



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 09-842

Released: April 16, 2009

OFFICE OF ENGINEERING AND TECHNOLOGY DECLARES THE ERA SYSTEMS CORPORATION REQUEST FOR A WAIVER OF PARTS 2 AND 15 FOR THE 76-77 GHZ BAND TO BE A “PERMIT-BUT-DISCLOSE” PROCEEDING FOR *EX PARTE* PURPOSES AND REQUESTS COMMENTS

ET Docket No. 09-55

Comment Date: May 6, 2009

Reply Comment Date: May 18, 2009

Era Systems Corporation (“Era”) has filed a request for waiver of Parts 2 and 15 of the Commission’s rules to permit the installation of up to ten fixed 76-77 GHz radars on ground structures at Hartsfield-Jackson Atlanta International Airport.¹ Era states that its proposed system would permit the tracking of aircraft and vehicles in the ramp and gate areas of the airport. Era states that its request for waiver is intended to permit immediate use of its technology in Atlanta Airport for safety related purposes.

Section 15.253 permits the operation of vehicle-mounted radar systems in the 76-77 GHz band. Vehicle-mounted radar systems are the only type of operation permitted under this section; fixed applications are not permitted. Era requests that it be permitted to mount up to ten fixed 76-77 GHz radars on terminal building rooftops at Atlanta Airport. It states these radars would have a range of approximately 400 meters and would monitor the position of aircraft and vehicles on the ground to provide complete tracking information for airport management purposes. Era also requests waivers of Sections 2.803 and 15.201 to permit the marketing of radar equipment for use in the United States without first obtaining FCC certification.

Era contends that the current limitation of 76-77 GHz operations to vehicle-mounted radars was adopted out of concern that other uses of the band could result in interference to vehicle-mounted radars. It states that the Commission expected that there would be non-vehicle mounted radar systems in the future that could successfully share this band without interference. Era claims that standards have been developed in Europe to allow sharing between current automotive radars and fixed radars that comply with a European Telecommunications Standards Institute (ETSI) standard, ETSI EN 301091. To avoid interference to vehicular radars, Era states that it would mount fixed radars at Atlanta Airport to avoid illuminating roads that are accessible by the general public, and would use equipment that complies with ETSI EN 301091.

¹ See Era Systems Corporation request for waiver of Section 15.253 of the Commission’s rules, filed February 6, 2009. The 76-77 GHz band is allocated on a primary basis for radio astronomy and radiolocation, and on a secondary basis for space research (space to earth) for both Federal Government and non-Federal Government use. It is also allocated on a secondary basis for amateur use, although amateur use is currently prohibited by Section 97.303(r).

Specifically, it states that it plans to use Navtech model I800-E radars, and that these units operate with a power level of 23.5 dBm (average) and 55 dBm (peak) in the 76-77 MHz band.

The Commission's Office of Engineering and Technology ("OET") is reviewing the waiver request. OET has concluded that in order to develop a complete record on the complex issues presented by this request, this proceeding will be treated, for *ex parte* purposes, as a "permit-but-disclose" proceeding, in accordance with Section 1.1200(a) of the Commission's rules, and is subject to the requirements under Section 1.1206(b) of the rules.

Pursuant to Sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on or before **May 6, 2009**, and reply comments on or before **May 18, 2009**. All filings should refer to **ET Docket No. 09-55**. Comments may be filed using: (1) the Commission's Electronic Comment Filing System ("ECFS"), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS at <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal at <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
 - For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers 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, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.
- Paper Filers: 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, filers 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). All filings must be addressed to the Commission's 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, 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, Express, and Priority mail must be addressed to 445 12th Street SW, Washington, D.C. 20554.

All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554. Parties

should also send a copy of their filings to Hugh L. Van Tuyl, Office of Engineering and Technology, Federal Communications Commission, Room 7-A162, 445 12th Street, S.W., Washington, D.C. 20554, or by e-mail to hugh.vantuyl@fcc.gov. Parties must also serve one copy with the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, (202) 488-5300, or via e-mail to fcc@bcpiweb.com.

Documents in **ET Docket No. 09-55** are available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. The documents may also be purchased from BCPI, telephone (202) 488-5300, facsimile (202) 488-5563, TTY (202) 488-5562, e-mail fcc@bcpiweb.com.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

Office of Engineering and Technology contact: Hugh L. Van Tuyl at (202) 418-7506.

By the Chief, Office of Engineering and Technology.

-FCC-