Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
TOWN OF ASHLAND, MASSACHUSETTS	)	File No. 0003304375
	)	
Request for Waiver Pursuant to Section 337(c) of the Communications Act of 1934, as amended	)	

ORDER

Adopted: June 20, 2011 **Released: June 21, 2011**

By the Chief, Policy and Licensing Division, Public Safety and Homeland Security Bureau:

I. INTRODUCTION

1. The Town of Ashland, Massachusetts Police Department (Ashland) filed an application and Waiver Request[1] for authority to use, for public safety purposes, two frequencies, offset between channels allocated under Part 22 of the Commission's rules.[2] Specifically, Ashland seeks to operate a new public safety wireless communications system using frequencies 470.1000 and 473.1000 MHz. Ashland seeks waiver relief pursuant to Section 337(c) of the Communications Act of 1934, as amended (the Act),[3] of Section 22.621 of the Commission's rules and such other of the Commission's rules as may be necessary, to use frequencies not designated for public safety use.[4] In the alternative, Ashland seeks a waiver pursuant to Section 1.925 of the Commission's rules.[5] By this Order, we grant Ashland's Waiver Request pursuant to Section 1.925.

II. BACKGROUND

2. Ashland seeks waiver of the Commission's rules to use non-public safety frequencies 470.1000 MHz and 473.1000 MHz[6] for the construction and operation of a new "wireless telecommunications system for its public safety radio operations."[7] Ashland states that the Police Department "furnishes traditional police services to the residents of Ashland," which includes "investigation of murders, fraud, traffic incidents and [performance of] other general law enforcement

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[1] *See* File No. 0003304375 and attached Request for Waiver of Eligibility Restrictions from Cindy Matzel, Frequency Coordinator, AASHTO, to Federal Communications Commission (filed Jan. 28, 2008, amended Feb. 21, 2008, Feb. 29, 2008, and Apr. 9, 2008) (Amended Waiver Request).

[2] 47 C.F.R. Part 22.

[3] 47 U.S.C. § 337(c).

[4] 47 C.F.R. § 22.621. Additionally, on our own motion under Sections 1.3 and 1.925(a) of the Commission's rules, we consider waiver relief of Sections 20.9(a)(6) and 22.623(b). 47 C.F.R. §§ 1.3, 1.925(a), 20.9(a)(6), 22.623(b).

[5] 47 C.F.R. § 1.925; Amended Waiver Request at 1.

[6] Frequency 470.1000 MHz is interleaved between existing Part 22 point-to-multipoint frequencies 470.0875 and 470.1125 MHz. *See* 47 C.F.R. § 22.621. Frequency 473.1000 MHz is interleaved between existing Part 22 point-to-multipoint frequencies 473.0125 and 473.1125 MHz. *Id.*

[7] Amended Waiver Request at 1.

activities."[8] In support of its request, Ashland filed a contour map to demonstrate that no harmful interference will result from its use of the requested frequencies.[9]

3. In the Amended Waiver Request, the American Association of State Highway and Transportation Officials (AASHTO) states it conducted "detailed database searches in the VHF, UHF, T-Band and 800 MHz bands" and determined that "there are no available Part 90 frequencies that can be assigned without impacting other licensees."[10] AASHTO explains that "essentially every UHF Public Safety frequency pair is encumbered and cannot be used without compromising critical Public Safety operations,"[11] thus necessitating Ashland's request to use non-public safety channels. Furthermore, AASHTO maintains that "grant of the requested waiver is the only reasonable course of action to facilitate the vital operations" of Ashland.[12]

4. On July 11, 2008, the Public Safety and Homeland Security Bureau (Bureau) issued a public notice seeking comment on the waiver request.[13] The Bureau also sought comment on whether the 700 MHz public safety band would provide a viable alternative, in light of the February 17, 2009, digital television transition date and the Commission's recent actions in facilitating a nationwide, interoperable broadband public safety network.[14] The Bureau received no comments on the Public Notice.

III. DISCUSSION

5. Section 337(c) of the Act provides that, in connection with an application by an "entity seeking to provide public safety service," the Commission "shall waive any requirement of this Act or its regulations implementing this Act (other than its regulations regarding harmful interference) to the extent necessary to permit the use of unassigned frequencies for the provision of public safety services . . ." if the Commission finds that: (i) no other spectrum allocated to public safety services is immediately available to satisfy the requested public safety service use; (ii) the requested use is technically feasible without causing harmful interference to other spectrum users entitled to protection from such interference under the Commission's regulations; (iii) the use of the unassigned frequency for the provision of public safety services is consistent with other allocations for the provision of such services in the geographic area for which the application is made; (iv) the unassigned frequency was allocated for its present use not less than 2 years prior to the date on which the application is granted; and (v) granting such application is consistent with the public interest.[15]

6. When considering waiver requests filed pursuant to Section 337(c) of the Act, we first determine whether the applicant is an "entity seeking to provide public safety services."[16] The Act

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[8] *Id.*

[9] *Id.*

[10] *Id.*

[11] *Id.* at 2.

[12] *Id.*

[13] *See* Public Safety and Homeland Security Bureau Seeks Comment on Request for Waiver By the Town of Ashland, Massachusetts Police Department to Add Two Part 22 Frequencies to its Public Safety Radio System, *Public Notice*, 23 FCC Rcd 10645 (PSHSB 2008) (*Public Notice*).

[14] *Id.* at 2, *citing* Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band, PS Docket No. 06-229; Development of Operational, Technical and Spectrum Requirements for Meeting Federal State and Local Public Safety Communications Requirements through the Year 2010, WT Docket No. 96-86, *Second Report and Order*, 22 FCC Rcd 15289 (2007) (*700 MHz Second Report and Order*). The DTV transition date was later deferred until June 12, 2009.

[15] 47 U.S.C. § 337(c).

[16] 47 U.S.C. § 337(f).

defines public safety services as "services – (A) the sole or principal purpose of which is to protect the safety of life, health, or property; (B) that are provided – (i) by State or local government entities; or (ii) by nongovernmental organizations that are authorized by a governmental entity whose primary mission is the provision of such services; and (C) that are not made commercially available to the public by the provider."[17] Ashland seeks to deploy a wireless radio communications system to provide traditional police services and support critical law enforcement activities for the town's residents.[18] Accordingly, based on the record, we conclude that Ashland is an entity providing public safety services.

7. Next, we consider whether Ashland satisfies the other statutory requirements supporting a waiver under Section 337(c) of the Act. We note an applicant's failure to satisfy a single criterion of Section 337(c) of the Act constitutes sufficient cause for the Commission to deny a waiver request.[19]

8. *No other spectrum allocated to public safety services is immediately available to satisfy the requested public safety service use.* First, with respect to Ashland's request, we examine the availability of public safety frequencies outside of the 700 MHz band. Ashland asserts it searched several databases including the Public Safety Radio Pool and the Industrial/Business Radio Pool databases, and found no assignable frequencies that could be assigned without affecting existing licensees.[20] In addition, Ashland submitted four reports to demonstrate that there are no available frequencies in the UHF, VHF, T-Band, and 800 public safety bands.[21] Based on this information, we find that Ashland's frequency showings demonstrate there is no immediately available spectrum in these public safety bands.

9. With respect to the public safety narrowband spectrum in the 700 MHz band, we find Ashland has not sufficiently demonstrated that public safety spectrum is not "immediately available" to satisfy the requested public safety service use as required by Section 337(c)(1)(A) of the Act. We recognize that at the time Ashland filed its application, 700 MHz spectrum was not immediately available in light of the initial DTV transition deadline of February 17, 2009. While it may have been reasonable for Ashland to not consider the availability of the 700 MHz band in its initial analysis, we must consider its application in light of recent developments. Since Ashland first filed the subject application, broadcasters have vacated the 700 MHz band as a result of the June 12, 2009 DTV transition date. In addition, the Bureau approved the Region 19 (New England) 700 MHz Regional Plan, which includes Massachusetts.[22] Accordingly, Section 337 requires us to now consider the 700 MHz public safety channels to be immediately and readily available for assignment.[23]

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[17] *Id.*

[18] Amended Waiver Request at 1.

[19] *See* Township of Cinnaminson, New Jersey, *Order*, 22 FCC Rcd 4583, 4585 ¶ 6 (PSHSB 2007) (*Cinnaminson*), *citing* University of Southern California, *Memorandum Opinion and Order*, 16 FCC Rcd 2978, 2984 ¶ 13 (WTB PSPWD 2001).

[20] *Id.*

[21] *See* File No. 0003304375, attached "T Band Showing," "UHF Showing," "VHF Showing," "800's Showing."

[22] Wireless Telecommunications Bureau Approves Region 19 (New England) 700 MHz Regional Plan, WT Docket No. 02-378, *Public Notice*, 20 FCC Rcd 14375 (WTB 2005); *see also* Public Safety and Homeland Security Bureau Approves Region 19 (New England Area) 700 MHz Regional Plan Amendment, PS Docket No. 06-229 and WT Docket No. 02-378, *Public Notice*, 24 FCC Rcd 4782 (PSHSB 2009).

[23] We have considered 700 MHz band narrowband frequencies to be "available" to a particular public safety applicant if the Commission has approved the associated 700 MHz regional plan; the applicant could protect TV stations pursuant to Section 90.545 of the Commission's rules, 47 C.F.R. § 90.545; and the frequencies are not already assigned to another public safety entity. Before and during the DTV transition, in most urban areas, there were TV stations that blocked public safety use of the 700 MHz band. The DTV transition cleared all full power TV stations out of the 700 MHz band, meaning Section 90.545 protection generally is no longer an issue. Thus, as of June 12, 2009, we have considered 700 MHz band narrowband frequencies to be "available" in a given region upon

10. Ashland provides no analysis with respect to the availability of public safety spectrum in the 700 MHz band. Because Ashland has not amended its pending application demonstrating the unavailability of public safety frequencies in the 700 MHz band, we find that it has not satisfied Section 337(c)(1)(A). In finding that Ashland has not satisfied one criterion, we need not address its arguments addressing the remaining four criteria under Section 337(c).[24]

11. However, our finding that Ashland does not warrant waiver relief under Section 337 does not foreclose our consideration of Ashland's alternative request for waiver relief pursuant to Section 1.925 of the Commission's rules.[25] Section 1.925 provides the Commission the necessary flexibility to achieve its statutory objective of safeguarding life and property by considering an applicant's request for waiver relief according to the standards that an applicant must meet under the rule.[26] From our review of the record in this case, we find that, despite its failure to meet the first criterion for receiving Section 337 waiver relief, Ashland has provided sufficient information for us to consider whether waiver relief is justified under Section 1.925.

12. To obtain a waiver pursuant to Section 1.925(b)(3) of the Commission's rules, a petitioner must demonstrate either: "(i) [t]he underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and that a grant of the waiver would be in the public interest; or (ii) [i]n view of unique or unusual factual circumstances of the instant case, application of the rule(s) would be inequitable, unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative."[27] Applicants seeking a waiver face a high hurdle and must plead with particularity the facts and circumstances that warrant a waiver.[28] Based on the information before us, we conclude that a grant of Ashland's Waiver Request is warranted under the first prong of the waiver standard. We proceed with analyses of each rule for which Ashland requests or requires waiver.

13. *Section 22.621*. The requested frequencies are offset from UHF channels listed under Section 22.621 for point-to-multipoint operation in the Boston urban area.[29] The underlying purpose of Section 22.621 is to reserve certain frequencies "for assignment to transmitters utilized within point-to-

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Commission approval of the associated regional plan. The Commission's online 700 MHz Regional Planning Interactive Map shows the status of each regional plan. See http://publicsafety.fcc.gov/pshs/public-safety-spectrum/700-MHz/rpc-map.htm.

[24] *See, e.g.*, Hennepin County, *Order*, 14 FCC Rcd 19418 (WTB 1999) (having noted failure of Hennepin County to meet one of the criteria, the Wireless Telecommunications Bureau did not address the remainder); New Hampshire Department of Transportation (NHDOT), *Memorandum Opinion and Order*, 14 FCC Rcd 19438, 19442 (WTB 1999) (after having determined that New Hampshire failed to demonstrate that no other spectrum allocated to public safety service was immediately available, the Wireless Telecommunications Bureau noted it "need not address whether NHDOT has submitted evidence that would allow us to make the other findings required by Section 337(c)(1) of the Act.").

[25] *See* County of Ocean, New Jersey, Order, 24 FCC Rcd 11299, 11305 ¶ 16 (PSHSB PD 2009); *Balanced Budget Act Report and Order* at 22769 ¶ 132 n.366, *citing* 47 C.F.R. § 1.925. *See also* Letter to Alan S. Tilles, Esq., 22 FCC Rcd 13577, 13581 & fn.30 (2007) (noting that "[i]n addition to the Section 337 process, [public safety] entities can also seek a conventional waiver under Section 1.925 of rules.").

[26] *See* 47 C.F.R. 1.925 (providing that "[t]he Commission *may* waive specific requirements of the rules upon its own motion or upon request") (emphasis added). *See* 47 C.F.R. §1.925(b)(3)(i)-(ii) (setting forth the criteria).

[27] 47 C.F.R. § 1.925(b)(3).

[28] *WAIT Radio v. FCC,* 418 F.2d 1153, 1157 (D.C. Cir. 1969), *aff'd,* 459 F.2d 1203 (1973), *cert. denied,* 409 U.S. 1027 (1972) (*citing Rio Grande Family Radio Fellowship, Inc. v. FCC,* 406 F.2d 664 (D.C. Cir. 1968)); Birach Broad. Corp., *Memorandum Opinion and Order,* 18 FCC Rcd 1414, 1415 (2003).

[29] The requested frequencies (470/473.1000 MHz) are offset by 12.5 kHz from standard Part 22 frequencies 470/473.0875 MHz and 470/473.1125 MHz. *See* 47 C.F.R. § 22.621.

multipoint systems that support transmitters that provide public mobile service."[30] Accordingly, we evaluate the Part 22 licensing landscape in the Boston metropolitan area. Our review of the Commission's licensing records confirms that no Part 22 common carrier operations are licensed on the frequencies sought by Ashland or on the upper and lower adjacent main channels listed in the Part 22 rules, nor is an auction of the frequencies listed in Section 22.621 either imminent or pending.[31] Further, due to the presence of several incumbent public safety licensees who obtained authorizations by prior waivers, as described in the next paragraphs, no Part 22 entities could be licensed on frequencies the requested frequencies or the adjacent main Part 22 frequencies in the Boston urbanized area. Based on the foregoing analysis, we find that the underlying purpose of Section 22.621 would not be served or would be frustrated by application to the present case.

14. *Protection of Co-Channel and Adjacent Channel Licensees.* While the Commission's Part 22 rules do not require a showing of interference protection for incumbent public safety licensees operating on Part 22 spectrum by waiver, we find it is in the public interest to consider land mobile interference protection criteria to examine whether Ashland would cause harmful interference to other public safety entities in the Boston urbanized area operating co-channel or adjacent channel to frequencies 470.1000 and 473.1000 MHz.[32] First, we analyze the impact of Ashland's proposed operation on co-channel licensees. Since July 24, 2003, the Town of Plymouth, Massachusetts Fire Department (Plymouth) has been authorized to use frequencies 470.1000 and 473.1000 MHz for its public safety operations under call sign WPYD799.[33] Ashland asserts that there have been no other paging licenses issued since that date.[34] Ashland further asserts "AASHTO performed detailed engineering analysis and certifies that the grant of the license requested will not result in harmful interference to any authorized users."[35] AASHTO submitted a contour plot to demonstrate that the interfering contours for two base station transmitters covered by this application do not overlap any service contours of the Plymouth's Station WPYD799.[36] Under Section 90.187(b)(2)(iii), "objectionable interference exists when the interfering contour (19 dBu for VHF stations, 21 dBu for UHF stations) of a proposed trunked station intersects with the service contour (37 dBu for VHF stations, 39 dBu for UHF stations) of an existing station."[37]

15. We note, however, that because Ashland proposes to use a frequency pair for a conventional station rather than a trunked station, it is not required to provide a contour overlap study pursuant to Section 90.187(b)(2)(iii). Rather, for co-channel operations in the 470-512 MHz band, as is the case here, the appropriate analysis is whether the proposed operations on the shared channel satisfy the distance separation criterion of Section 90.313(c).[38] Specifically, Section 90.313(c) permits a frequency to be reassigned in the same area when an applicant is at least 64 kilometers (40 miles) from fully-loaded stations.[39] Here, because Plymouth's Station WPYD799 is fully-loaded with 100 mobile

[30] 47 C.F.R. § 22.621.

[31] The Commission's Wireless Telecommunications Bureau has not announced an auction for Section 22.621 frequencies, unlike other Part 22 spectrum.

[32] *See, e.g.*, Baldwin Fire District, New York, *Order*, 24 FCC Rcd 11857, 11868 ¶ 28 (PSHSB PD 2009).

[33] Amended Waiver Request at 1-2.

[34] *Id.*

[35] Amended Waiver Request, at Attachment 1.

[36] *Id.*

[37] 47 C.F.R. § 90.187(b)(2)(iii).

[38] 47 C.F.R. § 90.313(c).

[39] *Id.* A fully-loaded public safety station has 50 mobile units per frequency pair. 47 C.F.R. § 90.313(a)(1).

units for two frequency pairs,[40] it has exclusivity for a 64-kilometer radius.[41] Because Ashland's site is located 78.2 kilometers from Station WPYD799, we find that it satisfies the distance requirement of Section 90.313(c).[42]

16. We also find that Ashland's proposed operations will not cause harmful interference to adjacent channel licensees. The City of Boston has three adjacent channel licenses: Stations WQHR366 and WQHR367 located in Chelsea and Everett, MA, both on channel pair 470/473.0875 MHz; and Station WQHR348 located in Waltham, MA, on channel pair 470/473.1125 MHz. We note that all three licenses operate with 11.25 kHz bandwidth, and Ashland proposes to operate with the same bandwidth. Because Ashland's proposed frequency pair is separated by 12.5 kHz from the frequencies assigned to the City of Boston, Ashland's bandwidth would not overlap the City of Boston's bandwidth. Therefore, we conclude that no further analysis is necessary with respect to adjacent channel licensees. Based on these facts, we find that Ashland's proposed operation would not cause harmful interference to incumbent co-channel nor adjacent channel licensees.

17. *Granting such application is consistent with the public interest.* Based upon the record, we find Ashland has demonstrated that access to the subject frequencies is necessary to promote effective public safety communications without compromising critical operations of other licensees. Ashland avers "it needs the ability to operate a wireless telecommunications system to meet its Public Safety obligations to its citizenry."[43] Ashland asserts that "it is the extensive use of UHF frequencies in the applicant's geographic area that makes this waiver request necessary."[44] Ashland further asserts that every UHF Public Safety Pool frequency pair is encumbered and cannot be used without compromising critical public safety operations and risk an increase in the loss of life and property.[45] Ashland states that the public interest will be served because granting the waiver "is the only reasonable course of action to facilitate vital [public safety] operations."[46] To the extent that grant of the request will enable the City of Ashland Police Department to provide effective law enforcement and to contribute to the mitigation of the loss of life and property without causing harmful interference to other spectrum users entitled to interference protection, we find that grant of the waiver request is in the public interest.

18. *Section 20.9(a)(6).* Section 20.9(a)(6) presumes that the proposed frequencies will be treated as common carriage services and regulated as commercial mobile radio services.[47] This regulatory structure is not applicable to, or appropriate for, frequencies used for public safety purposes. Because we find that it is in the public interest to grant a waiver of Sections 22.621 and 22.623(b) to Ashland to use frequencies 470.1000 and 473.1000 MHz, we conclude that the underlying purpose of Section 20.9(a)(6) would not be served by its application to the present case. Consequently, we waive Section 20.9(a)(6) on our own motion.

19. *Section 22.623(b).* We also find that Ashland requires a waiver of Section 22.623(b) in order to operate on the requested frequencies.[48] This rule specifies system configuration requirements for

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[40] *See* license for Station WPYD799.

[41] *See* 47 C.F.R. § 90.313(c).

[42] *Id.*

[43] Amended Waiver Request at 2.

[44] *Id.*

[45] *Id.*

[46] *Id.*

[47] 47 C.F.R. § 20.9(a)(6).

[48] 47 C.F.R. § 22.623(b).

paging control channels assigned pursuant to Part 22. These requirements include that the "channels may be assigned only individually (unpaired)" and that "[f]ixed relay transmitters are not authorized."[49] Since Ashland would not be operating paging control channels on the two subject frequencies, and since public safety communications systems typically use frequencies in pairs for base and mobile operations, this rule is not applicable to, or appropriate for, frequencies used for public safety purposes. Because we find that it is in the public interest to allow Ashland to use these frequencies for public safety purposes, we conclude that the underlying purpose of Section 22.623(b) would not be served by application to the present case. Consequently, we waive Section 22.623(b) on our own motion.

20. Lastly, in concluding that granting the waiver relief to Ashland, as conditioned herein, is consistent with the public interest, we also observe that the Commission has begun examining ways to repurpose TV bands, such as the 470-512 MHz band,[50] for flexible use, including commercial mobile broadband. For instance, the National Broadband Plan has recommended that the Commission consider freeing up spectrum for commercial broadband use by using such mechanisms as voluntary incentive auctions,[51] and the Commission has taken its first steps toward this possibility with allocation proposals that would accommodate such use.[52] While, at this time, we conclude that granting Ashland waiver relief will not compromise the Commission's ability to act (and flexibility in acting) on the recommendations of the National Broadband Plan and related initiatives for repurposing part of the TV bands for flexible use, we note that our consideration of the public interest in analyzing waiver requests on a case-by-case basis requires that we carefully consider any action that would disrupt or hamper the Commission's ability to identify and maximize the use of available spectrum. As the Commission takes steps to further broadband spectrum initiatives, it is likely that additional waiver requests for public safety use of spectrum currently allocated for the TV broadcast service will have different and more significant effects on Commission plans for this spectrum, and that it will accordingly become much more difficult to conclude that such waivers would, on the whole, serve the public interest. We therefore strongly urge public safety entities contemplating future waivers for TV and other non-public safety spectrum to consider use of the 700 MHz band to promote such goals as nationwide interoperability, consistent with the public interest.

IV. CONCLUSION

21. Based on the record before us, we conclude that, although Ashland has not made the requisite showing under Section 337(c) of the Act for a waiver of the Commission's rules, it has made a sufficient showing for granting its requested waiver under Section 1.925 of the Commission's rules. We therefore grant Ashland a waiver of Sections 20.9(a)(6), 22.621, and 22.623(b) to operate a public safety wireless communications system on frequencies 470.1000 MHz and 473.1000 MHz, which are offset between Part 22 frequencies.

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[49] *Id.*

[50] The 470-512 MHz band segment in which Ashland seeks to use Part 22 frequencies is one of five bands currently allocated principally to broadcast television under Part 73 of the rules. *See* 47 C.F.R. Part 73. Specifically, the 470-512 MHz band is allocated for fixed and land mobile services on a co-primary basis with broadcasting. *See* 47 C.F.R. § 2.106, footnote NG66.

[51] *See* FED. COMMUNICATIONS COMM'N, CONNECTING AMERICA: THE NATIONAL BROADBAND PLAN at 88-93 (2010).

[52] *See* Innovation in the Broadcast Television Bands: Allocations, Channel Sharing and Improvements to VHF, ET Docket No. 10-235, *Notice of Proposed Rulemaking*, 25 FCC Rcd 16498 (2010) (proposing, *inter alia*, to expand allocations for primary operations in TV bands to include fixed and mobile services, as one of the "preliminary steps to enable the repurposing of a portion of the UHF and VHF frequency bands that are currently used by the broadcast television service, which in later actions we expect to make available for flexible use by fixed and mobile wireless communications services, including mobile broadband.").

V. ORDERING CLAUSES

22. Accordingly, IT IS ORDERED that, pursuant to Sections 4(i) and 337(c) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 337(c), that the Request for Waiver, as amended, associated with File No. 0003304375 filed by the Town of Ashland, Massachusetts Police Department IS DENIED to the extent that the Town of Ashland seeks relief under Section 337(c) of the Act.

23. IT IS FURTHER ORDERED pursuant to Section 4(i) Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 1.925 of the Commission's rules, 47 C.F.R. § 1.925, that the Request for Waiver, as amended, associated with File No. 0003304375 filed by the Town of Ashland, Massachusetts Police Department IS GRANTED, to the extent indicated herein.

24. IT IS FURTHER ORDERED that File No. 0003304375 SHALL BE PROCESSED consistent with this *Order* and the Commission's rules.

25. This action is taken under delegated authority pursuant to Sections 0.191 and 0.392 of the Commission's rules, 47 C.F.R. §§ 0.191, 0.392.

FEDERAL COMMUNICATIONS COMMISSION

Thomas J. Beers
Chief, Policy and Licensing Division
Public Safety and Homeland Security Bureau