

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

In the Matter of)	
)	DA 22-1331
City of New Bedford, Massachusetts Request for)	File Nos. 0009981234
For Waiver to Add Two T-Band Base Stations)	and 0010197335

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, respectfully submits its comments in response to the City of New Bedford, Massachusetts (“New Bedford” or “City”) request for waiver of Rule Section 90.305(a) (“Waiver Request”).¹ EWA supports the Waiver Request and urges the FCC to grant the requested relief promptly.

As explained in the Waiver Request and stated in the Public Notice, the City currently operates a three-site system utilizing spectrum in the 470-512 MHz band (“T-Band”) under call sign WRPE962. It also operates a four-site T-Band system under call sign WRTX821. The City has stated it has a dire need for improved coverage and building penetration in the historical downtown business district that cannot be achieved from the existing sites.² It proposes to

¹ *Public Safety and Homeland Security Bureau Seeks Comment on Request for Waiver filed by the City of New Bedford, Massachusetts to Add Two T-Band Band Stations*, Public Notice, DA 22-1331 (rel. Dec. 15, 2022) (“Public Notice”).

² *Id.* at 1.

address this problem by deploying two additional sites under call sign WPRE962 and one additional location under call sign WRTX821.³

Rule Section 90.305(a) specifies that T-Band base stations must be located within 80 kilometers (50 miles) of the center coordinates of the T-Band market, in this case Boston, Massachusetts. The two sites proposed are slightly outside that radius by, respectively, 0.715 kilometers (0.154 miles or 813 feet) and 0.675 kilometers (0.129 miles or 681 feet), certainly *de minimis* extensions by any standard. APCO International (“APCO”) certified both applications, thereby confirming that they comply with all protection criteria for co-channel and adjacent channel T-Band licensees. In response to an FCC Notice of Return directed to WRPE962 (File No. 0009981234), APCO confirmed that both sites were well beyond the required 192-kilometer separation from co-channel TV station WPTZ and the 145-kilometer separation for adjacent channel TV station WGME. Thus, no waiver of TV protection rules is required.

There is strong precedent for granting the waiver relief requested by New Bedford. More than 20 years ago, the FCC considered a request for a greater extension outside the prescribed radius of a T-Band market from a commercial service provider, not a governmental entity, and made the following determination:

While we disagree with Goosetown that a waiver should be granted solely because the distance in question is only 0.9 miles, we believe that Goosetown has shown that its proposed operation would serve the public interest by increasing the availability of communications services in the Beacon, New York area.⁴

³ This proposed site is at the same location as one of the sites proposed for call sign WRPE962 and seeks the same three T-Band channels.

⁴ *Goosetown Enterprises, Inc.*, Memorandum Opinion and Order, 16 FCC Rcd 12792 at ¶ 11 (2001) (“Goosetown Order”).

The FCC further stated, “We are more inclined to consider favorably requests for waiver of Section 90.305(a) when the applicant proposes to contain its area of operation within 80 miles of the geographic center of the urban area in question.”⁵

The City satisfies both criteria established in the Goosetown Order and those in Rule Section 1.925(b). New Bedford would not assume the cost of adding sites to its systems if those sites were not essential for fulfilling its public safety obligations. Identifying useable locations that satisfy coverage requirements is not an easy task, especially in urbanized areas and particularly when the site costs will be borne by the public. EWA assumes the City selected these particular sites only after determining that there were no viable alternatives that met coverage and cost considerations within the 80-kilometer (50-mile) radius. Further, New Bedford is not proposing any extension of either license’s already authorized mobile area of operation. Granting the requested relief will have no impact on current or proposed digital television allocations. For these reasons, the public interest unquestionably would be served by allowing these miniscule extensions of the market radius in Rule Section 90.305(a).

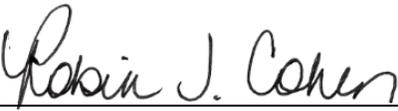
Finally, as also stated in its Comments in response to DA 22-1328 wherein a similar waiver request was requested, EWA also questions whether there is any need to solicit comment on requests that are consistent with the precedent established in Goosetown and with the waiver criteria in Rule Section 1.925(b). Both the Public Safety and Homeland Security Bureau and the Wireless Telecommunications Bureau are fully capable of evaluating and judging the sufficiency of these requests without seeking input from the public when, as in this instance, no other entity would be impacted by grant of the requested relief.

⁵ *Id.* at ¶ 13. At that time, the FCC’s concern was focused on ensuring the availability of spectrum for the DTV transition. *Id.* at ¶ 12. That transition is complete.

For these reasons, EWA strongly recommends prompt approval of the City's Waiver Request.

Respectfully submitted,

ENTERPRISE WIRELESS ALLIANCE

By: 

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

Counsel:

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

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