



PUBLIC NOTICE

Federal Communications Commission
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DA 06-1664
August 23, 2006

WAIVER REQUESTS BY CLARITY MEDIA SYSTEMS, LLC TO OPERATE CARS STATIONS AT FLYING J TRAVEL PLAZAS

Comment Date: September 22, 2006
Reply Comment Date: October 23, 2006

Through this *Public Notice*, the Commission is seeking comment on waiver requests by Clarity Media Systems, LLC of a number of FCC Part 78 Rules in order to obtain authorizations to distribute television programming via a low power, multichannel digital television distribution service at ten Flying J truck stop travel plazas using the 2025 to 2110 MHz Cable Television Relay Service (CARS) band. The travel plazas are located at or near Frazier Park, CA, North Salt Lake, UT, Ogden, UT, Rapid City, SD, Blacksburg, SC, Waco, TX, Carmel Church, VA, Fairview, TN, Graham, NC and St Lucie, FL. Flying J, a wholly-owned subsidiary of Clarity Media, owns and operates over 165 full service travel plazas. In support of its waiver requests, Clarity Media claims that having live television available to trucks parked at these travel plazas would enhance the quality of life of truck drivers on the road, thereby furthering national commerce and public safety.

Clarity Media is requesting operation on a secondary non-interfering basis within the 2025 to 2110 MHz band for these multichannel digital television distribution systems. This band is allocated for Broadcast Auxiliary Service (BAS) purposes and is used extensively for electronic news gathering (ENG) by broadcasters. The band is also co-equally shared with mobile CARS stations and certain Part 101 licensees. The systems proposed by Clarity Media are fixed services with an effective isotropic radiated power (EIRP) of 37 dBm (5 Watts) for each of the 14 6-MHz channels. The Clarity Media systems intend to employ four degrees of electrical down-tilt to the transmit antenna to limit signal transmission toward the horizon, thereby reducing its EIRP to 34 dBm (2.5 Watts) at the horizon. In its applications, Clarity Media has outlined emergency shut down procedures for operations at the travel plazas in the event of conflict with BAS services. They have notified all BAS licensees within 83 kilometers of each proposed transmit location.¹

Clarity Media requests waivers of provisions of Part 78 of the Commission's Rules, including Sections 78.1 ("Purpose"), 78.11 ("Permissible Service"), 78.18(a)(6) ("Frequency Assignments"), 78.101 ("Power Limitations"), 78.103(e) ("Emissions and Emission Limitations"), and 78.107 ("Equipment and Installation"). Clarity Media will also require a waiver of Section 78.13, ("Eligibility for License") to operate this proposed multichannel digital television distribution system.

¹ BAS frequency coordinators maintain a database of BAS and CARS stations for this band. We note that Clarity Media's shut down procedures do not specifically address CARS licensees.

Interested parties may file comments on this waiver request on or before September 22, 2006. Parties interested in submitting reply comments must do so on or before October 23, 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.

The address for FCC locations 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 by the Commission's contractor, Natek, Inc., 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 236 Massachusetts Avenue, N.E. 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. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. *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).

The full text of the waiver request, comments and reply comments are 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.bcpweb.com>, by email at fcc@bcpweb.com, by phone at (202) 488-5300 or (800) 378-3160, or by facsimile at (202) 488-5563.

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 Sarah Mahmood of the Engineering Division, Media Bureau at (202) 418-7009 or via e-mail at Sarah.Mahmood@fcc.gov. News Media contact: Rebecca Fisher at (202) 418-2359.

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