



PUBLIC NOTICE

Federal Communications Commission
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WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON STATE OF CALIFORNIA REQUEST FOR WAIVER FOR AM TRAVELERS' INFORMATION STATIONS TO BROADCAST ANNOUNCEMENTS ENCOURAGING ENERGY CONSERVATION

Comment Date: August 22, 2006

Reply Date: September 1, 2006

By this *Public Notice*, the Wireless Telecommunications Bureau seeks comment on a waiver request by the State of California, Department of Transportation (CalTrans), which seeks to use its licensed AM travelers' information stations (TIS)¹ to encourage the public to reduce power consumption during power alerts. Specifically, CalTrans proposes to broadcast, approximately every five minutes during a stage II or stage III power alert, announcements informing the public of the urgent need to reduce power consumption, such as the following:

The California ISO has declared a stage [2 or 3] power emergency.

(2) Stage 2 Emergency - Voluntary interruption of service is possible to avoid more serious conditions.

(3) Stage 3 Emergency - Consumers are advised that involuntary interruptions of service have begun and will continue until the emergency has passed.

Conserve Energy - Flex your Power

Turn off unneeded lights, computers and appliances.

Set your thermostat at 78 degrees or higher, as health conditions permit. Or turn it off when you're away.

Use major appliances after 7 p.m.

CalTrans requests a waiver of Section 90.242(a)(7) of the Commission's Rules, 47 C.F.R. § 90.242(a)(7), which permits TIS broadcast of "only noncommercial voice information pertaining to traffic and road conditions, traffic hazard and travel advisories, directions, availability of lodging, rest stops and service stations, and descriptions of local points of interest." Under Section 1.925 of the Commission's Rules, 47 C.F.R. § 1.925, a request for a rule waiver may be granted if it is shown that the

¹ Specifically, Stations KNCN250, KNEC996, KNEU564, KNIG427, KNNN866-870, KNNT676, WNDQ665, WNJR464, WNQS653, WNSB415, WNVQ787, WNXXK966, WPBW721, WPBW809, WPBW813, WPSC305, WPDU922, WPEA446, WPEI433-34, WPET708-710, WPFK505-508, WPFM428, WPGR273, WPGR279, WPGR283, WPGR 287, WPGR291, WPHJ953, WPHJ962, WPIJ667, WPIN400-401, WPIS369, WPKF567, WPMU210, WPMW407, WPPD491, WPQK812, WPQY890, WPQZ230, WPRO265, WPSE479, WPSG912, WPSH292, WPTJ432, WPUH752, WPVP652, WPVP711, WPVP765, WPVQ733, WPVQ736, WPVQ738, WPVQ742-743, WPVQ900, WPWG225, WPWI606, WPXB744, WPXB746, WPXB970, WPXX879, WQED842, WQEG408, WQEU877, and WQFI529.

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

Interested parties may file comments on the application waiver request and on or before August 22, 2006. Parties interested in submitting reply comments must do so on or before September 1, 2006. All comments should reference the subject waiver request including the DA number of this *Public Notice*, and should be filed with the Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., TW-A325, Washington, D.C. 20554.²

The waiver request can be accessed electronically via the Commission's Universal Licensing System, <http://wireless.fcc.gov/uls>, under any of the call signs listed above. The full text of the waiver request, comments and reply comments will be available for inspection and duplication during regular business hours in the FCC Reference Information Center (RIC) of the Consumer and Governmental Affairs Bureau, Federal Communications Commission, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. Copies also may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th 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 phone 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 waiver request, contact Maria Ringold, Chief, Wireless Branch, RIC, (202) 418-1355.

Unless otherwise provided, requests for waiver of the Commission's Rules are subject to treatment by the Commission as restricted proceedings for *ex parte* purposes under Section 1.1208 of the Commission's Rules, 47 C.F.R. § 1.1208. Because of the policy implications and potential impact of this proceeding on persons not parties to the waiver request, we believe it would be in the public interest to treat this case as a permit-but-disclose proceeding under the *ex parte* rules. See Sections 1.1200(a), 1.1206 of the Commission's Rules, 47 C.F.R. §§ 1.1200(a), 1.1206. Therefore, subsequent to the release of this *Public Notice*, *ex parte* presentations that are made with respect to the issues involved in the subject waiver request 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. Thomas Eng of the Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau at (202) 418-0019, TTY (202) 418-7233, or via e-mail to Thomas.Eng@fcc.gov.

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

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² This address 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).