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August 24, 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 001998698
DA 26-620
***Ex Parte* Letter**

Dear Ms. Dortch:

The Enterprise Wireless Alliance (“EWA”) wishes to respond briefly to the August 21, 2026 *ex parte* filing by the Public Safety Communications Council (“PSCC”) in this proceeding. The filing describes in detail the FCC’s historical deference to the needs of public safety applicants, those that provide emergency services and those that perform more mundane tasks, tasks identical to those performed by non-public safety entities. As described, public safety spectrum requirements have prompted the FCC to dedicate frequencies and entire allocations for their use – on the basis that they cannot and should not be required to share spectrum with non-public safety entities.¹

Ironically, that is precisely what the application in question proposes. Grant of this application will result in Beacon sharing the proposed frequency with 19 co-channel Industrial/Business (“I/B”) licensees within a 50-mile radius of its proposed fixed location. Other parties to this proceeding have stated that Beacon will not receive or cause interference because the channel/repeater it proposes to use has been used by entities for many years with no reported interference.² But that use cannot have been by a public safety entity like Beacon, since public safety entities are not eligible to operate on the channel without a waiver. Having stated for decades that a first responder like a fire department requires immediate, uninterrupted channel access, a position with which EWA generally agrees, it remains a mystery why public safety coordinators believe the best channel for

¹ These spectrum requirements are based, in part, on the coordination philosophy that public safety entities should not be required even to share frequencies with one another. Each should have exclusive use of its assigned spectrum in its service area unless it consents to shared use.

² Further Comments of A-1 Communications (filed Aug. 12, 2026). Of course, this says nothing about the operations of future I/B licensees on this channel or modifications of the existing systems.

Beacon's use is one on which it will be required to monitor for co-channel traffic and hold its communications, no matter how urgent, until the channel is clear.

PSCC believes the FCC resolved this matter definitively in 2014 in response to an EWA request for guidance about how it should evaluate public safety waiver requests for shared I/B spectrum.³ It did not. In that matter, the PSCC claimed EWA wanted to deny waiver requests **"even though there are unused I/B channels** in the relevant area that could meet their needs."⁴ The FCC responded as follows:

...a case could arise in which the public safety pool is so heavily used that requiring a new entrant to use a shared [public safety] frequency would materially deteriorate the grade of service required by incumbent licensees. In such a case, **the "appropriate frequency" could be an unused I/B frequency**, assuming that such a frequency were available without creating a spectrum shortfall or materially deteriorating the grade of service in the I/B pool....⁵

The channel being assigned for Beacon's use is most definitely not "unused."⁶ That is why EWA believes it is essential to afford Beacon the same assessment of its co-channel situation as was afforded when evaluating potential public safety channels. I/B incumbents whose service contours are overlapped by Beacon's proposed interference contours should be given the opportunity to consider whether they concur in sharing the channel with Beacon.

Sincerely,

ENTERPRISE WIRELESS ALLIANCE



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³ See Letter from Mark E. Crosby, President and Chief Executive Officer, EWA, to David Turetsky, Chief, Public Safety and Homeland Security Bureau and Ruth Milkman, Chief, Wireless Telecommunication Bureau, dated July 26, 2013.

⁴ See Letter from Willima K. Brownlow, Chair, PSCC, to David Turetsky, Chief, Public Safety & Homeland Security Bureau and Ruth Milkman, Chief, Wireless Telecommunication Bureau at 3, dated Aug 12, 2013 (emphasis added).

⁵ See Letter from David G. Simpson, Chief, Public Safety and Homeland Security Bureau, and Roger C. Sherman, Acting Chief, Wireless Telecommunications Bureau, to Mark E. Crosby, President and CEO, EWA, and William K. Brownlow, Chair, PSCC at 3, dated Jan. 9, 2014 (emphasis added).

⁶ One reason EWA supported waiver relief for Doyle Fire District (File No: 0011914078) was because the frequency was effectively "unused" with a single incumbent, a school, approximately 45 miles from Doyle's site.