

Notice of Public Meeting
January 20, 2020
10:30 AM

JOINT MEETING
PUBLIC SAFETY
COMMITTEE
&
COMMUNICATION
ADVISORY TECHNICAL
SUB-COMMITTEE

Justice Center Multi-Purpose Room
1201 S Duluth Ave
Sturgeon Bay, WI 54235

Technology Services is the Oversight Committee for Communication Advisory Technical Sub-Committee

AGENDA

1. Call Meeting to Order
2. Establish a Quorum
3. Adopt Agenda / Properly Noticed
4. Public Comment
5. Old Business
6. New Business
 - 6.1 FCC Licenses
7. Matters to be Placed on a Future Agenda or Referred to a Committee, Official, or Employee
8. Per Diem Code
9. Adjourn

Deviation from the order shown may occur

KANE, DAN

From: KANE, DAN
Sent: Monday, January 13, 2020 4:10 PM
To: PABICH, KEN
Subject: FCC License Report

Background:

In 2010 Door County had purchased a set of frequencies from an auction that was put on by the FCC. A requirement to be able to keep the frequencies was to update the FCC on the buildout and eventual completion and coverage of those frequencies. This information was provided to the FCC by the County radio contractor Bay Electronics. A new rule change was put into effect requiring the County to show additional information on the project and the paperwork needed to be filed before that deadline and it was not.

Today:

The FCC requested the information in the Fall of 2019. Bay Electronics took on the project and submitted the required documentation after deadlines were set. The issue the FCC has is that the information was sent later than the deadline and therefore the FCC wants to terminate that frequency. The frequency in question is used by Door County to provide paging services to first responders. Without that frequency Door County would have no way initially to alert Fire or EMS to calls in an efficient way.

Follow Up with FCC:

After talking with Gabriel Ubieta from the FCC, Door County was told that no further extensions would be granted and that the final deadline of January 30, 2020 would be the last day that the County would have to get the information into the FCC. If the information was not handed over by then, the frequency would be terminated. The direct quote from the FCC is that the County would need to submit a "PFR (Petition for Reconsideration) in accordance with 47 CFR Section 1.106 along with all the required Substantial Service information in order to stop the licenses from terminating".

Consult with Len Koehnen:

Len Koehnen has much experience in this field and has dealt extensively with the FCC. In his determination, the best course of action would be to pursue legal counsel out of Washington DC to assist the County. The goal with hiring this specific legal counsel is to facilitate cooperative efforts with the FCC and these attorneys have experience in this specific issue in doing that. In his estimation there is no room for error and this would be the last chance the County would have if they were to hope to hang onto that frequency. The County currently has about \$150,000 invested in this paging frequency. Len also stated that this similar thing is occurring across the Nation to many of these same auctioned off frequencies and many are simply letting go of their frequencies as they are more for personal use than public safety.

Contact Information:

Len Koehnen
651-739-1614
len@911radio.net

Gabriel Ubieta
(202)418-2219

Gabriel.Ubieta@fcc.gov

Rick Nielson (Bay Electronics)

920-743-0190

RickN@BayElec.com



Daniel Kane

Emergency Management and Communications Director

Door County

1201 S. Duluth Ave Sturgeon Bay, WI 54235

Office: 920-746-7195 Cell: 920-495-2535

Email: dkane@co.door.wi.us

KANE, DAN

From: THOMAS, GRANT
Sent: Tuesday, January 14, 2020 9:50 AM
To: KANE, DAN
Cc: PABICH, KEN
Subject: WQUV931 & WQUV932 Licenses
Attachments: 2019 WL 7370399 (F.C.C.).rtf

Importance: High

Hi-

A primer ... Licenses are typically issued for a ten-year term from the initial license grant date. The licensee must meet the identified construction or geographic coverage requirements within the specified time frames.

I researched the FCC Universal Licensing System (ULS) site. The above licenses are in termination pending status for failure to meet the buildout requirements. Attached is the FCC Public Notice (2019 WL 7370399 - F.C.C.).

At this point ... Door County is presumed to have not met construction or geographic coverage requirements and, as a result, the licenses are susceptible to automatic termination. ULS bases its presumption on whether a licensee has filed a Required Notification or Request for Extension of Time with the FCC in a timely manner. If the licensee has not filed the Required Notification or Extension of Time request, ULS presumes that the license, location, or frequency has not been constructed, or the coverage requirement has not been met. In these instances, ULS places the license, location, or frequency in "termination pending" status for 30 days. If, by the end of that 30-day period the licensee does not file a petition to rebut the presumption, the license, location, or frequency automatically cancels and ULS changes the status of the license, location, or frequency to "Terminated", effective the date of the construction or coverage deadline. That's...to the best as I can decipher...where we stand.

What we need (from Rick and/or Len):

- Reasonable assurances that Door County can actually meet its FCC coverage requirements and/or substantial service requirements as to WQUV931 license and/or WQUV932 license.
- That they (principally Rick) are in a position to timely (concurrent with the filing of a *Petition for Reconsideration*, which is due January 30, 2020) revise and/or supplement whatever has already been submitted to the FCC ... to the FCC's satisfaction.
- Analyze whether (or not) it makes sense to partition out all geographic coverage areas but Door County?
- Recommendation as to whether we actually need (or can justify retaining) both WQUV931 & WQUV932 Licenses?

Hope this helps.

I'll work on lining up an experienced FCC law firm to do the legal work.

Thanks!

Grant

Grant P. Thomas
Door County Corporation Counsel
County Government Center
421 Nebraska Street
Sturgeon Bay, WI 54235
PH 920-746-2227
FAX 920-746-2339
gthomas1@co.door.wi.us

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