

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

In the Matter of

City of Beacon, Fire Department, New York	)	DA 26-620
Waiver Request to License a UHF Channel Pair	)	File No: 0011998698
From the Industrial/Business Pool	)	

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, submits its Comments in response to the Public Safety and Homeland Security Bureau Public Notice¹ seeking comment on the application and waiver request (“Waiver Request”) filed by the City of Beacon Fire Department (“Beacon” or “Applicant”). As described in the Waiver Request, the Applicant provides fire protection and emergency response services in the Beacon, New York area and needs a repeater system for dispatch and on-scene communications.² It states the area has “extremely high spectrum congestion and limited spectrum availability.”³ The Waiver Request is accompanied by a letter from APCO International (“APCO”) stating it conducted an availability analysis and found no assignable public safety (“PS”) pool channels. On that basis, Beacon requests a waiver of FCC Rule Section 90.20 to allow its use of an Industrial/Business (“I/B”) Pool channel, 462/7.300 MHz

¹ *The Public Safety and Homeland Security Bureau Seeks Comment on an Application and Waiver Request from the City of Beacon Fire Department, New York to License a UHF Channel Pair from the Industrial/Business Pool*, Public Notice, DA 26-620 (rel. June 24, 2026) (“Public Notice”).

² Waiver Request at 1.

³ *Ibid.*

(“Channel”).⁴ The Waiver Request is supported by a letter from Forest Industries Telecommunications that states, “There are no business licensee that conflict with this authorization request.”⁵

EWA agrees the greater New York metropolitan area where Beacon is located is a heavily congested telecommunications market for all types of licenses, including both PS and I/B entities. It supports FCC actions that provide entities such as Beacon, charged with life-saving responsibilities, with spectrum consistent with their need for available, reliable communications. It is for just that reason that EWA questions whether the Channel requested will serve the Applicant’s need.

The justification for Beacon’s Waiver Request is APCO’s statement that it has “found no public safety frequencies that will work at the proposed site due to co-channel users that do not meet coordination protocols and/or frequency limitations.”⁶ Its letter further states that the frequency search in support of that finding is attached. EWA assumes the FCC was able to review the attachment, although it is not in ULS. While EWA would like the opportunity to review that data, it does not doubt that under the “coordination protocols and frequency limitations” cited by APCO there are no assignable PS channels. That is because APCO and other PS frequency advisory committees (“PS FACs”) do not necessarily follow the FCC criteria for Part 90 VHF and UHF channel exclusivity as specified in Section 90.187, but treat PS licensees as entitled to protected status.⁷ Applications for new or modified PS channel assignments are analyzed to see

⁴ The waiver would actually be of Section 90.35(a), which defines eligibility for I/B spectrum, the rule section cited in the Public Notice.

⁵ EWA assumes this means the Applicant’s proposed contour does not overlap the protected contour of an I/B licensee authorized for FB8 status.

⁶ APCO Letter.

⁷ EWA, and it believes all other I/B FACs, coordinate applications in accordance with Section 90.187. Because those criteria for channel exclusivity are stringent, most I/B licenses, particularly in congested areas where shared channels have been licensed for decades, cannot meet them. Their channels remain available for additional shared use.

if they would create an interference contour overlap with the service contour of any incumbent. If so, the channel(s) can be assigned only if each such incumbent agrees to provide a Letter of Consent (“LoC”), which is not always given.

EWA understands the desire of PS FACs to provide interference-free communications for all PS licensees, even if those coordination protocols are not supported by FCC rules. When there is an abundance of assignable spectrum, it may be a sound practice. However, in the case of Beacon, the result will be that this Fire Department will need to share the proposed Channel with multiple I/B licensees with contour overlaps like those that prevent it from sharing with another PS licensee.⁸ It will be bound by Sections 90.403(c) and (e) that require it to monitor before transmitting and to refrain from transmitting while other communications are in progress, even if it needs to engage in life-saving activities.

There is another aspect of this application that warrants review. Beacon has operated at its currently licensed location under call sign KGW661 since prior to 2001 with a mobile area of operation of 8 km since 2004. The instant application proposes to deploy the I/B Channel at a site in a different county and with a 32 km area of operation around the proposed site. The Waiver Request states that the proposed channel will be used to support “life-saving operations, including fire suppression and emergency medical response,” not for some secondary, back-up purpose that might only be needed intermittently.⁹ It is unclear how that differs from the activities conducted on its current channel and why the proposed area of operation is four times its authorized service area. The Waiver Request does not indicate Beacon has identified a need for expanded coverage, which presumably would also apply to its current PS channel.

⁸ Attachment A is a list of co-channel I/B licensees with sites within 50 miles of Beacon’s proposed site. Contour maps showing Beacon’s overlapping interference contour and the service contours of the five closest I/B incumbents are provided in Attachment B.

⁹ Waiver Request at 1.

PS users and the organizations that represent them have taken the position for decades that they require dedicated spectrum because they cannot share with non-PS systems. The FCC has been responsive to that argument with PS-only allocations at 700 MHz and 4.9 GHz and PS-only channels in Part 90 VHF, UHF, T-Band, and 800 MHz bands. If those spectrum set-asides cannot accommodate the needs of this fire department, EWA submits that both Beacon and the I/B incumbents with which it will be sharing the Channel need to be advised of the situation if this application is granted. Beacon must accept the Channel with the understanding that its usage rights are not superior to the rights of incumbent and future co-channel I/B licensees. Affected I/B incumbents need to be advised they will be sharing the Channel with a fire department and given the opportunity to express any concerns they have for consideration by Beacon and the FCC. This includes the fact that their FCC-authorized transmissions might lawfully delay a fire department communication, a challenging situation for both parties. EWA will undertake the incumbent notification process.

EWA suggests the FCC should not complete the processing of this application until EWA has contacted affected I/B incumbents, including the licensee of WQAW905 which is authorized for this Channel at the new site requested by Beacon with almost identical technical parameters.¹⁰ This notification process is comparable to what would be required for a PS channel¹¹ and would work to allay EWA's significant concerns about whether this solution will prove satisfactory to the Applicant and incumbents. It is difficult to imagine that a fire department can meet its public safety obligations when its communications can be delayed because the transmissions of co-channel licensees are in progress. If the FCC grants the Waiver Request, the grant should be

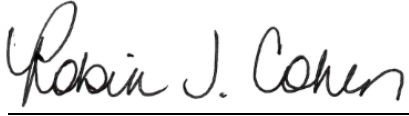
¹⁰ The WQAW905 license shows a ground elevation of 122 meters at the site. This has been corrected to 211.5 meters in the Beacon application.

¹¹ EWA will be proposing to the National Wireless Communication Council that PS FACs follow their normal consent process vis-à-vis I/B incumbents when assisting an applicant seeking a waiver to use an I/B channel.

expressly conditioned on compliance with Sections 90.403(c) and (e) so Beacon is fully aware of its responsibilities on a shared I/B Channel.

Respectfully submitted,

ENTERPRISE WIRELESS ALLIANCE

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Attachment A
462/7.300 MHz Industrial/Business (I/B) Incumbents
Within 50 Miles of The City of Beacon Fire Department, New York

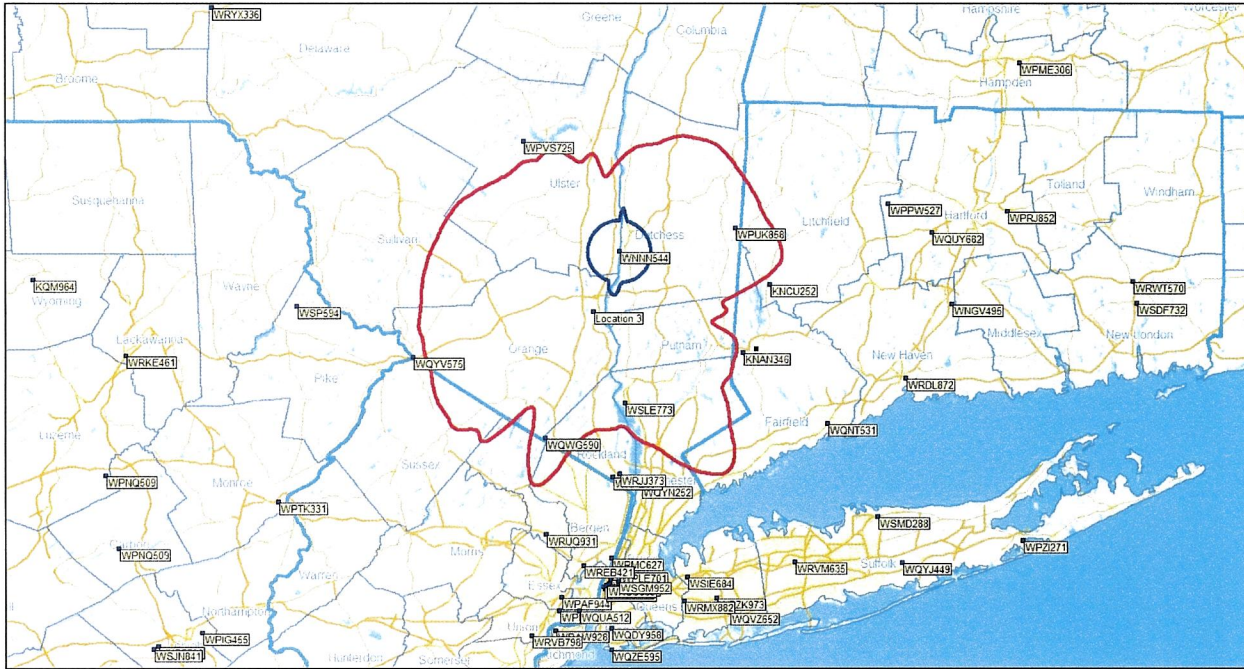
<u>Distance (Miles)</u>	<u>I/B Licensee</u>	<u>Call Sign¹</u>
0.0	A1 Communications	WQAW905
12.22	Poughkeepsie Galleria	WNNN544
18.02	Master Meter	WSLE 773
25.08	Watchtower Bible & Tract Society	WQWG590
28.8	Boehringer Ingelheim Pharmacy	KNAN346
30.36	Aluf Plastics	WRIJ373
30.54	A1 Communications	WPUK858
30.72	J.P. Morgan Chase Company	WRFE694
33.02	Kimberly Clark Corp.	KNCU252
33.38	Mercy College	WQYN252
34.36	Repeater Network	WPVS725
42.12	Amazon.com	WRUQ931
45.48	Skanska, Inc.	WQSW994
45.56	ARS Industries	WQGH989
45.74	Transcom	WPMC627
47.13	Ameream LLC	WREB421
48.06	Bridgeport Board of Education	WQNT531
48.40	Mt. Sinai Medical Center	WPLE701
49.75	Jazz at Lincoln Center	WQBB867

¹ All licenses are current.

Attachment B

The City of Beacon Fire Department's Overlapping Interference Contour and the Service Contours of the Five Closest I/B incumbents

Attachment B1	Poughkeepsie Galleria	12.22 Miles
Attachment B2	Master Meter	18.02 Miles
Attachment B3	Boehringer Ingelheim Pharmacy	28.80 Miles
Attachment B4	Watchtower Bible & Tract Society	25.80 Miles
Attachment B5	A1 Communications	00.00 Miles



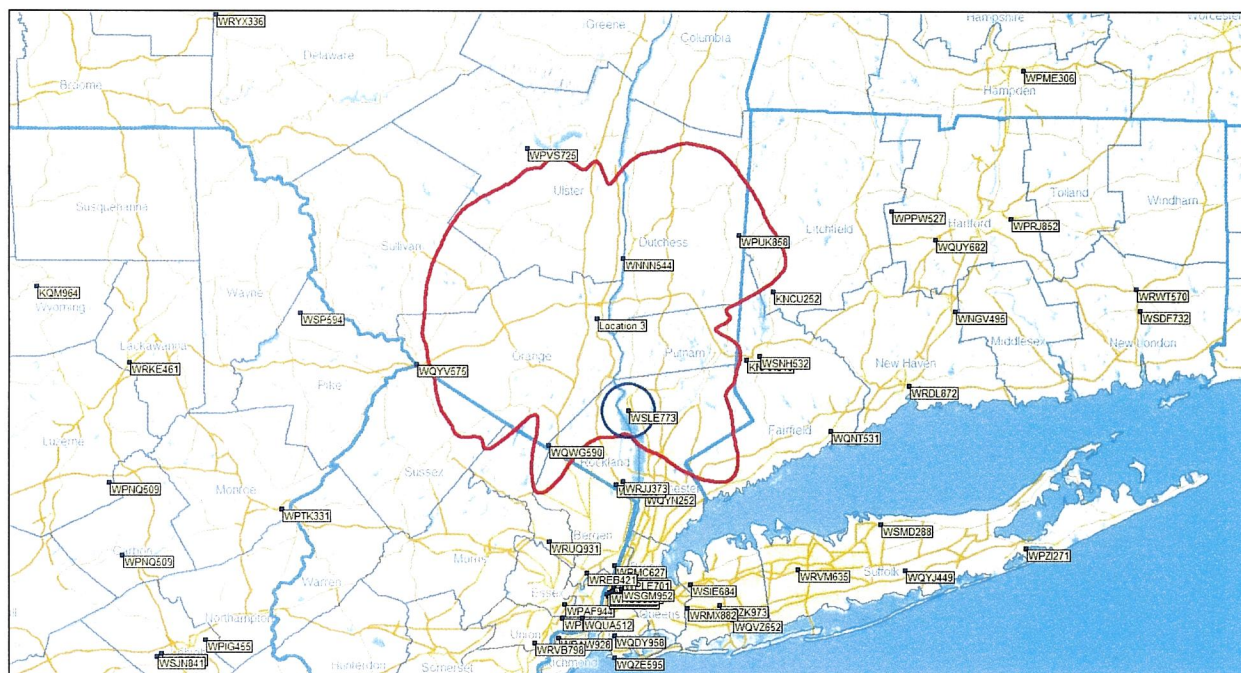
Callsign	Latitude	Longitude	Freq (MHz)	Antenna Height (m)	ERP (W)	Emission
Location 3	41° 29' 16.3" N	74° 02' 34.1" W	462.3000	24.3	100	11K2F3E
WNN544	41° 39' 03.3" N	73° 57' 04.5" W	462.30000	17.1	50.0	11K2F3E

Red - Proposed 21 dBu interference contour

Blue - Existing 39 dBu service contour

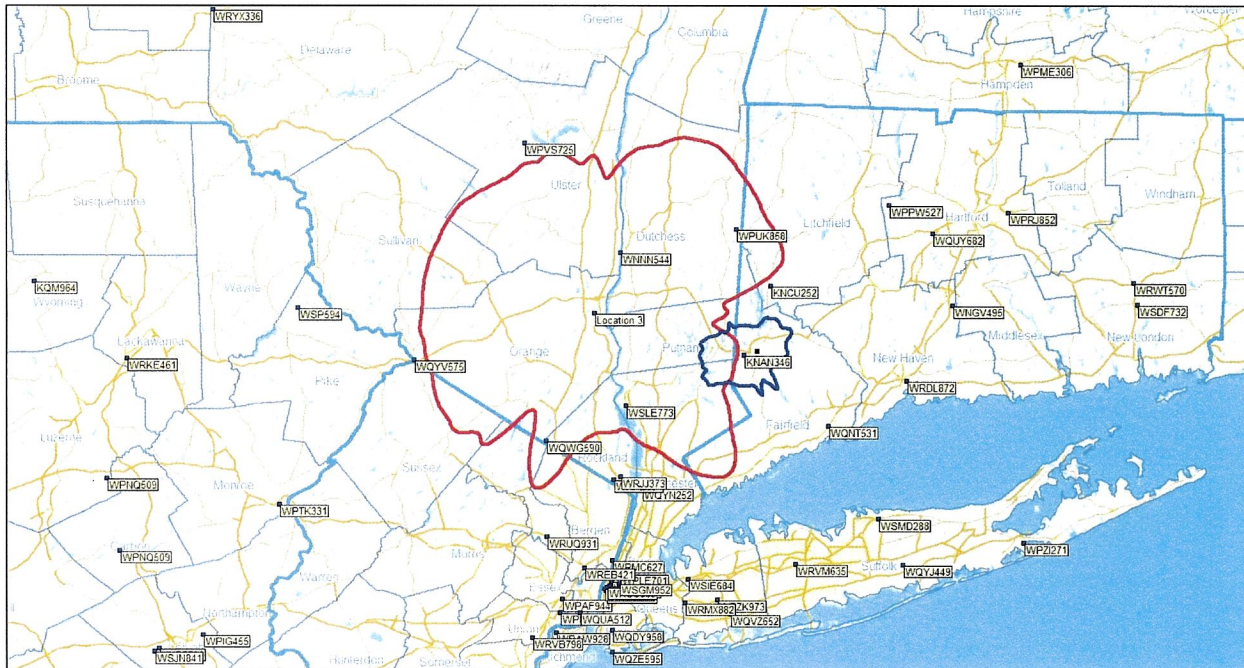


Attachment B2



Callsign	Latitude	Longitude	Freq (MHz)	Antenna Height (m)	ERP (W)	Emission
WSLE773	41° 14' 27.3" N	73° 55' 52.6" W	462.30000	2.0	20.0	5K10F2D
Location 3	41° 29' 16.3" N	74° 02' 34.1" W	462.3000	24.3	100	11K2F3E

Blue - Existing service contour



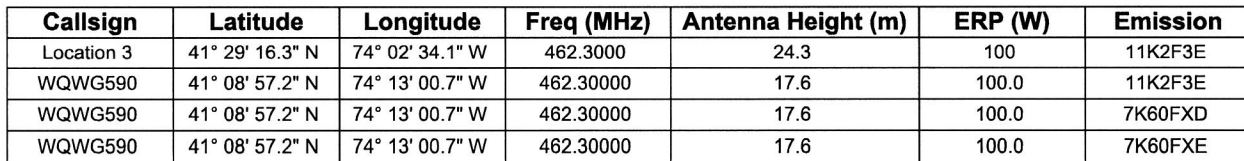
Callsign	Latitude	Longitude	Freq (MHz)	Antenna Height (m)	ERP (W)	Emission
Location 3	41° 29' 16.3" N	74° 02' 34.1" W	462.3000	24.3	100	11K2F3E
KNAN346	41° 22' 30.3" N	73° 30' 27.4" W	462.30000	20.0	40.0	11K0F3E

Red - Proposed 21 dBu interference contour

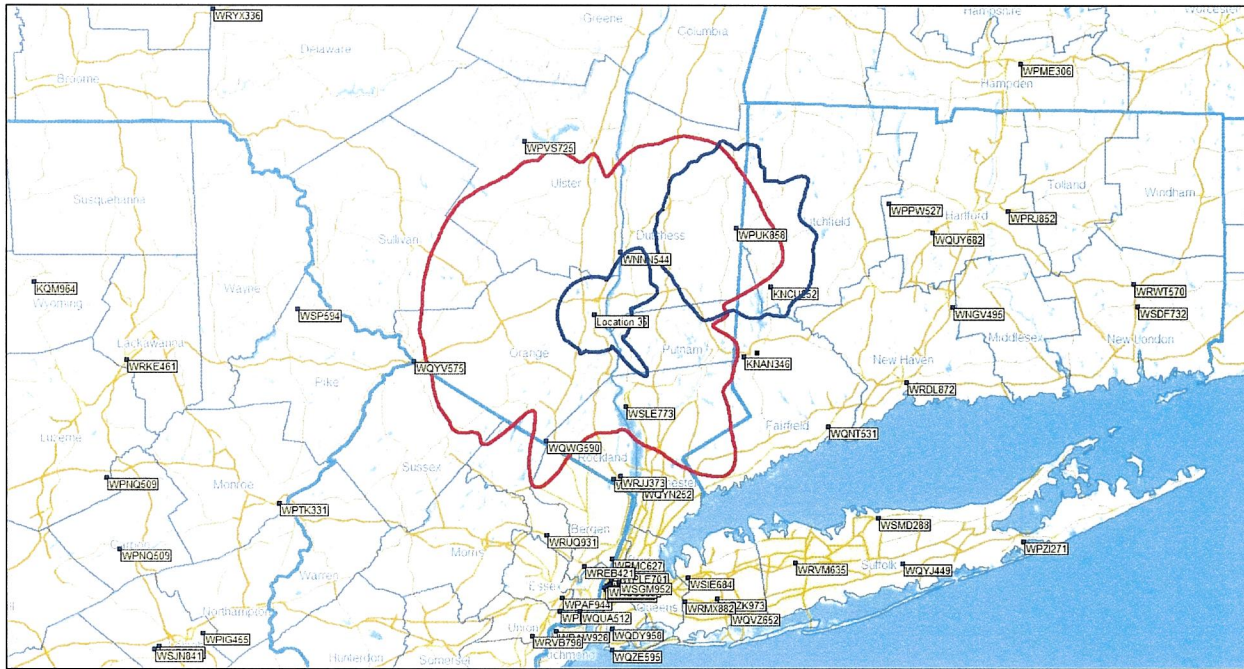
Blue - Existing 39 dBu service contour



Attachment B4



Blue - Existing 39 dBu service contour



Callsign	Latitude	Longitude	Freq (MHz)	Antenna Height (m)	ERP (W)	Emission
Location 3	41° 29' 16.3" N	74° 02' 34.1" W	462.3000	24.3	100	11K2F3E
WPUK858	41° 42' 50.3" N	73° 32' 05.5" W	462.30000	45.0	40.0	11K2F1D
WPUK858	41° 42' 50.3" N	73° 32' 05.5" W	462.30000	45.0	40.0	11K2F3E
WQAW905	41° 29' 16.3" N	74° 02' 34.1" W	462.30000	24.3	100.0	11K2F3E

Red - Proposed 21 dBu interference contour

Blue - Existing 39 dBu service contour