



PUBLIC NOTICE

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

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WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON VERMONT TRANSCO LLC REQUEST FOR WAIVER OF CERTAIN PART 80 AUTOMATED MARITIME TELECOMMUNICATIONS SYSTEM (AMTS) RULES

WT Docket No. 11-26

Comment Date: March 10, 2011

Reply Date: March 21, 2011

By this *Public Notice*, the Wireless Telecommunications Bureau seeks comment on a request by Vermont Transco LLC (Transco) for waiver of certain Part 80 rules to allow Transco to operate a private land mobile radio (PLMR) system on Automated Maritime Telecommunications System¹ (AMTS) spectrum to provide communication services for Transco's electric distribution operations.² Specifically, Transco seeks a waiver of Sections 80.92(a), 80.102(a), 80.123(a), 80.123(f), 80.475(c) and 80.479(c) of the Commission's Rules, to the extent applicable.³

Transco owns Vermont's high-voltage electric transmission system, and provides service throughout Vermont and elsewhere in New England. It acquired AMTS Block B spectrum in Vermont in 2009,⁴ and now seeks a waiver to allow it to operate a PLMR system in support of its critical infrastructure utility operations. Transco's communications system will be used to satisfy both fixed and mobile communications requirements, and will provide data and voice service. Among other features, the system will provide increased functionality with respect to monitoring equipment performance and service quality, placing back-up facilities into operation or rerouting power distribution when required, dispatching repair crews, and metering.

¹ AMTS stations provide automated, integrated, interconnected ship-to-shore communications similar to a cellular phone system for tugs, barges, and other maritime vessels. See Amendment of Parts 2 and 80 of the Commission's Rules Applicable to Automated Maritime Telecommunications Systems (AMTS), *First Report and Order*, GEN Docket No. 88-732, 6 FCC Rcd 437, 437 ¶ 3 (1991).

² See FCC File No. 0003890518, Request for Rule Waiver (filed July 2, 2009), Supplement to Waiver Request (filed Jan. 21, 2011).

³ 47 C.F.R. §§ 80.92(a), 80.102(a), 80.123(a), 80.123(f), 80.475(c), 80.479(c).

⁴ See FCC File No. 0003654435 (filed Nov. 24, 2008).

Generally, Transco seeks waiver of those Part 80 rules that restrict use of subject spectrum to accommodate a shared, public maritime communication system, and are not compatible with Transco's planned exclusive-use PLMR system. Transco notes that the Commission has offered guidance to prospective waiver applicants regarding some of the factors that it will consider in evaluating requests for waivers of the Part 80 rules by entities proposing to use AMTS spectrum for land mobile communications.⁵ Transco states that it meets this guidance. It does not believe that it will cause interference to marine communications, because its proposed system is mostly within the state of Vermont (which is separated from the Atlantic Ocean by three states), and there was no prior maritime use of the spectrum at issue. Transco does not seek a waiver of the AMTS technical requirements. Finally, Transco states that congestion on alternative VHF and UHF land mobile spectrum, and the unsuitability of UHF spectrum for the mountainous, rural terrain served by Transco, make AMTS spectrum the most effective spectrum for Transco's needs. Transco believes that granting its waiver request not only supports critical infrastructure operations, but will maximize spectrum efficiency and encourage flexible use of spectrum.

Procedural Matters

Comments on the request are due **no later than March 10, 2011**. Reply comments are due **no later than March 21, 2011**. All filings should reference the docket number of this proceeding, WT 11-26.

This proceeding has been designated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁶ 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.⁷ More than a one- or two-sentence description of the views and arguments presented is generally required.⁸

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

⁵ See MariTEL, Inc. and Mobex Network Services, LLC, *Report and Order*, WT Docket No. 04-257, 22 FCC Rcd 8971, 8986 ¶ 26 (2007), *aff'd*, 25 FCC Rcd 533 (2010), *recon. pending*. Specifically, the Commission requires that waiver applicants provide an explanation of the following: (a) whether the applicant will provide priority to maritime communications, (b) the distance of a proposed land mobile radio operation from the nearest navigable waterways, (c) the magnitude of divergence sought from specific Part 80 technical requirements, (d) a showing that alternative spectrum that could accommodate the proposed PLMR or other land mobile radio service is unavailable or unsuitable for that purpose, and (d) whether grant of the waiver would benefit public safety or homeland security.

⁶ See 47 C.F.R. §§ 1.1200(a), 1.1206.

⁷ See Commission Emphasizes the Public's Responsibilities in Permit-But-Disclose Proceedings, *Public Notice*, 15 FCC Rcd 19945 (2000). We note that the Commission recently amended the rules governing the content of *ex parte* notices. See Amendment of the Commission's *Ex Parte* Rules and Other Procedural Rules, *Report and Order and Further Notice of Proposed Rulemaking*, GC Docket No. 10-43, FCC 11-11, ¶¶ 35-36 (rel. Feb. 2, 2011).

⁸ 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).

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.⁹ 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). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission, as follows:

-All hand-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., S.W., Room TW-A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Envelopes must be disposed of before entering the building. The filing hours at this location are 8:00 a.m. to 7:00 p.m. **PLEASE NOTE:** This is the **ONLY** location where hand-delivered or messenger-delivered paper filings for the Commission's Secretary will be accepted. The Commission's former filing location at 236 Massachusetts Ave., N.E., is permanently closed.

-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.

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.

The application and waiver request can be accessed electronically via the Commission's Universal Licensing System, <http://wireless.fcc.gov/uls>. The request, and comments and reply 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 11-26. They 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 and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY), or send an e-mail to fcc504@fcc.gov.

⁹ Section 1.51(c) of the Commission's Rules, 47 C.F.R. § 1.51(c), recently was amended to reduce the required number of copies to one original and one copy, but the rule change does not take effect until thirty days after Federal Register publication. See Amendment of Certain of the Commission's Part 1 Rules of Practice and Procedure and Part 0 Rules of Commission Organization, *Report and Order*, GC Docket No. 10-44, FCC 11-16, ¶ 43 (rel. Feb. 4, 2011). In the event that the comment or reply periods in this proceeding extend past the effective date of the rule change, parties filing after the effective date need file only one original and one copy of each filing.

For further information, contact Mr. Jim Shaffer of the Wireless Telecommunications Bureau, Mobility Division, at (202) 418-0687, james.shaffer@fcc.gov.

Action by the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau.

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