



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

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

DA 09-673

Released: March 26, 2009

WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON POTOMAC AVIATION TECHNOLOGY CORPORATION REQUEST FOR INTERPRETATION OR WAIVER OF SECTIONS 87.71 AND 87.73 OF THE COMMISSION'S RULES

WT Docket No. 09-42

Comment Date: April 16, 2009

Reply Date: May 1, 2009

On July 25, 2008, Potomac Aviation Technology Corp (PATC) filed a request for interpretation or waiver of Sections 87.71 and 87.73 of the Commission's Rules,¹ which require that a holder of a General Radiotelephone Operator License (GROL) supervise and be responsible for all transmitter adjustments or tests, and measure the operating frequencies, of all land-based Aviation Radio Service stations when the transmitter is installed, maintained, or serviced. PATC's request pertains to its product VHF Radio Transceiver FCC ID TDOAVIACOM1 (AVIACOM1), which incorporates internal diagnostics to automatically measure frequency, power, modulation, and other technical parameters, and transmit the results to PATC, where the information is monitored and reviewed by personnel holding GROLs. PATC also states that the AVIACOM1 is factory-sealed and tamper-proof, with no user-serviceable or -adjustable components. On November 12, 2008, PATC filed a similar request specifically with respect to the AVIACOM1 at Potomac Airfield, Fort Washington, Maryland.

PATC requests an interpretation that the requirements of Sections 87.71 and 87.73 are satisfied by remote monitoring of the measurement results by personnel holding GROLs. In the event that the rules are interpreted to require the physical presence of a GROL holder when the transmitter is installed or maintained, PATC requests a waiver of that requirement with respect to any AVIACOM1 used in the United States. It argues that remote monitoring by licensed PATC personnel serves the rules' purpose, and that requiring the physical presence of a GROL holder imposes an unnecessary and burdensome expense on smaller airports lacking their own personnel holding GROLs, who PATC states are "scarce and prohibitively-costly." PATC states that granting this waiver request will enable smaller community airports to conduct routine operations in a safer, more efficient manner, and reduce public-sector costs.

In a letter dated December 9, 2009, the Federal Aviation Administration (FAA), Technical Operations Services, stated that it supported a waiver regarding maintenance and measurement upon five conditions: 1) there are no field-repairable components, 2) the transceiver is a sealed unit, 3) it transmits over the aviation Unicom frequency, 4) the transmitter must be approved by the FAA, and 5) installation into the National Airspace System was done in accordance with Section 87.71.

¹ 47 C.F.R. §§ 87.71, 87.73.

Commenters are requested to address the merits of the request with respect to installation of the AVIACOM1, and also with respect to maintaining (including taking required measurements for ongoing equipment verification of) the AVIACOM1, *i.e.*, whether the physical presence of a GROL holder should be required both when the AVIACOM1 is installed and when it is maintained, or in one case but not the other, or in neither case.

Procedural Matters

Comments on the request are due **no later than April 16, 2009**. Reply comments are due **no later than May 1, 2009**. All filings should reference the docket number of this proceeding, WT 09-42.

This proceeding has been designated as a “permit-but-disclose” proceeding in accordance with the Commission's *ex parte* rules.² Parties making oral *ex parte* presentations in this proceeding are reminded that memoranda summarizing the presentation must contain the presentation's substance and not merely list the subjects discussed.³ More than a one- or two-sentence description of the views and arguments presented is generally required.⁴

The request is available for public inspection and copying in the Commission's Reference Center, Room CY-A257, 445 12th Street, S.W., Washington, D.C. 20554. Copies of the Request also may be obtained via the Commission's Electronic Comment Filing System (ECFS) by entering the docket number, WT 09-42. Copies of the request are also available from Best Copy and Printing, Inc., telephone (800) 378-3160, facsimile (301) 816-0169, e-mail FCC@BCPIWEB.com.

Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See* Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. 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, U.S. 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, and should include the following words in the body of the message, “get form.” A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number.

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). The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington,

² *See* 47 C.F.R. §§ 1.1200(a), 1.1206.

³ *See* Commission Emphasizes the Public's Responsibilities in Permit-But-Disclose Proceedings, *Public Notice*, 15 FCC Rcd 19945 (2000).

⁴ *See* 47 C.F.R. § 1.1206(b)(2). Other rules pertaining to oral and written presentations are also set forth in Section 1.1206(b). *See* 47 C.F.R. § 1.1206(b).

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, S.W., Washington, D.C. 20554.
- All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

Parties shall send one copy of their comments and reply comments to Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, (800) 378-3160, e-mail FCC@BCPIWEB.com.

Comments filed in response to this *Public Notice* will be available for public inspection and copying during business hours in the FCC Reference Information Center, Portals II, 445 12th Street S.W., Room CY-A257, Washington, D.C. 20554, and via the Commission's Electronic Comment Filing System (ECFS) by entering the docket number, WT 09-42. The comments may also be purchased from Best Copy and Printing, Inc., telephone (800) 378-3160, facsimile (301) 816-0169, e-mail FCC@BCPIWEB.com.

Alternate formats of this *Public Notice* (computer diskette, large print, audio recording, and Braille) are available to persons with disabilities by contacting the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY), or send an e-mail to fcc504@fcc.gov.

For further information, contact Mr. Ghassan Khalek of the Wireless Telecommunications Bureau, Mobility Division, at (202) 418-2771, Ghassan.Khalek@fcc.gov.

- FCC -