



# PUBLIC NOTICE

Federal Communications Commission  
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**PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SEEKS COMMENT ON  
REQUEST FOR WAIVER BY THE STATE OF NEW YORK  
TO EXTEND “SLOW GROWTH” AUTHORIZATIONS**

**File No. 0003776692**

**Comment Date: June 11, 2009**

**Reply Comment Date: June 26, 2009**

The Public Safety and Homeland Security Bureau seeks comment on an application and waiver request filed on March 16, 2009, by the State of New York (New York).<sup>1</sup> Pursuant to Section 1.925 of the Commission’s Rules,<sup>2</sup> New York seeks waiver of Section 90.629 of the Commission’s Rules (Extended Implementation Period),<sup>3</sup> to extend its “slow growth” authorizations.<sup>4</sup> Specifically, New York represents that it has made “substantial progress” toward completion of a new statewide wireless network for its public safety radio operations,<sup>5</sup> but that completion of the project was prevented by the default of New York’s prime vendor, which it has terminated.<sup>6</sup> It therefore proposes to select a new vendor and to complete the project under a project timeline running from April 2009 to April 2014.<sup>7</sup> New York represents that the “funding process” established for its project “remains in place” despite termination of the contract with its prime vendor.<sup>8</sup>

Pursuant to sections 1.415 and 1.419 of the Commission’s Rules,<sup>9</sup> interested parties may file comments and reply comments on New York’s application and waiver request on or before the dates indicated above. Comments may be filed using: (1) the Commission’s Electronic Comment Filing System (ECFS), (2) the Federal Government’s eRulemaking Portal, or (3) by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

<sup>1</sup> *See* File No. 0003776692 (filed Mar. 16, 2009) (Waiver Request).

<sup>2</sup> 47 C.F.R. § 1.925.

<sup>3</sup> 47 C.F.R. § 90.629.

<sup>4</sup> The current construction deadlines for these authorizations fall during 2009. *See* Waiver Request at 7-11, Table 2.

<sup>5</sup> New York represents that it has implemented backbone infrastructure for its network, that it has constructed a network operations center, and that it has expended over \$54 million to date on its project. *See* Waiver Request at 3.

<sup>6</sup> *See id.* at 2-3.

<sup>7</sup> *See id.* at 1, 4-5.

<sup>8</sup> *See id.* at 3.

<sup>9</sup> 47 C.F.R. §§ 1.415, 1.419.

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
  - For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and include the following words in the body of the message, “get form.” A sample form and directions will be sent in response.
- Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission.

- The Commission’s contractor will receive hand-delivered or messenger-delivered paper filings for the Commission’s Secretary at 236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12<sup>th</sup> Street, SW, Washington DC 20554.

Because of the policy implications and potential impact of this proceeding on persons not party to the application and Waiver Request, it is in the public interest to treat this case as a permit-but-disclose proceeding under the *ex parte* rules. See Sections 1.1200(a) and 1.1206 of the Commission’s Rules.<sup>10</sup> Therefore, subsequent to the release of this *Public Notice*, *ex parte* presentations that are made with respect to the issues involved in the subject waiver request will be allowed, but must be disclosed in accordance with the requirements of Section 1.1206(b) of the Commission’s Rules.<sup>11</sup>

- People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

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<sup>10</sup> 47 C.F.R. §§ 1.1200(a) and 1.1206.

<sup>11</sup> 47 C.F.R. § 1.1206(b).

For further information, contact Ms. Joy Ragsdale of the Policy Division, Public Safety and Homeland Security Bureau at 202-418-1697 (voice), 202-418-7233 (tty), or via e-mail to [Joy.Ragsdale@fcc.gov](mailto:Joy.Ragsdale@fcc.gov).

By the Acting Chief, Public Safety and Homeland Security Bureau.

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