



# PUBLIC NOTICE

**Federal Communications Commission**  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

News Media Information 202 / 418-0500  
Internet: <http://www.fcc.gov>  
TTY: 1-888-835-5322

**DA 02-1939**

**Released: August 6, 2002**

**WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON ACCESS  
220, LLC REQUEST FOR WAIVERS TO PROVIDE BAND MANAGEMENT  
SERVICES UTILIZING LICENSES IN THE 220-222 MHZ BAND**

**WT Docket No. 02-224**

**Comments Due: August 26, 2002**

**Reply Comments Due: September 5, 2002**

On July 3, 2002, Access 220, LLC (Access 220) filed a request for waiver of Commission rules in order to permit it to provide band management services on 220-222 MHz spectrum under Commission authorizations Access 220 is acquiring from aerwav, inc.<sup>1</sup> In addition, Access 220 seeks waiver of rules related to certain construction requirements for three of the 115 licenses subject to the band management waiver request. The Wireless Telecommunications Bureau seeks comment on Access 220's request for waivers.

Specifically, Access 220 seeks waivers, subject to conditions set forth in its waiver request, of sections 90.733, 90.725, and 90.769 of the Commission's rules.<sup>2</sup> Access 220's parent is Access Spectrum, LLC, which is currently a band manager licensee in the 700 MHz guard bands. Access 220 seeks waiver of the limitations contained in section 90.733 of the Commission's rules<sup>3</sup> on permissible operations in the 220-222 MHz band in order to implement band management activities on the 115 licenses covered by its waiver request.<sup>4</sup> In general, Access 220 proposes to incorporate most of the conditions associated with the 700 MHz guard band manager authorizations, as set forth in portions of Part 27 of our rules. Access 220 asserts that a small number of the 700 MHz band-specific Part 27 rules do not appear to be necessary for band manager activities in the 220 MHz band, since the 700 MHz guard band manager rules

---

<sup>1</sup> Request for Waivers of Access 220, LLC, To Provide Band Management Services Utilizing Licenses in the 220-222 MHz Band, filed July 3, 2002.

<sup>2</sup> 47 C.F.R. §§ 90.733, 90.725, and 90.769.

<sup>3</sup> 47 C.F.R. § 90.733.

<sup>4</sup> Access 220 also requests that any waiver relief granted in this proceeding be extended to any future 220-222 MHz licenses it may acquire.

were adopted in light of specific technical and coordination characteristics associated with the authorizations, including the need to protect public safety operations. According to Access 220, this departure from the requirements applied to band managers in the 700 MHz band is limited and appropriate given the differences in the technical and coordination considerations affecting the 700 MHz and 220-222 MHz bands and the particular policy goals behind the Commission's 220-222 MHz regulations.

Access 220 commits to complying with the applicable general technical standards of Subpart I of Part 90 of the Commission's rules and all relevant technical and operational requirements applicable to operations in the 220-222 MHz band.

Access 220 also seeks waiver of the construction requirements in sections 90.725 and 90.769 of the Commission's rules<sup>5</sup> for three nationwide licenses to permit alternative construction showings by band managers. Specifically, Access 220 seeks a waiver to the extent necessary to rely on third party operator construction. Access 220 further argues that it may already rely on third party operator construction for its non-nationwide licenses.<sup>6</sup>

Access 220 asserts that grant of its requested waivers to permit band management activities in the 220-222 MHz band will help to fulfill the Commission's original policy goal of encouraging efficient use of that band. Also according to Access 220, permitting it to act as a band manager in 220-222 MHz spectrum will alleviate regulatory burdens on spectrum users while affording them additional options to access spectrum to meet their particular communication service needs.

By this Public Notice, we announce, pursuant to section 1.1200(a) of the Commission's rules,<sup>7</sup> that this proceeding will be governed by "permit-but-disclose" *ex parte* procedures for purposes of the Commission's *ex parte* rules.<sup>8</sup> Interested parties may file comments on or before **August 26, 2002** and reply comments on or before **September 5, 2002**. Such comments should refer to **WT Dkt. No. 02-224**.

Under the Commission's current procedures for the submission of filings and other documents,<sup>9</sup> submissions in this matter may be filed electronically or by paper.

---

<sup>5</sup> 47 C.F.R. §§ 90.725, 90.769.

<sup>6</sup> See 47 C.F.R. § 90.767.

<sup>7</sup> 47 C.F.R. § 1.1200(a).

<sup>8</sup> See generally 47 C.F.R. §§ 1.1200 - 1.1216.

<sup>9</sup> See *In the Matter of Implementation of Interim Electronic Filing Procedures for Certain Commission Filings*, Order, FCC 01-345 (rel. Nov. 29, 2001); see also FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence, *Public Notice*, DA 01-2919 (rel. Dec. 14, 2001).

- **If filed by ECFS,**<sup>10</sup> comments shall be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.
- **If filed by paper,** the original and four copies of each filing must be filed by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistronix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

One copy of each pleading must be delivered electronically, by e-mail or facsimile, or if delivered as paper copy, by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (according to the procedures set forth above for paper filings) to: (1) the Commission's duplicating contractor, Qualex International, at [qualexint@aol.com](mailto:qualexint@aol.com) or (202) 863-2898 (facsimile); and (2) Kathy Harris, Commercial Wireless Division, Wireless Telecommunications Bureau, at [kharris@fcc.gov](mailto:kharris@fcc.gov), or (202) 418-7224 (facsimile).

Filings and comments may be obtained from ECFS, which is accessible through the Commission's website, and are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC, 20554. They may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail [qualexint@aol.com](mailto:qualexint@aol.com).

For further information, contact Kathy Harris, Commercial Wireless Division, Wireless Telecommunications Bureau, at (202) 418-0609.

---

<sup>10</sup> See Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24,121 (1998).