



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Fax-On-Demand 202 / 418-2830
TTY 202 / 418-2555
Internet: <http://www.fcc.gov>
<ftp.fcc.gov>

DA 01-1216
Released: May 15, 2001

WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON REQUESTS FOR WAIVER OF PART 22 AIR-GROUND RADIOTELEPHONE SERVICE RULES

Comment Date: June 14, 2001

Reply Comment Date: June 29, 2001

On April 9, 2001, Claircom Licensee Corporation ("Claircom") and GTE Airfone Incorporated ("GTE Airfone," and jointly, "ATG licensees") submitted separate requests for joint waiver of a number of commercial Air-Ground Radiotelephone Service ("ATG") licensing rules. *See* ULS File Nos. 0000421562 (Claircom), 0000420815 (GTE Airfone). Claircom holds ATG call sign KNKG801 and GTE Airfone holds ATG call sign KNKG804.

The ATG licensees request the following waivers:

1. Waiver of section 22.857 of the Commission's rules to convert vacant control channels P-5 and P-6 into an additional communications channel C-30. The waiver request also contemplates an increase in guardband from 3.2 kHz to 3.6 kHz between control channel P-4 and the proposed communications channel C-30. The ATG licensees state that the control channels P-5 and P-6 currently are unused, at the same time the carriers face increasing demand for ATG service. They further state that grant of the requested waiver will serve the public interest by enhancing the availability and the provision of ATG services to the public.

2. Waiver of sections 22.857 and 22.869 of the Commission's rules to allow for the use of vacant control channel P-4 for ATG equipment testing without prior Commission approval. The ATG licensees state that control channel P-4 currently is unused. At present, the ATG licensees must obtain prior Commission approval (developmental authorizations or experimental licenses) before testing any ATG equipment.

The ATG licensees state that much of their testing is short term. They proposed to conduct the following types of tests on channel P4:

- (1) Testing new ATG equipment to ensure that it is properly installed onto the aircraft;
- (2) Testing new service features, such as an on-board dialtone, under "real world" conditions; and
- (3) Testing new software, hardware, antennas, and repeaters under "real world"

conditions.

The parties have indicated that they will conduct all testing during off-hours, between 9:00 p.m. and 6:00 a.m. local time. Claircom and GTE Airfone commit that they will coordinate their use of channel P-4 with one another, and will provide each other with test schedules and other information ten days prior to any testing on channel P-4. The ATG licensees explicitly recognize that their use of channel P-4 for testing pursuant to the requested waiver would be subject to any future decision by the Commission to assign this spectrum to another ATG licensee or to use it for another purpose. Finally, they assert that grant of the waiver will serve the public interest by permitting them to undertake research and development efforts on a more timely basis, and also by conserving Commission resources now spent on processing the applications for developmental or experimental authorizations.

3. Waiver of section 22.381 of the Commission's rules to allow for the use of a mobile auxiliary test transmitter on fixed channels currently designated for ground station use. The ATG licensees explained that they currently must obtain individual experimental or developmental authorizations for micro-cell ground stations to certify new installations of mobile equipment at locations that are not serviced by an authorized full power or low power ground station. The applicants state that grant of the waiver would allow the ATG licensees to expedite corrective maintenance actions or the installation and certification of airborne mobile equipment at airport locations that are not served by an authorized full power or low power ground station. In addition, the waiver would also conserve Commission resources now spent on processing applications for developmental or experimental authorizations.

The ATG licensees agree to a number of operational conditions on the proposed waiver to permit auxiliary test transmitters to transmit on channels designated for mobile or fixed transmitters:

- (1) Output power: the EIRP of ground station channels used for testing shall not exceed 0 dBm EIRP;
- (2) Channel reuse: no channel block shall be used for testing purposes at a transmitter site located within 50 miles of a location where the channel is being used to provide commercial aviation ATG service; and
- (3) Operating constraints: licensees must also abide by the following constraints:
 - (a) Channel blocks used for testing may be used only to test aircraft situated on an airport tarmac or hangar area.
 - (b) Use of test channel blocks is permitted at itinerant locations on an intermittent basis, as testing is needed.
 - (c) Licensees shall use only their own FCC assigned and authorized control channels for test purposes.
 - (d) Use of test channels is governed by the same free channel ATG channel availability rules set forth in Section 22.865(a) of the Commission's rules.
 - (e) Use of auxiliary test transmitters to provide commercial ATG service to the public is prohibited.

We seek comment on all aspects of the ATG licensees' requested waivers. Interested parties may file comments on or before **June 14, 2001**. The deadline for filing reply comments is **June 29, 2001**. All comments and reply comments should reference "Claircom and GTE Airfone Requests for Waivers of Air-To-Ground Rules," and include the designated authority number of this *Public Notice*, **DA 01-1216**. An original and four copies of all pleadings must be filed with the Commission's Secretary, Magalie Roman Salas, Federal Communications Commission, 445 Twelfth Street, S.W., TW-A325, Washington, D. C. 20554. In addition, one copy of each pleading should be delivered to each of the following locations: (1) the Commission's duplicating contractor, International Transcription Services, Inc. ("ITS"), 445 Twelfth Street, S.W., Room CY-B492, Washington, D. C. 20554; (2) Office of Media Relations, Reference Operations Division, 445 Twelfth Street, S.W., Washington, D.C. 20554; and (3) Kathy Harris, Commercial Wireless Division, Wireless Telecommunications Bureau, Federal Communications Commission, 445 Twelfth Street, S.W., Room 4-C236, Washington, D. C. 20554.

By this *Public Notice*, we announce, pursuant to section 1.1200(a) of the Commission's rules,¹ that this proceeding will be governed by "permit-but-disclose" *ex parte* procedures under section 1.1206 of the Commission's rules.² We believe the public interest will best be served by applying permit-but-disclose *ex parte* procedures in this case because this proceeding involves broad public policy issues. These procedures permit interested parties to make *ex parte* presentations to the Commissioners and Commission employees, but require that these presentations be disclosed in the record of the relevant proceeding. If a person makes a written *ex parte* presentation to a Commissioner or Commission employees, the written presentation must be filed with the Commission Secretary no later than the next business day after the presentation.³ Oral *ex parte* presentations must be summarized in writing, filed with the Commission Secretary, and copies must be delivered to the Commissioners or Commission employees involved with the oral presentation no later than the next business day after the presentation.⁴ All *ex parte* filings must also reference the designated authority number of this *Public Notice* as well as any other applicable docket or file numbers. Accordingly, as of the release date of this *Public Notice*, all parties making *ex parte* presentations in this proceeding shall file any written *ex parte* presentations and summaries of any oral *ex parte* presentations in accordance with the procedures applicable to permit-but-disclose proceedings set forth in section 1.1206 of the Commission's rules.⁵

The applications that include the waiver requests are available through the Commission's Universal Licensing System, File Nos. 0000421562 and 0000420815. For further information, contact Kathy Harris at (202) 418-0609.

By the Chief, Commercial Wireless Division, Wireless Telecommunications Bureau.

¹ 47 C.F.R. § 1.1200(a). Section 1.1200(a) permits the Commission to adopt modified or more stringent *ex parte* procedures in particular proceedings if the public interest so requires.

² 47 C.F.R. § 1.1206.

³ 47 C.F.R. § 1.1206(b)(1).

⁴ 47 C.F.R. § 1.1206(b)(2).

⁵ 47 C.F.R. § 1.1206.