



PUBLIC NOTICE

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**PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SEEKS COMMENT ON REQUEST
FOR WAIVER BY HOWARD COUNTY, MARYLAND TO MODIFY ITS TRAVELERS'
INFORMATION STATION LICENSE**

File No. 0003163756

Comments Date: June 24, 2008

Reply Comments Date: July 7, 2008

The Public Safety and Homeland Security Bureau seeks comments on the above-captioned application and waiver request, as amended, filed on September 6, 2007 by Howard County, Maryland (Howard County).¹ Howard County seeks Commission approval to modify its existing Travelers' Information Station (TIS)² license located at Clarksville Fire Station under Call Sign WQCR505 to include two additional TIS sites.³ In connection with this application, Howard County also requests waiver of Section 90.242(b)(4)(iv) of the Commission's rules,⁴ pursuant to Section 1.925, 47 C.F.R. § 1.925.

Howard County states that it has over 270,000 residents and is located between Baltimore, MD and Washington, D.C.⁵ According to Howard County, it originally planned to provide coverage for key travel areas throughout most of the county using eight TIS sites.⁶ However, Howard County states that, because testing of its antenna system at the Clarksville Fire Station site demonstrated much greater coverage at ten watts than anticipated,⁷ it now believes that its objectives of "almost county-wide

¹ See Application in File No. 0003163756 and Waiver Request of Howard County, Maryland (filed Sept. 6, 2007; amended May 13, 2008) (Waiver Request).

² Public Safety licensees may use TIS frequencies to transmit on the AM broadcast band (530-1700 kHz) non-commercial voice information pertaining to traffic and road conditions, traffic hazards and travel advisories, directions, availability of lodging, rest stops and service stations, and descriptions of local points of interest. 47 C.F.R. § 90.242(a).

³ Waiver Request at 1. Previously, Howard County held authorizations for a total of eight sites under Station WQCR505 and an additional TIS license, Station WQCR506. *Id.* Howard County relinquished all but the Clarksville Fire Station site. *Id.* Station WQCR506 is no longer active.

⁴ 47 C.F.R. §90.242(b)(4)(iv).

⁵ Waiver Request at 2.

⁶ *Id.*

⁷ *Id.* For stations employing a conventional radiating antenna, the transmitter RF output power "shall not exceed 10 watts" to enable the user to comply with the specified field strength. See 47 C.F.R. § 90.242(b)(4)(iii).

coverage” for its TIS network can be achieved from only three synchronized sites: a central site at the Clarksville Fire Station, an eastern site at the Rockburn Branch Park, and a western site in Cooksville.⁸ Howard County states that, due to the efficiency of the antenna systems proposed at the three sites, “each of these transmitter sites could provide coverage to an area of more than 4 times that of a typical TIS station at a minimum signal of 2 mV/m without exceeding 10 watts.”⁹ Thus, according to Howard County, the proposed system would be more efficient than the original eight-site configuration because the three transmitters would be readily accessible, and the system would be more reliable “with minimal transmission gaps between sites, without causing interference to commercial AM or TIS stations.”¹⁰

Section 90.242(b)(4)(iv) specifies that that the field strength of TIS stations shall not exceed 2 mV/m when measured with a standard field strength meter at a distance of 1.50 kilometers (0.93 miles) from the transmitting antenna system.¹¹ Because Howard County’s testing indicates that the 2 mV/m contour will extend to a distance of approximately 3.27 kilometers from each transmitter site, it acknowledges that waiver of this rule is required.¹²

In support of its request for waiver, Howard County asserts that the purpose of Section 90.242(b)(4)(iv) would not be served or would be frustrated by application to the instant case. Specifically, Howard County states that, while “TIS stations were not meant to duplicate commercial offerings, . . . the noncommercial need [of the rule] was clear enough.”¹³ In this regard, Howard County argues that the noncommercial purpose of the rule would be frustrated if, in the absence of waiver relief, the specified 2 mV/m contour were confined to 1.5 kilometers around eight transmitters, covering less than ten percent of the county.¹⁴ Howard County states that “[i]t makes more sense to encourage the use of an efficient three-transmitter system that can do the job of more than eight without exceeding the 10-watt power limitation or increasing the risk of interference to other stations.”¹⁵

Howard County also states that grant of its request would be consistent with the public interest by enabling it to cover major commuter and evacuation routes in the county.¹⁶ Given its proximity to potential terrorist targets in Washington, D.C. and at Fort Meade, MD, Howard County maintains that unique or unusual circumstances exist to support waiver relief.¹⁷

⁸ Waiver Request at 1.

⁹ *Id.* at 3.

¹⁰ *Id.* at 4.

¹¹ 47 C.F.R. §90.242(b)(4)(iv).

¹² Waiver Request at 2.

¹³ *Id.* at 4 & n.9 *citing* Amendment of Parts 2 and 89 of the Rules to Provide for the Use of Frequencies 530, 1606, and 1612 kHz by stations in the Local Government Radio Services for the Transmission of Certain Kinds of Information to the Traveling Public, *Report and Order*, 67 F.C.C.2d 917, 918-919 ¶¶ 6-8 (1977) (“It therefore would appear to be beneficial to the traveling public if, at times, related information, even though occasionally duplicative, were to be transmitted locally via TIS and area-wide by commercial broadcasters . . .”).

¹⁴ Waiver Request at 5.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.* at 5-6.

Interested parties may file comments on the Waiver Request on or before **June 24, 2008**. Parties interested in submitting reply comments must do so on or before **July 7, 2008**. All comment and reply comment filings should reference the subject Waiver Request, including the DA number of this *Public Notice*. Filings can be sent 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). All filings must be addressed to the Secretary, Office of the Secretary, Federal Communications Commission.

- The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue NE, Suite 110, Washington DC 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, Express, and Priority mail must be sent to 445 12th Street, S.W., TW-A325, Washington, D.C. 20554.

The Waiver Request can be accessed electronically through the Commission's Universal Licensing System (ULS), <http://wireless.fcc.gov/uls>. 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 may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc. (BCPI), 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. For further information regarding the public reference file for the Waiver Request, contact Lisa Williams, RIC, (202) 418-1352.

Because of the policy implications and potential impact of this proceeding on persons not party to the Waiver Request, it is in the public interest to treat this case 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. 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).

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc505@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

For further information regarding this proceeding, contact Mr. David Siehl of the Policy Division, Public Safety and Homeland Security Bureau at (202) 418-1313 (voice), 202-418-7233 (tty), or via e-mail to David.Siehl@fcc.gov.

By the Deputy Chief, Public Safety and Homeland Security Bureau.