, Order, 25 FCC Rcd 8861 (2010); *see also* 47 C.F.R. § 90.209(b).

<sup>4</sup> *See* Letter from Zenji Nakazawa, Deputy Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission to Donald L. Herman, Jr., Herman & Whiteaker, LLC (Jan. 2, 2013) (“*Grant Letter*”).

<sup>5</sup> *Id.* at p. 2 (“we conclude that the eighteen-month waiver period requested by the County is more than reasonably necessary to complete narrowbanding... Instead, we grant the County until January 1, 2014 to complete its narrowband schedule and achieve compliance with the Commission’s rules. If Dixie County needs additional time beyond that, it must, in advance of the expiration of this extension, file a request for further extension that demonstrates that the additional amount of time requested is no more than is reasonably necessary.”).

and licensing of new frequencies, Dixie County will need an additional four to six months to complete construction, testing, and deployment of its new narrowbanding network. Grant of this additional waiver will serve the public interest by preventing dangerous disruptions to critical public safety communications, which provide vital law enforcement, medical, transit, and public safety management services to citizens throughout Dixie County.

## **I. Background**

The County covers approximately 714 square miles and has a population of 16,422 residents.<sup>6</sup> The County's rural location and proximity to the Gulf of Mexico make emergency preparedness and public safety communications a top priority for the County. The Licenses are currently utilized to maintain critical communications among many local law enforcement, medical, transit, and public safety entities, including Dixie County's Emergency Medical Services, Emergency Management, Sheriff's Office, Road Department, Public Works, School District, and fire departments within the County. A few examples of the ways in which the Licenses are being used include radio communications for: advanced life support transport vehicles during emergency and non-emergency activities; all county and city fire departments initial incident dispatching and emergency scene communications; coordination and response during disaster activities; coordination of evacuations of special needs patients; law enforcement officer coordination inside the Dixie County Jail; daily school bus transportation coordination; and school resource officer coordination within Dixie County public schools. Although the County has been looking to upgrade land mobile radio system since 2008, and has been diligently working with potential vendors to design and deploy a narrowband system since 2009, Dixie County has experienced a plethora of unanticipated delays developing a viable

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<sup>6</sup> U.S. CENSUS BUREAU (2010).

narrowbanding solution, as well as delays trying to work with vendors overloaded with other government entities narrowbanding waiver requests.

**II. Grant of the Requested Limited Waiver and Extension is Warranted Pursuant to the FCC's Rules.**

Pursuant to Section 1.3 of the FCC's rules, the Commission may waive any provision of its rules if good cause is shown.<sup>7</sup> In this instance, a limited waiver and further extension of the current deadline is warranted because, although Dixie County has been diligently working throughout the year and has made significant progress toward completing the narrowbanding transition, due to unforeseen delays, the County has not yet completed deployment of its narrowband system. Specifically, Dixie County's progress has been significantly delayed by the FCC frequency authorization and coordination process, a factor entirely outside of the County's control. Dixie County has essentially completed all of the necessary steps in its transition plan that it can take, aside from actually installing, testing and final deployment of its new system, steps that the County *cannot* legally take until they receive the requisite coordinated frequencies and associated licenses.

Dixie County continues to pursue an aggressive deployment schedule and expects to complete narrowbanding of its system within months of obtaining the requested coordinated frequencies. As such, Dixie County expects to complete its narrowbanding transition by January 1, 2015, if not sooner. The request waiver and further extension of the current January 1, 2014 deadline is necessary, however, in order to prevent dangerous disruptions to critical public safety communications during the deployment process. Good cause thus exists for grant of the requested extension to allow the County a reasonable amount of time to complete its ongoing narrowbanding migration.

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<sup>7</sup> See 47 C.F.R. § 1.3.

Dixie County's request for limited waiver and further extension of the narrowbanding migration deadline also satisfies the Commission's general standards for determining when a waiver should be granted in a Wireless Telecommunications Bureau proceeding.<sup>8</sup> Pursuant to Section 1.925(b)(3) of the Commission's rules, a request for waiver may be granted if it is shown that:

- (i) 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
- (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>9</sup>

In the *Narrowbanding Extension Public Notice*, the Commission identified specific factors that it considers relevant in assessing whether a request for waiver of the narrowbanding deadline satisfies the Commission's standard under Section 1.925 of the rules. These factors include: (1) the steps that have been taken to plan for, initiate, and complete the narrowband transition; (2) the system size and complexity; (3) whether equipment must be replaced or upgraded; (4) whether, in addition to narrowbanding, the licensee plans additional system upgrades or improvements; (5) whether the licensee has funding sources; (6) whether the licensee's narrowbanding schedule is affected by relationships with neighboring systems due to interoperability; (7) plans to minimize the impact of extended wideband operations on co-channel and adjacent channel operations; and (8) whether the licensee will relinquish the VHF/UHF spectrum. As explained in greater detail below, based on these factors, approval of Dixie County's request for limited extension is warranted.

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

<sup>9</sup> *Id.*

**A. Steps already taken to plan for, initiate, and complete the transition to narrowband operations**

Dixie County has worked diligently on the narrowbanding of its system for many years. Specifically, as explained in the 2012 Waiver Request,<sup>10</sup> prior to 2013, the County had already completed the following steps:

- Designated responsibility for developing and implementing the County’s narrowbanding transition plan to a Communications Committee (the “Committee”), which is comprised of representatives from the Dixie County Department of Public Safety, local law enforcement agencies, the Dixie County School Board, and the Dixie County Manager;
- Projected a budget for completion of the narrowbanding project;
- Received approval from the Dixie County Board of County Commissioners for the funding requested for the narrowband project;
- Researched strategies and potential vendors for its narrowbanding transition;
- Selected the vendor ICOM America Inc., (“ICOM”) to help develop a system that meets the County’s needs;
- Obtained a Statement of Work to identify all system components and subscriber radios needed, working within the approved budget;
- Researched and considered a number of design options, the Committee also initially selected a design for a four site, 6.25 kHz digital NXDN VHF/UHF system;
- Researched new equipment options and selected specific equipment;
- Selected tower sites for the new public safety communications system, including two County-owned sites, one site that is currently under contract, and one state-owned Florida’s State Law Enforcement Radio System (“SLERS”) site;
- Completed propagation studies to insure adequate coverage sites, using antennas heights approved by tower owners;
- Based on the selected repeater sites, available VHF/UHF frequency pairs have been identified and work on applications to obtain authorizations of these VHF/UHF frequencies has begun.

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<sup>10</sup> See *Implementation of Sections 309(j) and 337 of the Communications Acts of 1934, as Amended*, WT Docket No. 99-87, Request for Waiver and Extension, Dixie County, Florida, pp. 6-7 (Dec. 17, 2012) (“2012 Waiver Request”).

In 2013, Dixie County made significant progress toward completing the narrowbanding of its system. Currently, as a result of its hard work over the past year, Dixie County has:

- Modified the design for its 6.25 kHz digital NXDN VHF/UHF system by adding three (3) additional sites, which will enhance public safety by enabling system coverage inside of buildings throughout the County;
- Researched and selected three (3) additional sites;
- Negotiated one hundred percent (100%) of site agreements and leases;
- Finalized and ratified the contract with ICOM;
- Reviewed and issued a notice to proceed (NTP);
- Completed inspection of all County-owned towers;
- Examined and repaired an existing tower;
- Hired a new employee to serve as the County's narrowbanding consultant and project manager;
- Researched, selected, and procured one hundred percent (100%) of subscriber products;
- Researched, selected, and procured one hundred percent (100%) of antenna products; and
- Researched, selected, and procured one hundred percent (100%) of system products.

**B. System size and complexity.**

As explained in the 2012 Waiver Request, the Licenses presently operate on a single site VHF/UHF multicast wideband system, which provides limited mobile coverage throughout Dixie County. Although the current system is not complex, it is aging and does not provide adequate communications. The current system uses six repeaters located throughout Dixie County, and each repeater is interfaced to a VHF/UHF link radio that provides simple single channel backhaul. The VHF/UHF link radios used in the current system are problematic as they are prone to interference. The antenna and cabling systems are aging, and most of the equipment

is more than twenty years old. Accordingly, although the system is not particularly large or complex, the County has determined that it essentially must be replaced in its entirety.

**C. Narrowband Capability of the System**

Although some of the system equipment already owned by the County is narrowband capable, this equipment is only able to operate on 12.5 kHz of channel bandwidth and not at 6.25 kHz bandwidth. Since the county is deploying an ultra-efficient system designed to operate at 6.25 kHz, all existing equipment must be replaced.

**D. Planned System Upgrades.**

Dixie County is in the final stages of make significant improvements to its current system that go beyond the changes required by the Commission for narrowband migration. The County is installing a seven site, 6.25 kHz digital NXDN VHF system for all county communications with a microwave backhaul system. This new backhaul system will replace the interference-prone VHF/UHF remote base link radios currently providing backhaul.

**E. Sources of funding and budget approval process.**

The County's narrowband project is receiving funding from the following sources: 1) fire assessment, 2) EMS assessment, 3) law enforcement, 4) municipalities, and 5) general Dixie County funds. The budget approval process involves making a presentation and obtaining approval from The Dixie Board of County Commissioners. The budget for the narrowbanding migration project has been approved.

**F. Whether the licensee's narrowbanding schedule is impacted by neighboring systems due to interoperability relationships or other interdependencies.**

The County's narrowbanding migration schedule is not affected by neighboring systems.

**G. Plans to minimize the negative impact of extended wideband operations on co-channel and adjacent channel operations.**

If this request for an additional limited extension is approved by the Commission, Dixie County plans to continue minimizing the negative impact of wideband operations on co-channel and adjacent channel operations by restricting use of its current system to two-tone paging and limited voice transmissions, thereby significantly reducing the level of wideband radio traffic and decreasing the risk of harmful interference. Throughout 2013, Dixie County's extended wideband operations have not, to the County's knowledge, caused any harmful interference to co-channel or adjacent channel operations.

**H. Plans to migrate to a non-VHF/UHF band and relinquishment of VHF/UHF Spectrum**

This factor is not applicable to Dixie County, as it does not plan to migrate to a non-VHF/UHF band.

In addition, limited waiver and further extension is warranted in this case because strict enforcement of the narrowbanding deadline would not serve the underlying purpose of Section 90.209(b). The County is in the final stages of deploying a spectrally efficient, seven site 6.25 kHz, countywide interoperable system, and plans to swiftly complete the construction and deployment of its new system once the requisite coordinated frequencies have been received. Allowing the County additional time in which to deploy this new system will further the purpose of the rule by enabling the County to deploy spectrally efficient equipment without disruption of critical public safety communications.

Grant of this limited waiver and extension request will also serve the public interest by supporting Dixie County's good faith efforts to expeditiously complete deployment of an improved, countywide interoperable, narrowband communications system. Most importantly, grant of this additional waiver request will serve the public interest by preventing dangerous disruptions to public safety communications. In addition, approval of this request is appropriate because Dixie County does not have an interoperability relationship or interdependency with any neighboring systems, and will not negatively impact any co-channel or adjacent channel operations. In the alternative, if the Commission does not approve this additional extension of the narrowbanding transition deadline, the County will face disruption of critical County public safety communications, thereby endangering the lives, safety, and property of Dixie County citizens, contrary to the public interest.

### **III. Conclusion**

For the reasons set-forth above, Commission approval of the requested waiver is warranted. In the past year, Dixie County has worked diligently, allocating hundreds of thousands of dollars in an attempt to meet the revised deadline for converting its public safety communications system to advanced narrowband technology. Despite the County's good-faith efforts, however, unforeseen delays associated with FCC frequency authorization and coordination process have precluded full migration of the Licenses to narrowband technology by the January 1, 2014 deadline. Grant of this request for a waiver and further extension of time will serve the public interest by preventing disruption to critical communications among the local law enforcement, medical, transit, and public safety entities working to protect the lives and property of residents throughout Dixie County during the limited extension period. Accordingly,

Dixie County respectfully requests that the Commission grant the requested waiver and further extension of the Section 90.209(b) narrowband migration deadline until January 1, 2015.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "DLH", with a long, sweeping horizontal flourish extending to the right.

Donald L. Herman, Jr.  
Susan C. Goldhar Ornstein  
Herman & Whiteaker, LLC  
*Its attorneys*

Dated: December 20, 2013

**DECLARATION OF MIKE CASSIDY**

I, Mike Cassidy, do hereby declare under penalty of perjury that the foregoing is true and correct:

1. I am the County Manager for Dixie County, Florida.
2. I have read the forgoing "Request for Waiver and Further Extension." I have personal knowledge of the facts set forth therein, and I believe them to be true and correct.



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Mike Cassidy  
County Manager,  
Dixie County, Florida

Dated: December 20, 2013