

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

In the Matter of)	
)	
Monsey Fire District, New York)	DA 25-412
Request for Assignment of 800 MHz SMR)	File No. 0011089434
Pool Channel)	

To: Chief, Public Safety and Homeland Security Bureau

**COMMENTS
OF THE
ENTERPRISE WIRELESS ALLIANCE**

The Enterprise Wireless Alliance (“EWA”), in accordance with Section 1.415 of the Federal Communications Commission (“FCC”) rules, supports the Monsey Fire District request for a waiver to add an 800 MHz Specialized Mobile Radio (“SMR”) Pool channel to its system.¹ The application is supported by a certification from the Association of Public Safety Communications Officials, International (“APCO”) stating that there are no non-NPSPAC, 800 MHz public safety, general category, B/ILT, or 700 MHz/800 MHz NPSPAC channels that can be assigned for Monsey’s use.² EWA has confirmed APCO’s spectrum availability analysis and agrees that the SMR channel requested is available and is the only 800 MHz channel that could be assigned for Monsey’s use. The application should be granted without further delay.

Indeed, the application could have been granted routinely almost a year ago when it was filed had Monsey not been required to request a waiver of Rule Section 90.617(d). A waiver was needed because of legacy 800 MHz eligibility categorizations that assign individual

¹ *The Public Safety and Homeland Security Bureau Seeks Comment on an Application and Waiver Request Filed by Monsey Fire District to License an SMR Pool Channel*, Public Notice, DA 25-412 (rel. May 14, 2025) (“Public Notice”).

² Public Notice at 2.

channels to “pools” based on the activity in which the applicant is engaged. These classifications remain in effect even though 800 MHz channels are assigned based on identical technical criteria set out in Rule Section 90.621 and in spite of the fact that the 800 MHz rebanding process assigned replacement channels without reference to eligibility, thereby rendering moot the concept that 800 MHz licensees engaged in similar activities should be grouped on a subset of 800 MHz channels.

Thus, even though an FCC-certified frequency advisory committee determined – correctly – that the channel in question was available and there was no alternative channel that would meet Monsey’s requirements, the Fire District will have waited a year before its application is processed. That processing is further delayed by an FCC practice of issuing Public Notices seeking comment on such waiver requests. EWA has previously questioned why public input is needed when a waiver request is not precedential³ and the FCC has the ability to verify the coordinator’s determination as to channel availability.⁴ It seems improbable that a third party would have a credible basis to challenge Monsey’s need for an additional channel, the only other rationale for inviting public comment. Even with the relatively brief filing deadlines in the instant Public Notice, a minimum of another 30 days will have been added to the processing time, to say nothing of the time spent by FCC staff preparing the Public Notice and monitoring the record.

EWA has recommended a solution to this issue, one that would eliminate the need for waivers and thereby relieve both the applicant and FCC staff of an unnecessary process. It filed a Petition for Rulemaking proposing that all 800 MHz channels between 809-816/854-861 MHz

³ The FCC has previously granted waiver requests for public safety entities to use SMR channels upon a showing that no alternative channels were available. *See, e.g., North Carolina State Highway Patrol*, Order, DA 24-716 (rel. July 24, 2024). EWA also supported that waiver request.

⁴ This issue was raised recently by the National Wireless Communications Council of which EWA is a member in Comments in GN Docket No. 25-133 (filed Apr. 11, 2025).

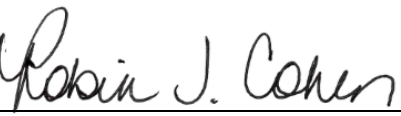
be reclassified as General Category and made available to any qualified applicant.⁵ The Petition has received support from enterprise entities and SMR operators. It has been opposed by public safety entities and organizations in what seemingly is a kneejerk reaction based on fear that public safety entities will lose “their” spectrum to commercial licensees because governmental procurement processes will put them at a disadvantage in a spectrum race.⁶

In fact, there is no spectrum race. The 800 MHz band has been licensed for more than 40 years. It is already fully licensed in much of the country and remains available in more rural areas. It will always be the case that some licensees wish to expand their systems, but there is no speculative frenzy to acquire spectrum for resale purposes, as evidenced by the fact that Monsey has identified an available SMR channel in the New York metropolitan area. It is public safety applicants like Monsey that would benefit from the rule change proposed in the Petition both in terms of time to acquire the spectrum it needs and avoiding whatever cost it incurred in preparing and prosecuting its waiver request.

For these reasons, EWA recommends grant of Monsey’s waiver request and urges the FCC to issue a Notice of Proposed Rulemaking in response to the Petition.

Respectfully submitted,

ENTERPRISE WIRELESS ALLIANCE

By: 
Robin J. Cohen
President/CEO
13221 Woodland Park Road
Suite 410
Herndon, Virginia 20171
(703) 528-5115

⁵ Petition for Rulemaking of the Enterprise Wireless Alliance, Amendment of Certain Part 90 Subpart S 800 MHz Rules (809-816/854-861 MHz) to Promote More Efficient Use of Spectrum Within That Band, RM-11978 (filed Oct. 26, 2022, refiled Feb. 27, 2024) (“Petition”). The Petition was placed on Public Notice on Apr. 4, 2024.

⁶ Of course, many non-public safety entities have procurement processes as or even more rigorous than certain public safety applicants.

Counsel:

Elizabeth R. Sachs
Lukas, LaFuria, Lantor & Sachs, LLP
8350 Broad St., Ste. 1450
Tysons, VA 22102
(703) 584-8678

May 29, 2025