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August 12, 2026

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
45 L Street, N.E.
Washington, D.C. 20554

**RE: City of Beacon Fire Department, New York
ULS File Number 0011998698
DA 26-620
Ex Parte Letter**

Dear Ms. Dortch:

The Federal Communications Commission (“FCC”) has received Comments and Reply Comments in response to its Public Notice regarding the above-identified application and waiver request filed by the City of Beacon (“Beacon”).¹ Beacon has requested a waiver to use an Industrial/Business (“I/B”) UHF channel for which it is not eligible as a governmental entity. This particular application involves only a single channel at a single transmitter site, which might seem a matter that would not warrant substantial interest. However, its precedential significance for the Part 90 frequency coordination process and its implications for Part 90 VHF and UHF spectrum assigned for I/B usage warrant careful FCC consideration.

Beacon’s waiver request relies on the certification by APCO that there are “no UHF 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.”² APCO’s Reply Comments state the FCC does not need to resolve “the broader policy debate raised by EWA regarding public safety coordination methodology to grant [Beacon’s] waiver request”³ but APCO is incorrect. That issue is at the heart of the matter since that methodology, or as APCO calls it

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 Forest Industries Telecommunications (“FIT”), an I/B frequency advisory committee (“FAC”) filed in support stating there were no business licensees that would conflict with the City’s use of the channel.

³ APCO Reply Comments at 4 (filed Aug. 10, 2026) (“APCO Reply”).

its “coordination philosophy,”⁴ is the foundation on which the City’s waiver request lies: Can the coordination protocols of APCO and other public safety FACs, protocols that are not supported by any FCC rule, be used to justify waiver relief?

The rules governing Part 90 VHF and UHF spectrum are clear. All spectrum is shared and licensees are required to monitor before transmitting and take other appropriate measures to avoid co-channel interference.⁵ The only provision for securing a service area protected from the subsequent assignment of co-channel licensees is by qualifying as a centralized trunked system in accordance with Section 90.187(d). The FCC could exempt public safety licensees from these rules but has never done so. Yet, as shown on Attachment A, there are no co-channel public safety licenses within 50 miles of Beacon’s proposed location.⁶ Each public safety channel is assigned to one and only one licensee, even when the systems are authorized for mobile-only use,⁷ a coordination philosophy that guarantees saturation of public safety channels in urban areas.⁸

APCO does not argue that this methodology has a basis in the FCC rules. Rather, it states that the requirements of public safety agencies justify a coordination methodology beyond those rules, one that ensures reliable communications for first responders that “depend upon immediate and uninterrupted communications during emergencies.”⁹ How that policy can be reconciled with relegating Beacon to a shared I/B channel on which it will be required to monitor for current and future co-channel traffic from multiple incumbents before transmitting its emergency communications is unknown. Why it is superior to having Beacon share a channel with a single public safety incumbent is not explained. In fact, the result for Beacon will be entirely opposite to APCO’s claim that “[t]he determination of non-availability in this case was based on the operational needs of the applicant, not merely on the philosophy that one more user can always be pushed onto a channel.”¹⁰ Beacon, in fact, is being “pushed onto” a channel that is already assigned to multiple I/B incumbents and likely will support more over time rather than sharing with a single public safety incumbent. The choice is not between no spectrum at all for Beacon or shared I/B spectrum. It is between sharing an I/B channel or a public safety channel.

As stated in its Reply Comments, EWA has no position on what coordination philosophy public safety FACs apply to assignment of public safety spectrum. It cares only when that philosophy results in a situation such as this one where APCO says “the practical reality [is] that the public safety UHF pool in this region has reached saturation.”¹¹ Unless

⁴ *Ibid.*

⁵ See 47 C.F.R. §§ 90.403(c) and (e).

⁶ A number of UHF public safety channels are not assigned to any licensee within that 50-mile radius.

⁷ Apparently, none of these licensees, including other fire departments with mobile only operations, would consent to sharing a single channel with Beacon.

⁸ It must be noted that not all public safety communications involve mission-critical transmissions. Much of the work government does is effectively indistinguishable from the activities of non-governmental entities. School buses operated by private companies must live in a shared spectrum environment, while those operated by school employees are assigned exclusive channels under the public safety FAC philosophy.

⁹ APCO Reply at 3.

¹⁰ *Id.* at 4

¹¹ *Ibid.*

Beacon is the last public safety entity that ever requests a UHF channel in the New York metropolitan area, this waiver request will be followed by others, all predicated on the position that public safety entities are better off with unlimited I/B sharing and the potential for delayed communications rather than sharing with a public safety incumbent.

Finally, if the FCC accepts this coordination philosophy untethered to FCC rules, EWA, and it expects other I/B FACs, must consider applying it to non-governmental applicants for whom immediate and uninterrupted communications during emergencies is also critical to protection of life and property. Among the I/B entities that come to mind immediately are those engaged in space launch activities, in maintaining nuclear power plants, and in HAZMAT clean up and disposal, but there undoubtedly are others. It will not assign their frequencies to applicants with overlapping contours without consent, even if the incumbent system does not qualify for centralized trunked status under Section 90.187. It assumes the FCC will support that approach should an applicant denied a frequency object and will support waiver relief for I/B applicants seeking available public safety channels should I/B spectrum become saturated.

Sincerely,

ENTERPRISE WIRELESS ALLIANCE

A handwritten signature in black ink that reads "Robin J. Cohen". The signature is fluid and cursive, with the first name "Robin" being more prominent than the last name "Cohen".

Robin J. Cohen
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Attachment

ATTACHMENT A

Call Sign	R/S	Frequency	Dist (mi)	Station Class
WNMH372	PW	451.15	40.77	FX2
WNUN217	PW	452.225	44.63	FB2
KKV530	PW	452.85	47.73	FB2
KGL596	PW	452.875	24.93	FXO
WNVY974	PW	453.0125	31.02	MO
WSAA537	PW	453.025	19.75	FB2
WPLE879	PW	453.0375	10.43	MO
WPSK841	PW	453.05	12.85	FB2
WPCP817	PW	453.0625	7.09	MO3
WQOJ277	PW	453.075	12.89	FB2
WQOJ277	PW	453.0875	12.89	MO
WPCP817	PW	453.1	7.09	FB2
WPVV434	PW	453.1125	5.65	MO
WPKK717	PW	453.125	12.1	FB2
WQMN838	PW	453.1375	15.59	MO
WNUA365	PW	453.15	3.82	FB2
WQWS996	PW	453.1625	8.94	MO
WQBD683	PW	453.175	21.65	FB2
WRUL880	YW	453.1875	6.69	FB8
WPIC967	PW	453.2	17.4	FB2
WQTF605	PW	453.2125	3.39	FB2
WRDJ817	PW	453.225	5.3	FB2
WSJR566	PW	453.2375	5.08	FB2
WQAB833	PW	453.25	11.83	MO
WSJR566	PW	453.2625	5.08	MO
KEI603	PW	453.275	15.36	FB2
WPEU883	PW	453.2875	9.3	MO
KJP291	PW	453.3	14.98	FX2
WPLE879	PW	453.3125	10.43	FB
KNAK515	PW	453.325	3.58	FB2
WRXX592	PW	453.3375	0	FB2
WRCX871	PW	453.35	6.37	FB2
WZU973	PW	453.3625	10.83	FB
WQKR532	PW	453.375	13.89	FXO
WQQZ821	PW	453.3875	13.33	FB2
WPZT277	PW	453.4	4.71	FB
WPTK360	PW	453.4125	9.46	FB2
KRA529	PW	453.425	6.69	FB2
KB41601	PW	453.4375	16.2	MO
WPFT638	PW	453.45	20.08	MO
WQTF605	PW	453.4625	3.39	FB2

Call Sign	R/S	Frequency	Dist (mi)	Station Class
KRW403	PW	453.475	3.09	FB2
KEB891	PW	453.4875	16.73	FB2
WQXL767	PW	453.5	11.45	FB2S
WRER323	PW	453.5125	10.78	FB2
KRA529	PW	453.525	6.69	FB2
WRPT609	YW	453.5375	12.87	FB8
WPCP817	PW	453.55	6.22	FB2
WQWS996	PW	453.5625	8.94	MO
WPZT277	PW	453.575	4.71	FB
WQOF296	PW	453.5875	9.49	FB2
KDB409	PW	453.6	2.29	FB2
KB41601	PW	453.6125	16.2	MO
WQYB209	PW	453.625	3.44	FB2
KGW661	PW	453.6375	4.06	FB2
KEI603	PW	453.65	15.36	FB2
WRWU807	PW	453.6625	16.66	FB2
WPZT601	PW	453.675	5.48	MO
KED862	PW	453.6875	16.58	MO
WQCY607	PW	453.7	8.05	FB2
WQTF605	PW	453.7125	3.39	FB2
WPEU883	PW	453.725	9.3	FB2
WNKR311	PW	453.7375	13.64	FB2
WQCP823	PW	453.75	12.22	FB2
KB41601	PW	453.7625	16.2	MO
WPZT601	PW	453.775	5.48	FB
WQJL671	PW	453.7875	7.51	MO3
WQYB209	PW	453.8	3.44	FB2
WNVK359	PW	453.8125	3.47	FB2
WNRF205	PW	453.825	9.93	FB2
WQUS434	PW	453.8375	10.36	FB2
WNVK359	PW	453.85	3.47	FB2
WQTF605	PW	453.8625	3.39	FB2
WQAB823	PW	453.875	5.92	FB2
WPVV434	PW	453.8875	5.65	MO
WQYB209	PW	453.9	3.44	FB2
WPVV434	PW	453.9125	5.65	MO
WQYB209	PW	453.925	3.44	FB2
KNHB511	PW	453.9375	9.02	MO
WPGH685	PW	453.95	17.29	FB2
WPCV243	PW	453.9625	15.19	MO
WPVV972	PW	453.975	3.09	FB2
WPCP817	PW	453.9875	7.09	MO3
WNNMH372	PW	456.15	30.06	FX1

Call Sign	R/S	Frequency	Dist (mi)	Station Class
WNUN217	PW	457.225	44.63	MO
KKV530	PW	457.85	47.73	MO
KGL596	PW	457.875	22.92	FXO
WSII220	PW	458.025	3.63	MO
WPLE879	PW	458.0375	10.43	MO
WPSK841	PW	458.05	14.33	MO
KB41601	PW	458.0625	16.2	MO
WSII220	PW	458.075	3.63	MO
WQOJ277	PW	458.0875	12.89	MO
WPCP817	PW	458.1	7.09	MO
WPVV434	PW	458.1125	5.65	MO
WSII220	PW	458.125	3.63	MO
KB41601	PW	458.1375	16.2	MO
WPUV891	PW	458.15	14.81	MO
WQWS996	PW	458.1625	8.94	MO
WSII220	PW	458.175	3.63	MO
WRUL880	YW	458.1875	6.69	MO8
WPIC967	PW	458.2	17.4	MO
WQMN838	PW	458.2125	15.59	MO
WRDJ817	PW	458.225	5.3	MO
WSJR566	PW	458.2375	5.08	MO
WQVU393	PW	458.25	16.27	MO
WQMN838	PW	458.2625	15.59	MO
WQOF296	PW	458.275	9.94	MO
WPEU883	PW	458.2875	9.3	MO
KJP291	PW	458.3	14.99	FX1
WPLE879	PW	458.3125	10.43	MO
KNAK515	PW	458.325	4.08	MO
WRXX592	PW	458.3375	0	MO
WRCX871	PW	458.35	6.37	MO
WZU973	PW	458.3625	10.83	FX1
WNDU949	PW	458.375	19.28	MO
WQQZ821	PW	458.3875	13.33	MO
WQAB823	PW	458.4	5.92	MO
WPTK360	PW	458.4125	9.46	MO
KRA529	PW	458.425	6.69	MO
KB41601	PW	458.4375	16.2	MO
WQBU382	PW	458.45	22.17	MO
WPCP817	PW	458.4625	7.09	MO3
WQTP470	PW	458.475	16.48	MO
KEB891	PW	458.4875	16.73	MO
WQAB833	PW	458.5	11.83	MO
WRER323	PW	458.5125	10.78	MO

Call Sign	R/S	Frequency	Dist (mi)	Station Class
KRA529	PW	458.525	6.69	MO
WRPT609	YW	458.5375	12.87	MO8
WPCP817	PW	458.55	7.09	MO
WRWU807	PW	458.5625	18.26	MO
WPZT277	PW	458.575	5.48	MO
WQOF296	PW	458.5875	9.49	MO
KDB409	PW	458.6	2.36	MO
KB41601	PW	458.6125	16.2	MO
WPGV746	PW	458.625	31.04	MO
KGW661	PW	458.6375	4.06	MO
KEI603	PW	458.65	15.36	MO
WQGY510	PW	458.6625	17.29	MO
WPGH685	PW	458.675	17.75	MO
KNDS794	PW	458.6875	14.32	MO
WQCY607	PW	458.7	8.05	MO
WPEU883	PW	458.7125	9.3	MO
WPEU883	PW	458.725	9.3	MO
WNKR311	PW	458.7375	13.64	MO
WPCP817	PW	458.75	7.09	MO3
KB41601	PW	458.7625	16.2	MO
WPZT601	PW	458.775	5.48	MO
WQJL671	PW	458.7875	7.51	MO
WNMU345	PW	458.8	25.87	MO
WNVK359	PW	458.8125	3.47	MO
WNRF205	PW	458.825	9.93	MO
WQUS434	PW	458.8375	10.36	MO
WNVK359	PW	458.85	3.47	MO
WPZU836	PW	458.8625	19.51	MO
WQAB823	PW	458.875	5.92	MO
WPVV434	PW	458.8875	5.65	MO
KNGJ567	PW	458.9	41.04	FX1
WQMN838	PW	458.9125	1.88	MO
WRUR871	PW	458.925	49.41	MO
WPVV434	PW	458.9375	5.65	MO
WPGH685	PW	458.95	17.29	MO
WPPH607	PW	458.9625	23.7	MO
WPVV972	PW	458.975	3.09	MO
WQMN838	PW	458.9875	15.59	MO
KEF498	PW	460.0125	24.13	MO
WNKR311	PW	460.025	13.64	FB2
WPQE389	YW	460.0375	14.5	FB8
KSZ753	PW	460.05	13.53	MO
WQPD859	PW	460.0625	21.69	FB2

Call Sign	R/S	Frequency	Dist (mi)	Station Class
WNVK359	PW	460.075	3.44	FB2
KRA529	PW	460.0875	6.69	MO
WSMF986	PW	460.1	14.96	FB2
WQQZ821	PW	460.1125	13.33	FB2
KJZ998	PW	460.125	3.44	FB2
KRA529	PW	460.1375	6.69	MO
WSKC608	PW	460.15	3.44	FB2
WRPT609	YW	460.1625	17.32	FB8
WQSL542	PW	460.175	9.74	FB2
WPQE389	YW	460.1875	14.5	FB8
WPEW348	PW	460.2	16.36	FB2
WNQC875	PW	460.2125	17.54	MO
KNIQ331	PW	460.225	5.9	FB2
WPVV434	PW	460.2375	5.65	FB
KED763	PW	460.25	17.06	FB2
WQPI754	PW	460.2625	11.28	FB
WNRW404	PW	460.275	17.16	FB2
WQXF331	PW	460.2875	7.7	FB2
WPVV434	PW	460.3	3.44	FB2
KRA529	PW	460.3125	6.69	FB2
WQON381	PW	460.325	16.73	FB2
WSJV963	YW	460.3375	11.14	FB8
WNRW404	PW	460.35	17.04	MO
WQRL742	PW	460.35625	12.33	FB2
KRA529	PW	460.3625	6.69	MO
KSZ753	PW	460.375	13.53	MO
WPQE389	YW	460.3875	14.5	FB8
KGW661	PW	460.4	4.06	FB
KNHB511	PW	460.4125	9.02	FB2
WQUS434	PW	460.425	16.36	FB2
KIG615	PW	460.4375	6.77	FB
WQYB209	PW	460.45	3.44	FB2
WRBL386	PW	460.4625	2.21	FB2
WQUH908	YW	460.475	8.35	FB2
WQXL767	PW	460.4875	14.5	MO
WPLE879	PW	460.5	10.43	FB
WPMR275	PW	460.5125	10.83	MO
WSKC608	PW	460.525	3.56	FB
WQWS996	PW	460.5375	8.94	MO
WPQE389	YW	460.55	14.5	FB8
WQXL767	PW	460.5625	14.5	MO
KNFP321	PW	460.575	3.44	FB2
WQMN838	PW	460.5875	15.59	MO

Call Sign	R/S	Frequency	Dist (mi)	Station Class
KNFP321	PW	460.6	3.44	FB2
KDB409	PW	460.6125	2.36	MO
KNFP321	PW	460.625	3.44	FB2
WQPG515	PW	460.6375	6.48	MO
WQIE774	PW	460.975	22.49	FX2
KKV530	PW	461.3875	47.73	MO
WSII220	PW	462.95	3.63	FB
WNPA788	PW	462.9625	11.49	MO
WSII220	PW	462.975	3.63	FB
KZW911	PW	462.9875	30.71	MO
WSFY366	PW	463	1.83	FB
WPLV871	PW	463.0125	6.44	MO
WSFY366	PW	463.025	1.83	FB
WPLV871	PW	463.0375	6.44	MO
WSFY366	PW	463.05	1.83	FB
WPLV871	PW	463.0625	6.44	MO
WSFY366	PW	463.075	1.83	FB
KZW911	PW	463.0875	30.71	MO
WSFY366	PW	463.1	1.83	FB
KZW911	PW	463.1125	30.71	MO
WSFY366	PW	463.125	1.83	FB
KZW911	PW	463.1375	30.71	MO
WSFY366	PW	463.15	1.83	FB
KZW911	PW	463.1625	30.71	MO
WSFY366	PW	463.175	1.83	FB
KZW911	PW	463.1875	30.71	MO
KEF498	PW	465.0125	24.13	MO
WNKR311	PW	465.025	13.64	MO
WPQE389	YW	465.0375	14.5	MO
KSZ753	PW	465.05	13.53	FX1
WRER323	PW	465.0625	10.78	MO
WNVK359	PW	465.075	3.44	MO
KRA529	PW	465.0875	6.69	MO
WSMF986	PW	465.1	14.96	MO
WQQZ821	PW	465.1125	13.33	MO
KJZ998	PW	465.125	3.44	MO
WRUL880	YW	465.1375	6.69	MO8
WSKC608	PW	465.15	3.44	MO
WQOJ277	PW	465.1625	12.89	MO
WQSL542	PW	465.175	9.74	MO
WPQE389	YW	465.1875	14.5	MO
WPEW348	PW	465.2	16.36	MO
WNQC875	PW	465.2125	17.54	MO

Call Sign	R/S	Frequency	Dist (mi)	Station Class
KNIQ331	PW	465.225	5.9	MO
WPVV434	PW	465.2375	5.65	MO
KED763	PW	465.25	17.25	MO
WQPI754	PW	465.2625	11.36	MO
WSB916	PW	465.275	11.75	FXO
WQXF331	PW	465.2875	7.7	MO
WPVV434	PW	465.3	5.65	MO
KRA529	PW	465.3125	6.69	MO
WQON381	PW	465.325	16.73	MO
WSJV963	YW	465.3375	11.14	MO8
WNRW404	PW	465.35	17.04	MO
WQRL742	PW	465.35625	12.33	MO
KRA529	PW	465.3625	6.69	MO
KSZ753	PW	465.375	13.53	FX1
WPQE389	YW	465.3875	14.5	MO
WRER323	PW	465.4	9.17	MO
KNHB511	PW	465.4125	9.02	MO
WQUS434	PW	465.425	16.36	MO
KIG615	PW	465.4375	6.77	FX1
WSMF986	PW	465.45	14.96	MO
WRBL386	PW	465.4625	2.21	MO
WQUH908	YW	465.475	8.35	MO
KEB706	PW	465.4875	7.87	MO
WPLE879	PW	465.5	12.12	MO
WPMR275	PW	465.5125	10.83	MO
WSKC608	PW	465.525	3.56	MO
WQWS996	PW	465.5375	8.94	MO
WPQE389	YW	465.55	14.5	MO
KNAG568	PW	465.5625	16.56	MO
KNFP321	PW	465.575	4.92	MO
WQMN838	PW	465.5875	15.59	MO
WQUS434	PW	465.6	12.54	MO
KD51541	PW	465.6125	2.77	MO
WQOF296	PW	465.625	9.94	MO
WQPG515	PW	465.6375	6.48	MO
WNCH867	PW	467.95	18.27	MO
WNPA788	PW	467.9625	11.49	MO
WNNMH372	PW	467.975	26.15	MO
KZW911	PW	467.9875	30.71	MO
WSII220	PW	468	3.63	MO
WPLV871	PW	468.0125	6.44	MO
WSII220	PW	468.025	3.63	MO
WPLV871	PW	468.0375	6.44	MO

Call Sign	R/S	Frequency	Dist (mi)	Station Class
WSII220	PW	468.05	3.63	MO
WPLV871	PW	468.0625	6.44	MO
WSII220	PW	468.075	3.63	MO
KZW911	PW	468.0875	30.71	MO
WSII220	PW	468.1	3.63	MO
KZW911	PW	468.1125	30.71	MO
WSII220	PW	468.125	3.63	MO
KZW911	PW	468.1375	30.71	MO
WSII220	PW	468.15	3.63	MO
KZW911	PW	468.1625	30.71	MO
WSII220	PW	468.175	3.63	MO
KZW911	PW	468.1875	30.71	MO
WPKF636	PW	468.2875	31.54	MO