



PUBLIC NOTICE

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DA 01-970
Released: April 18, 2001

WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON SPACE DATA RESEARCH, LLC'S REQUEST FOR DECLARATORY RULING OR WAIVER REGARDING THE NARROWBAND PCS RULES

Comment Date: May 18, 2001

Reply Comment Date: May 28, 2001

On April 10, 2001, Space Data Research, LLC, (Space Data) filed with the Wireless Telecommunications Bureau (Bureau) a Request for Declaratory Ruling or, in the Alternative for a Waiver (Request), regarding three Commission rules that affect Space Data operations. The Bureau seeks comment on the Request.

In the Request, Space Data states that it has developed a free-floating, balloon-borne communications system to provide two-way paging and other advanced messaging services across the United States, focusing on rural and other underserved geographic regions too remote or costly to be covered by ground-based infrastructure.¹ According to Space Data, it intends to acquire the nationwide Narrowband Personal Communications Services (PCS) Channel 4 (901.15-901.20 MHz paired with 940.15-940.20 MHz) license from TSR Wireless, Inc. and operate its system on that spectrum.²

Because the Narrowband PCS rules, 47 C.F.R. Part 24, do not specifically mention the types of operations envisioned by Space Data, it seeks clarification regarding the issues below. First, Space Data asks the Bureau to clarify, or in the alternative issue a waiver, that the term "base station," as it is used in 47 C.F.R. Part 24, encompasses high-altitude, balloon-borne "repeater" transceivers. Second, Space Data ask the Bureau to clarify, or in the alternative issue a waiver, that its system complies with the transmitter listing requirements set forth in Section 24.415(j).

¹ Space Data has been developing and testing its technology under Experimental License No. 0320-EX-PL-1999 (granted February 8, 1999.)

² See ULS File No. 0000423487, received April 10, 2001.

Third, Space Data asks the Bureau to clarify that the antenna registration requirements set forth in 47 C.F.R. 17.4, 17.7, and 24.55, do not apply to antennas that are affixed to high-altitude, balloon-borne “repeater” transceivers.

This matter shall be treated as a “permit but disclose” proceeding in accordance with the Commission’s *ex parte* rules. 47 C.F.R. §§ 1.1200(a) & 1.1206. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. *See* 47 C.F.R. § 1.1206(b). Other rules pertaining to oral and written *ex parte* presentations in permit-but disclose proceedings are set forth in Section 1.1206(b) of the Commission’s rules, 47 C.F.R. § 1.1206(b).

Comments on the Request must be filed on or before **May 18, 2001**, and reply comments by **May 28, 2001**. All documents filed in this proceeding should indicate in the caption that this matter is before the Wireless Telecommunications Bureau, Commercial Wireless Division and reference Public Notice DA No. 01-970. Comments may be filed via the Commission’s Electronic Comment Filing System (ECFS) via the Internet to [http://www.fcc.gov/e – file/ecfc.html](http://www.fcc.gov/e-file/ecfc.html)>. In completing the transmittal screen, commenters should include their full name and Postal Service mailing address, and reference Public Notice DA No. 01-970. Parties may also submit electronic comments by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to: ecfs@fcc.gov, including “get form < your e-mail address>” in the body of the message. A sample form and directions will be sent in reply.

Interested parties who choose to file by paper must file an original and four copies of their comments with the Office of the Secretary, Federal Communications Commission, 445 Twelfth St., S.W., Room TW-A325, Washington, D.C. 20554.

In addition, parties should send: one paper copy to Melvin Spann, Room 4-C110, and one paper copy to Policy and Rules Branch, Room 4-A207, Commercial Wireless Division, Wireless Telecommunications Bureau, Federal Communications Commission, 445 Twelfth Street, S.W. Washington D.C. 20554; one paper copy to the Public Reference Room, Federal Communications Commission, 445 Twelfth Street, S.W, 20554; and one paper copy and one diskette copy to ITS, Room CY-B400, 445 Twelfth St. S.W., Washington D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Melvin Spann of the Commercial Wireless Division at (202) 418-1333 or mspann@fcc.gov.

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