

hours in the Public Safety and Private Wireless Division of the Wireless Telecommunications Bureau, Federal Communications Commission, 445 Twelfth Street, S.W., Room 4-C207, Washington, D.C. 20554. The complete text of this *Public Notice* may also be purchased from the Commission's duplicating contractor, International Transcription Services, 1231 20th Street, NW, Washington, DC 20036, 202-857-3800. Alternative formats (computer diskette, large print, audio cassette and Braille) are available to persons with disabilities by contacting Martha Contee at (202) 418-0260, TTY (202) 418-2555, or at mcontee@fcc.gov.

1. On December 16, 1998, the County of Sacramento, California ("Sacramento County" or "the County") filed a Request for Waiver ("Waiver Request") of a licensing freeze that currently governs frequencies in the 929-930 MHz band allocated for exclusive paging operations. Sacramento County requests a waiver of the licensing freeze to permit it to use the frequency 929.0125 MHz for a local alert paging system that would support public safety services provided in Sacramento and Yolo Counties, California. The frequency is currently unassigned in the Sacramento, California, area, according to the County, except for co-channel licensee Stanford University Hospital. The County states that Stanford University Hospital concurs with the County's request to use the channel together on a shared basis.

2. The County filed the instant Waiver Request as part of its previously pending application (Application File No. D103979). The County now requests waiver of the licensing freeze and any other Commission rules necessary to grant its application, pursuant to Section 337(c) of the Communications Act of 1934, as amended, 47 U.S.C. 337(c). Section 337(c) states that the Commission shall grant an application by an entity seeking to provide public safety services to the extent necessary to permit the use of unassigned frequencies, if the Commission makes five specific findings: (1) no other spectrum allocated for public safety use is immediately available; (2) there will be no harmful interference to other spectrum users entitled to protection; (3) public safety use of the frequencies is consistent with other public safety spectrum allocations in the geographic area in question; (4) the unassigned frequencies were allocated for their present use not less than two years prior to the grant of the application at issue; and (5) the grant of the application is consistent with the public interest. "Public safety services" are defined by

47 U.S.C. 337(f)(1) as services, the sole or principal purpose of which is to protect the safety of life, health, or property, that are provided by state or local governmental entities or by non-governmental entities authorized by the governmental entity whose primary mission is the provision of such services, and that are not made commercially available to the public by the provider.

3. Sacramento County avers that the record developed in pending Application File No. D103979, together with the instant Waiver Request, demonstrates that the County has satisfied all of the statutory requirements for a grant pursuant to Section 337(c)(1).

4. Interested parties may file comments on the Waiver Request on or before April 12, 1999. Parties interested in submitting reply comments must do so on or before April 19, 1999. All comments should reference the subject Waiver Request by Sacramento County, California, DA 99-641, and should be filed with the Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, S.W., TW-325, Washington, D.C. 20554. A copy of each filing should be sent to International Transcription Services, Inc. (ITS), 1231 20th Street, N.W., Washington, D.C. 20036, (202) 857-3800, and John Fernandez, Federal Communications Commission, Wireless Telecommunications Bureau, Public Safety and Private Wireless Division, Policy and Rules Branch, 445 Twelfth Street, S.W., Room 4-C400, Washington, D.C. 20554.

5. The full text of the Waiver Request, comments, and reply comments will be available for inspection and duplication during regular business hours in the Public Safety and Private Wireless Division of the Wireless Telecommunications Bureau, Federal Communications Commission, 445 Twelfth Street, S.W., Room 4-C207, Washington, D.C. 20554. Copies also may be obtained from ITS.

6. Unless otherwise provided, requests for waiver of the Commission's rules are subject to treatment by the Commission as restricted proceedings for *ex parte* purposes under section 1.1208 of the Commission's rules, 47 CFR 1.1208. Because of the policy implications and potential impact of this proceeding on persons not parties to the waiver request, we believe it would be 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, 47 CFR 1.1200(a), 1.1206. 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, 47 CFR 1206(b).

Federal Communications Commission.

**Herbert W. Zeiler,**

*Deputy Chief, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau.*

[FR Doc. 99-9017 Filed 4-8-99; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

[DA 99-632]

### Request for Waiver by San Mateo County, California, To Obtain a License for Thirty-one Frequencies Allocated for Paging Control Operations

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice; extension of time for filing reply comments.

**SUMMARY:** This document extends the time for filing reply comments on a waiver request by San Mateo County, California, to permit it to use thirty-one frequencies for public safety purposes that are now allocated for point-to-multipoint paging control operation in the San Francisco, California, area.

**DATES:** Reply comments are due on or before April 12, 1999.<sup>1</sup>

**ADDRESSES:** Federal Communications Commission, Office of the Secretary, 445 Twelfth Street, S.W., TW-325, Washington, D.C. 20554. SW, Washington, D.C. 20554. A copy of each filing should be sent to International Transcription Services, Inc. (ITS), 1231 20th Street, N.W., Washington, D.C. 20036, (202) 857-3800, and Peter J. Daronco, Federal Communications Commission, Wireless

Telecommunications Bureau, Public Safety and Private Wireless Division, Policy and Rules Branch, 445 Twelfth Street, S.W., Room 4-C431, Washington, D.C. 20554.

**FOR FURTHER INFORMATION CONTACT:** Peter J. Daronco at the Public Safety and Private Wireless Division, Policy and Rules Branch (202) 418-0680.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Order*, DA 99-632, released on March 31, 1999 (DA 99-632). The full text of the *Order* is available for inspection and copying

<sup>1</sup> Editorial Note: This document was received at the Office of the Federal Register on April 7, 1999.

during normal business hours in the Public Safety and Private Wireless Division of the Wireless Telecommunications Bureau, Federal Communications Commission, 445 Twelfth Street, S.W., Room 4-C207, Washington, D.C. 20554. The complete text of this *Order* may also be purchased from the Commission's duplicating contractor, International Transcription Services, 1231 20th Street, NW, Washington, DC 20036, 202-857-3800. Alternative formats (computer diskette, large print, audio cassette and Braille) are available to persons with disabilities by contacting Martha Contee at (202) 418-0260, TTY (202) 418-2555, or at mcontee@fcc.gov.

1. On January 28, 1999, San Mateo County, California (the County), filed the captioned application and request for waiver of the Commission's Rules ("Waiver Request") pursuant to Section 337(c) of the Communications Act of 1934, as amended, 47 U.S.C. 337(c). On March 18, 1999, the Commission released a *Public Notice* seeking comment on the County's Waiver Request under the following deadline dates: March 29, 1999, for filing comments, and April 5, 1999, for filing reply comments. See Wireless Telecommunications Bureau Seeks Comment on Request for Waiver by San Mateo County, California, to Obtain a License for Thirty-one Frequencies Allocated for Paging Control Operations, *Public Notice*, DA 99-537 (rel. March 18, 1999), 64 FR 14915 (March 29, 1999).

2. On March 19, 1999, the County filed a Motion for Extension of Time (*Motion*) to extend the deadline date for filing reply comments to April 12, 1999. The County states that the specific comment schedule adopted in the *Public Notice* imposes severe constraints on the County because its counsel will be traveling and unable to address this matter from March 26 to April 5, 1999. The County avers that these circumstances will make it nearly impossible for it to provide full and complete reply comments by April 5, 1999, and it requests a seven (7) day extension of deadline date for reply comments.

3. It is the policy of the Commission that extensions of time are not routinely granted. 47 CFR 1.46(b). Upon review, however, we agree that an extension will afford parties the necessary time to coordinate and file reply comments that will facilitate the compilation of a more complete record in this proceeding. We believe that a seven (7) day extension of time for filing reply comments should provide an adequate opportunity for all parties to prepare and file responsive

and complete reply comments in this proceeding without causing undue delay to the Commission's consideration of this proceeding.

4. Accordingly, pursuant to the authority of Section 4(j) of the Communications Act of 1934, as amended, 47 U.S.C. 154(j), and section 1.46 of the Commission's Rules, 47 CFR 1.46, *It Is Ordered* that the Motion for Extension of Time filed by the County of San Mateo, California, on March 19, 1999, is granted. Interested parties shall file reply comments in the captioned proceeding no later than April 12, 1999.

5. This action is taken under delegated authority pursuant to sections 0.131 and 0.331 of the Commission's rules, 47 CFR 0.131, 0.331.

Federal Communications Commission.

**John J. Borkowski,**

*Chief, Policy and Rules Branch, Public Safety & Private Wireless Division, Wireless Telecommunications Bureau.*

[FR Doc. 99-9018 Filed 4-8-99; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

[DA 99-494]

### Broadwave Albany, L.L.C., et al. Requests for Waiver of Fixed Microwave Service Rules

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** On March 11, 1999, the Public Safety and Private Wireless Division released a public notice seeking comment on requests made by Broadwave Albany, L.L.C., et al., (Broadwave), for waiver of various part 101 rules. Broadwave submitted the waiver requests in order to provide multichannel video programming, including the retransmission of local television broadcast signals, to approximately 212 markets throughout the United States. Broadwave also proposes to provide internet services to consumers in these various markets.

**DATES:** Comments are due no later than April 12, 1999 and reply comments are due no later than April 22, 1999.

**ADDRESSES:** Federal Communications Commission, Office of the Secretary, 445 Twelfth Street, SW, TW-A325, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Michael Pollak or Shellie Blakeney of the Policy and Rules Branch, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau at (202) 418-0680.

## SUPPLEMENTARY INFORMATION:

1. On January 8, 1999, Broadwave filed requests for waiver of sections 101.105, 101.107, 101.109, 101.111, 101.115, 101.139 and 101.603 of the Commission's rules, 47 CFR 101.105, 101.107, 101.109, 101.111, 101.115, 101.139, 101.603, as well as any other fixed microwave radio service rules necessary to permit the processing of its applications pertaining to deployment of service in the 12.2-12.7 GHz band. Broadwave seeks authority to provide multichannel video programming, including the retransmission of local television broadcast signals, to approximately 212 markets throughout the United States. Broadwave also proposes to provide internet services to consumers in these various markets.

2. In its waiver requests, Broadwave argues that compliance with the technical limitations contained in sections 101.105, 101.107, 101.109, 101.111 and 101.115 of the Commission's rules would inhibit its proposed operations by impeding the introduction of a service that would directly compete with cable television. Broadwave further argues that the additional requested waivers (such as exceptions to sections 101.39 and 101.603) are necessary in order to ensure the expeditious deployment of its proposed services.

3. We note that the 12.2-12.7 GHz band is the subject of an ongoing rulemaking proceeding and was one of the bands listed in the International Bureau's Public Notice No. SPB-141, released on November 2, 1998, establishing a final cut-off date to file applications for non-geostationary satellite orbit fixed satellite service in the 12.2-12.7 GHz frequency band that may be mutually exclusive with previously filed applications of Skybridge, L.L.C. (Skybridge). See Amendment of parts 2 and 25 of the Commission's rules to Permit Operation of NGSO FSS Systems Co-Frequency with GSO and Terrestrial Systems in the Ku-Band Frequency Range and Amendment of the Commission's rules to Authorize Subsidiary Terrestrial Use of the 12.2-12.7 GHz Band by Direct Broadcast Satellite Licensees and Their Affiliates, *Notice of Proposed Rulemaking*, ET Docket No. 98-206, FCC 98-310 (rel. November 24, 1998). Broadwave filed applications for use of the 12.2-12.7 GHz frequency band, proposing to use technology developed by Northpoint Technology to enable sharing of this spectrum with existing direct broadcast satellite, geostationary satellite and other fixed microwave systems. Broadwave asserts that its proposed service will be on a secondary,