

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

In the Matter of)
)
Augusta Richmond County) File No. 0009221672
Consolidated Government)
Waiver Request to Utilize an 800 MHz)
Specialized Mobile Radio 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 1.45 of the Federal Communications Commission (“FCC”) rules, respectfully submits its comments in response to the Public Notice seeking comment on the September 14, 2020 Waiver Request (“Waiver Request”) filed by the Augusta Richmond County Consolidated Government (“Augusta-Richmond” or “Applicant”) for the use of an 800 MHz Specialized Mobile Radio (“SMR”) channel in a six-site, ten-channel simulcast system.¹ Augusta-Richmond is already authorized for a nine-channel, six-site system under call sign WRJG453, but states in the Waiver Request that a tenth channel is needed to complete its trunked system with sufficient capacity for day-to-day and emergency communications.

The Waiver Request includes a letter from APCO International (“APCO”) stating that it was unable to identify 800 MHz public safety (“PS”), including NPSPAC, or Sprint-vacated frequencies that would work at all six sites. The APCO letter also states that there were some

¹The Public Safety and Homeland Security Bureau Seeks Comment on an Application and Waiver Request Filed by Augusta Richmond County Consolidated Government to License an SMR Pool Channel, *Public Notice*, File No. 0009221672, DA 21-774 (rel. June 30, 2021).

Business/Industrial/Land Transportation (“B/ILT”) Pool frequencies available, but they could not be coordinated for the Applicant’s use, since they were adjacent to the system’s existing frequencies. A letter from Augusta-Richmond to APCO in support of the Waiver Request states that the combiners used in the system require a minimum of 150 kHz channel spacing.

EWA is not challenging Augusta-Richmond’s belief that it requires a ten-channel trunked system to meet its public safety obligations. It also accepts that the system requires 150 kHz spacing between channels. However, unlike APCO, EWA’s analysis of PS and B/ILT Pool channels indicates that there is a PS Pool frequency, 856.8625 MHz, that can be licensed at the power and antenna height on this modification application with more than 150 kHz separation from the already authorized channels. It also identified the following B/ILT Pool frequencies that are more than 150 kHz from the existing frequencies and are available at all six sites at the technical parameters referenced in the application:

- 855.0625
- 855.5375
- 855.5625
- 857.7625
- 857.9375
- 857.9625
- 858.0125
- 858.0375
- 858.2375
- 858.4125

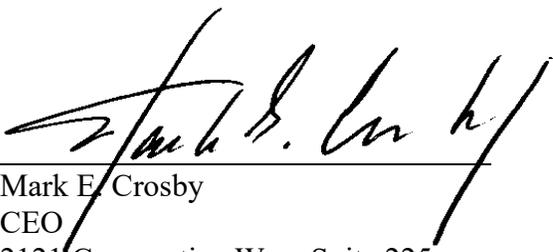
Any of these frequencies could be assigned without waiver relief since Augusta-Richmond is primarily eligible for the PS channel and can obtain a B/ILT channel under the inter-category sharing provisions of FCC Rule Section 90.621(e)(1) if no PS Pool channels are available.

The walls between assignable Pool frequencies became exceedingly porous during the 800 MHz rebanding process. Nonetheless, the FCC has maintained a barrier between PS and B/ILT channels and those assigned for SMR use. It does not permit inter-category sharing

between them and, even as among PS and B/ILT entities, a demonstration must be made that no channels are available in the applicant's primary Pool before inter-category sharing is permitted. Before granting a waiver of FCC Rule Section 90.617(d) to allow the use of an SMR channel, the Applicant must satisfy the general waiver requirements of FCC Rule Section 1.925. This requires, at a minimum, an explanation of why the PS and B/ILT frequencies identified above cannot be coordinated for use in the Augusta-Richmond system.

Respectfully submitted,

ENTERPRISE WIRELESS ALLIANCE

By: 
Mark E. Crosby
CEO
2121 Cooperative Way, Suite 225
Herndon, VA 20171
(703) 797-5114
mark.crosby@enterprisewireless.org

Counsel:

Elizabeth R. Sachs
Lukas, LaFuria, Gutierrez & Sachs, LLP
8300 Greensboro Drive, Ste. 1200
McLean, VA 22102
(703) 584-8678
lsachs@fcclaw.com

July 30, 2021

CERTIFICATE OF SERVICE

I, Linda J. Evans, with the law firm of Lukas, LaFuria, Gutierrez and Sachs, LLP, hereby certify that I have on this 30th day of July 2021, caused to be forwarded via electronic mail the foregoing Comments to the following:

Tameka Allen
Chief Information Officer
Augusta, Georgia
allen@augustaga.gov

Amanda Bredstrup
Senior Processor
APCO
bredstrupa@apcointl.org

/s/ Linda J. Evans