



PUBLIC NOTICE

Federal Communications Commission
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WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON REQUEST FOR WAIVER BY THE COUNTY OF ARLINGTON, VIRGINIA, TO OPERATE AN AM TRAVELERS' INFORMATION STATION WITH A POWER LEVEL OF 100 WATTS

Comment Date: August 8, 2005

Reply Comment Date: August 18, 2005

On May 31, 2005, the County of Arlington, Virginia (Arlington) filed an application to modify its license for Travelers' Information Station (TIS) WQBY206, Arlington, Virginia, to increase the transmitter output power on frequency 1700 kHz from ten watts to one hundred watts.¹ Section 90.242(b)(4)(iii) of the Commission's Rules limits TIS output power to ten watts.² Consequently, Arlington filed a waiver request in conjunction with the modification application.

A TIS is used to transmit non-commercial voice information pertaining to traffic and road conditions; traffic hazard and traveler advisories; directions; availability of lodging, rest stops, and service stations; and descriptions of local points of interest. Arlington currently is authorized to operate five TIS transmitters.³ It seeks instead to provide coverage to the entire county from a single, higher-powered transmitter, which it states would be more reliable and efficient, and provide more uniform coverage throughout the entire jurisdiction.⁴ It argues that this would improve homeland security in the county, which is the home to numerous "high-priority terror target[s]" (including the Pentagon and Ronald Reagan Washington National Airport), by improving Arlington's ability to communicate with the public in the event of an emergency.⁵ Arlington also states that its proposed operations would not cause interference to any existing commercial AM radio station or other TIS station.⁶

Section 1.925 of the Commission's Rules provides that a waiver of the Commission's Rules may be granted if it is shown that the 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 requested waiver would be in the public interest; or in view of the unique or unusual circumstances of the instant case, application of the

¹ See FCC File No. 0002108062, Waiver Request.

² See 47 C.F.R. § 90.242(b)(4)(iii).

³ See licenses for Stations WQBY206 and WQCR563.

⁴ See Waiver Request at 5-6.

⁵ *Id.* at 3-4.

⁶ *Id.* at 2.

rule(s) would be inequitable, unduly burdensome or contrary to the public interest or if the applicant has no reasonable alternative.⁷

Interested parties may file comments on the waiver request on or before August 8, 2005. Parties interested in submitting reply comments must do so on or before August 18, 2005.⁸ All comments should reference the subject request including the DA number of this Public Notice, and should be filed with the Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, S.W., TW-325, Washington, D.C. 20554.⁹

The application and waiver request can be accessed electronically via the Commission's Universal Licensing System, <http://wireless.fcc.gov/uls>. In addition, the full text of the waiver requests and responsive comments and reply comments filed pursuant to this Public Notice will be available for inspection and duplication during regular business hours in the Reference Information Center (RIC) of the Consumer and Governmental Affairs Bureau, Federal Communications Commission, 445 Twelfth Street, S.W., Room CY-A257, Washington, D.C. 20554. Copies may also be obtained from the Commission's duplicating contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 Twelfth Street, S.W., Room CY-B402, Washington, D.C. 20554. Customers may contact BCPI through its web site, <http://www.bcpiweb.com>, by email at fcc@bcpiweb.com, by telephone at (202) 488-5300 or (800) 378-3160, or by facsimile at (202) 488-5563. For further information regarding the public reference file for this request, contact Maria Ringold, Chief, Wireless Branch, RIC, (202) 418-1355.

Because of the policy implications and potential impact of this proceeding on persons not parties to this request, we believe it would be in the public interest to treat this matter 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 C.F.R. §§ 1.1200(a), 1.1206, rather than a restricted proceeding under Section 1.1208 of the Commission's Rules, 47 C.F.R. § 1.1208. Therefore, any *ex parte* presentations that are made with respect to the issues involved in the subject request, subsequent to the release of this Public Notice, will be allowed but must be disclosed in accordance with the requirements of Section 1.1206(b) of the Commission's Rules, 47 C.F.R. § 1.1206(b).

For further information, contact Mr. Scot Stone, Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau at (202) 418-0687, TTY (202) 418-7233 or via email to scot.stone@fcc.gov.

By the Deputy Chief, Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau.

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⁷ *See* 47 C.F.R. § 1.925.

⁸ On June 22, 2005, the Wireless Telecommunications Bureau (Bureau) issued a general Public Notice announcing the filing of the applications. *See* Public Notice Rep. No. 2186 (WTB rel. June 22, 2005). Comments filed pursuant to the Bureau's June 22, 2005 Public Notice will be considered along with comments filed pursuant to this Public Notice.

⁹ This address for FCC filings should be used only for documents filed by United States Postal Service first-class mail, Express Mail, and Priority Mail. Hand-delivered or messenger-delivered documents for the Commission's Secretary are accepted only at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. Other messenger-delivered documents, including documents sent by overnight mail (other than United States Postal Service Express Mail and Priority Mail) should be addressed for delivery to 9300 East Hampton Drive, Capitol Heights, MD 20743. *See* FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence, *Public Notice*, 16 FCC Rcd 22165 (2001).