



PUBLIC NOTICE

**Federal Communications Commission
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**PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SEEKS COMMENT ON STATE OF
FLORIDA'S REQUEST FOR WAIVER OF TRAVELERS' INFORMATION STATION
DISTANCE REQUIREMENT**

File No. 0005642517

Comments Date: February 14, 2014

Reply Comments Date: March 3, 2014

The Commission's Public Safety and Homeland Security Bureau (Bureau) seeks comment on the above-captioned waiver petition (Petition) filed on May 19, 2013 by the State of Florida (Florida).¹ On February 27, 2013, Florida applied for a license to operate two Travelers' Information Stations (TIS)² in Fort Lauderdale, on 1660 kHz, at the intersections of I-595 and 112th Ave., and I-595 and Highway 441, respectively.³ On March 13, 2013, the Commission returned Florida's application because it did not "provide the contour studies used to make the certification that shows you meet rule 90.242(a)." ⁴ Florida then filed its Petition, which, pursuant to Section 1.925 of the Commission's rules,⁵ requests waiver of Section 90.242(a)(2)(i) of the Commission's rules.⁶

Section 90.242(a)(2)(i) requires, in relevant part:

A statement certifying that the transmitting site of the Travelers' Information Station will be located ... at least 130 km (80.6 miles) outside the measured 0.5 mV/m daytime contour (0.1 mV/m for Class A stations) of any AM broadcast station operating on the same channel, or, if

¹ See "Request for Waiver," in Universal Licensing System, Public Safety Pool, Conventional - 0005642517 - FLORIDA, STATE OF, Administration (filed May 9, 2013) (Petition).

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 See Universal Licensing System, Public Safety Pool, Conventional - 0005642517 - FLORIDA, STATE OF, History. See also "Statement of Eligibility," in *id.*, Administration.

⁴ See, "Notice of Return," in *id.*, Administration.

⁵ 47 C.F.R. § 1.925. We note that Florida cites to section 1.3 of the Commission's rules. However, because the application at issue is for a license in the Wireless Radio Service, section 1.925 provides the applicable waiver standard.

⁶ 47 C.F.R. § 90.242(a)(2)(i).

nighttime operation is proposed, outside the theoretical 0.5 mV/m-50% nighttime skywave contour of a U.S. Class A station.

In its Petition, Florida states that it has determined that its proposed TIS stations would be located approximately 35 miles from the 0.5 mVm contour of AM station WCNZ on Marco Island, Florida, also operating on 1660 kHz.⁷ Because the proposed TIS stations would operate less than 80.6 miles from the 0.5 mV/m contour of co-channel AM station WCNZ, Florida seeks a waiver of Section 90.242(a)(2)(i).

In support of its Petition, Florida states that its requested waiver “would serve the underlying purpose of the rule. The purpose of the [TIS] rules is to protect AM radio stations from interference while allowing [TIS] stations to be operated by highway administrations to provide essential safety information to vehicles on the highways.”⁸ According to Florida, its proposed locations are “sufficient in this case to ensure that no interference occurs.”⁹ Florida states that its coverage map shows that WCNZ is located on the West Coast of Florida, in the Fort Myers-Naples, Florida Designated Market Area (DMA), and that the proposed TIS stations would be located on the East Coast of Florida, to serve the I-595 corridor in the Miami-Fort Lauderdale DMA.¹⁰ Therefore, according to Florida, “notwithstanding the coverage map, the proposed [TIS] station is well outside the service area of WCNZ.”¹¹

Florida further states that “[l]istening tests were conducted at the proposed location for the TIS and in the area nearby and station WCNZ could not be heard.”¹² Florida attributes this to the fact that WCNZ “is a 10 kW station located on the other side of the State approximately 80 miles from the proposed location of Florida’s TIS stations, so that the area of interest is outside the WCNZ 0.14 mV/m fringe area” and that the “densely-populated Miami-Fort Lauderdale DMA has many sources of noise and interference on the AM band.”¹³

In addition, Florida notes that the proposed TIS stations will be used by the State of Florida Highway Administration to serve traffic on I-595, a major artery, within a hurricane impact zone where travelers’ information service is essential for public safety.¹⁴ Florida indicates that State of Florida Highway Administration has selected 1660 kHz for TIS service in this area and has made a substantial investment in signage directing travelers to keep their radios tuned to 1660 kHz for travelers’ information.¹⁵

⁷ Petition at 1. By the Bureau’s calculations, one of Florida’s proposed transmitters would operate at approximately 37 miles from the closest point of the WCNZ contour, and the other would operate at approximately 43 miles from the closest point of the WCNZ contour.

⁸ *Id.* at 2.

⁹ *Id.*

¹⁰ *Id.* at 1.

¹¹ *Id.*

¹² *Id.* at 2.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

Finally, Florida states that grant of its request “will serve the public interest as it will allow the State … to provide a Traveler’s Information Station service to the motoring public on a major roadway in the Miami-Fort Lauderdale DMA.”¹⁶

Interested parties may file comments on or before February 14, 2014¹⁷ and reply comments on or before March 3, 2014.¹⁸ Parties may file comments and replies electronically¹⁹ or by paper.

All comments and reply comments should reference the subject Petition and the DA number indicated on this *Public Notice*. Comments may be filed: (1) electronically by accessing the applicant’s file number(s) in the Commission’s Universal Service Licensing System (ULS),²⁰ or (2) by filing paper copies.

Electronic Filers: Pleadings may be submitted electronically as follows:

- From the ULS website at <http://wireless.fcc.gov/uls/>, begin the process of submitting a pleading by clicking on the “ULS Pleadings” link in the menu on the lower left side of the ULS web page. The link will take you to the “*Pleading Information*” screen for “Non-docketed Pleadings” where you select “Reply” in the drop-down window for the type of pleading and then enter the pleadings filer information. Completion of the contact information is optional. Upon completion of this screen, please note the instructions for the filing: “*Pleadings must be dated and must include a signature, in this instance an electronic signature, and the address and phone number of the signing party.*”²¹ Click on “CONTINUE.”
- The second step is to complete the *File Numbers/Call Signs* screen. Click if the pleading pertains to a File Number or Call Sign and enter the File Number or Call Sign.²² Please note that you must enter a File Number or Call Sign to continue. If the pleading pertains to multiple applications or licenses, you must enter each File Number or Call Sign as appropriate. After clicking the “SUBMIT” button, the screen will update to show all the File Numbers/Call Signs associated with the pleading. At this time, you may delete selected File Numbers/Call Signs from the page before continuing.
- The third step is to complete the *Attach File* screen to attach the pleading document. Use the drop down box to select Pleading or Confidential Pleading. The “BROWSE” button opens a file upload window where you will locate and select your pleading file. The Description field allows you to enter a brief description for the pleading. Click the “ADD ATTACHMENT” button to upload your pleading. You may submit up to thirty files for each pleading but each

¹⁶ *Id.*

¹⁷ 47 C.F.R. § 1.405.

¹⁸ *Id.*

¹⁹ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

²⁰ See “Wireless Telecommunications Bureau Enhances the Commission’s Universal Licensing System to Implement Electronic Filing for Pleadings,” *Public Notice*, 21 FCC Rcd 424 (WTB 2006). See http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-06-125A1.pdf.

²¹ See 47 C.F.R. Part 1.

²² The file number of Florida’s application is listed beneath the title of this Public Notice.

file must be smaller than 10 MB in size. You also have the opportunity to delete any selected file from the pleading.

- Finally, to complete your electronic pleading submission, click on the “SUBMIT PLEADING” button and the *Confirmation* screen will be displayed. The *Confirmation* screen will display your Confirmation Number as well as your entered pleadings information. You may print this page for your records by selecting the Print Page link at the top of the page and have the option of submitting another pleading or returning to the ULS website by selecting a link at the bottom of the page.

The ULS Application and License Search results will display pleadings under the ADMIN tab when a comment or reply comment has been filed. Users can view the pleading by clicking on the link for the specific comment or reply comment in the Description field. The general public will not be able to view confidential pleadings.

For additional information or assistance on how to file a comment or reply comment or other relevant pleading, you may visit the Web at <http://esupport.fcc.gov>. You may also call the FCC ULS Customer Support Center at (877) 480-3201 and select option 2, or (888) 225-5322 and select Option 2, or (717) 338-2888. For TTY, please call (717) 338-2824. Assistance from the FCC ULS Customer Support Center is available between the hours of 8 a.m. to 6:00 p.m. Eastern Time, Monday through Friday (except Federal holidays). To provide quality service and ensure security, all telephone calls to FCC ULS Customer Support Center are recorded.

Paper Filers: Parties who choose to file by paper must submit an original and four copies of each filing.

- Send hand-delivered or messenger-delivered paper filings for the Commission’s Secretary to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Send commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) to 9300 East Hampton Drive, Capitol Heights, M.D. 20743.
- Send U.S. Postal Service first-class, Express, and Priority to 445 12th Street, SW, Washington, D.C. 20554.

The application(s), waiver request, and comments and reply comments can be accessed electronically via the Commission’s Universal Licensing System, <http://wireless.fcc.gov/uls>. The full text of the Petition, comments and reply comments will be available for inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th St. SW, Room CY-A257, Washington, D.C. 20554. The documents may also be purchased from BCPI. Email fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau, (voice) (202) 418-0530, (TTY) (202)-418-0432 to request materials in formats accessible to people with disabilities, e.g. Braille, large print, electronic files, audio format.

For further information regarding this proceeding contact Eric Ehrenreich, Policy and Licensing Division, Public Safety and Homeland Security Bureau, (voice) (202) 418-1726 or Eric.Ehrenreich@fcc.gov.

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