



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

News Media Information 202 / 418-0  
Internet: <http://www.fcc.gov>  
TTY: 1-888-835-5

DA 12-1307

Released: August 10, 2012

**PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SEEKS COMMENT ON NEXTEL COMMUNICATIONS, INC. REQUEST FOR TEMPORARY WAIVER OF SECTION 90.210 OF THE COMMISSION'S RULES IN CONNECTION WITH STATIONS WPQF924 AND WNMD429 LICENSED TO GENESEE COUNTY, NEW YORK**

**WT Docket 02-55**

**Comment Date: August 24, 2012**

The Public Safety and Homeland Security Bureau seeks comment on Nextel Communications, Incorporated's petition for temporary waiver of Section 90.210 of the Commission's rules (emission mask), codified at 47 C.F.R. § 90.210, relative to the mobile and portable radios used in the 800 MHz public safety communications system, call signs WPQF924 and WNMD429, licensed to Genesee County, New York.<sup>1</sup> The request for a temporary waiver, if granted, would permit the Genesee County mobile and portable radios -- but not base stations -- to be operated with 5 kilohertz frequency deviation, thereby accommodating Genesee County's Four-Level Recovery for Extended Distance (FRED) encryption system.<sup>2</sup>

Interested parties may file comments on or before the dates listed on the first page of this *Public Notice*. All pleadings must reference WT Docket No. 02-55, and should identify the specific waiver request(s) to which the comments are directed. Parties may file comments using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies.<sup>3</sup>

- Electronic Filers: File comments electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.

---

<sup>1</sup> Nextel Communications, Inc. Petition for Temporary Waiver, Aug. 7, 2012 (Petition). Nextel Communications, Inc. (Nextel) is a wholly owned subsidiary of Sprint Nextel Corp. *Id* at 1. The Petition may be viewed by accessing the Commission's Electronic Comment Filing System (ECFS) at <http://apps.fcc.gov/ecfs/>.

<sup>2</sup> Four-Level Recovery for Extended Distance (FRED) is a modulation scheme used within certain Motorola simulcast systems to improve coverage of encrypted channels in a simulcast network. FRED will not reliably operate on the inbound link (mobile/portable-to-base) with the 4 kilohertz deviation required to meet the emission mask applicable to NPSPAC channels. Accordingly, Nextel proposes that the Genesee County portable and mobile radios operate with 5 kilohertz deviation, which would result in their waveform exceeding the emission mask applicable to NPSPAC channels. *See* 47 C.F.R. § 90.210. Nextel proposes that the waiver terminate if and when Genesee County discontinues use of its FRED encryption. Petition at 6-7.

<sup>3</sup> *See* Electronic Filing of Documents in Rulemaking Proceedings, GC Docket No. 97-113, *Report and Order*, 13 FCC Red 11322 (1998).

- If multiple docket or rulemaking numbers appear in the caption of this proceeding, ECFS filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and include the following words in the body of the message, “get form.” A sample form and directions will be sent in response.
- Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Send filings by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). Address filings to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission.

- Deliver hand-delivered or messenger-delivered paper filings to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554 between 8:00 AM and 7:00 PM. Use rubber bands or fasteners to hold deliveries together. Dispose of all envelopes before entering the building.
- Send commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- Send U.S. Postal Service first-class, Express, and Priority mail to 445 12th Street, SW, Washington DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

Address all filings to the Commission’s Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12<sup>th</sup> Street, SW, Room TW-A325, Washington, DC 20554. Parties should also send a copy of their filings to Roberto Mussenden, Policy and Licensing Division, Public Safety and Homeland Security Bureau, Federal Communications Commission, Room 7-B553, 445 12<sup>th</sup> Street, SW, Washington, DC 20554.. Parties shall also serve one copy with the Commission’s copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12<sup>th</sup> Street, SW, Room CY-B402, Washington, DC 20554, (202) 488-5300, or via e-mail to [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com).

Documents in WT Docket No. 02-55 are available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12<sup>th</sup> St. SW, Room CY-A257, Washington, D.C. 20554. The documents are available for purchase from BCPI, telephone (202) 488-5300, facsimile (202) 488-5563, TTY (202) 488-5562, e-mail [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com). These documents are also available for viewing on the Commission’s website at <http://www.fcc.gov/cgb/ecfs>.

Because of the policy implications and potential impact of this proceeding on persons not party to these applications, it is in the public interest to treat this waiver request as a permit-but-disclose proceeding under the *ex parte* rules. See Sections 1.1200(a) and 1.1206 of the Commission’s rules, 47 C.F.R. §§ 1.1200(a) and 1.1206. Therefore, subsequent to the release of this *Public Notice*, we will allow *ex parte* presentations that address issues involved in the subject waiver request will be allowed, provided

they are disclosed in accordance with the requirements of Section 1.1206(b) of the Commission's rules, 47 C.F.R. § 1.1206(b).

For further information, contact Mr. Roberto Mussenden of the Policy and Licensing Division, Public Safety and Homeland Security Bureau at (202) 418-1428 (voice), (202) 418-7233 (tty), or via e-mail at [Roberto.Mussenden@fcc.gov](mailto:Roberto.Mussenden@fcc.gov).

By the Deputy Chief, Policy Division, Public Safety and Homeland Security Bureau.

- FCC -