Ms. Laura Stefani

Mr. Joseph A. Godles

Goldberg, Godles, Wiener & Wright LLP

1229 19th Street, N.W.

Washington, D.C. 20036 DA 15-42

Re: Request by Itron, Inc. for Waivers of the Commission's Rules

Dear Ms. Stefani and Mr. Godles:

In this letter, we deny Itron, Inc.’s (Itron’s) request for waivers of certain of the Commission's rules[[1]](#footnote-2) to operate a half-duplex, non-paging system using its licensees in the 931 MHz band.[[2]](#footnote-3) As explained below, Itron has not shown under sections 1.3 or 1.925 of the Commission’s rules[[3]](#footnote-4) that waiver is warranted in this instance.

1. **BACKGROUND**

 In 2010, the Wireless Telecommunications Bureau (Bureau) auctioned 9,603 geographic-area paging licenses, with 1,851 of those licenses being in the upper paging bands (929-931 MHz).[[4]](#footnote-5) In announcing Auction 87, the Bureau explained that pre-existing paging incumbent licenses existed in the bands, and these “[i]ncumbent (non-geographic) paging licensees operating under their existing authorizations are entitled to full protection from co-channel interference.”[[5]](#footnote-6) Itron was the winning bidder in Auction 87 for 155 Major Economic Areas paging licenses in the 931 MHz band,[[6]](#footnote-7) and the Bureau granted the licenses on November 3, 2010.[[7]](#footnote-8) On December 17, 2012, pursuant to sections 1.3 and 1.925 of the Commission’s rules, Itron filed the Itron Request so that it may use its paging licenses to support and improve its automatic meter reading (AMR) and advanced metering infrastructure (AMI) systems.[[8]](#footnote-9) The Itron Request includes a two-page technical statement in support of its claim that its system poses no interference risk to other paging licensees.[[9]](#footnote-10)

In its Request, Itron seeks three sets of waivers.[[10]](#footnote-11) “First, to the extent necessary, Itron requests a waiver of Sections 22.[531] and 22.515 of the rules permitting it to engage in half-duplex transmissions so that there can be communications both to and from Itron's meter modules.”[[11]](#footnote-12) Section 22.515 provides that, for all paging services, “[m]obile stations may communicate only with and through base stations. Base stations may communicate only with mobile stations and receivers on land or surface vessels.”[[12]](#footnote-13) Section 22.531 provides that “[t]he following channels [specifically including 931 MHz frequencies] are allocated for assignment to base transmitters that provide paging service . . . .”[[13]](#footnote-14) Itron argues that a waiver of these two rules, if needed, would serve the public interest by enabling utilities to conduct time and frequency synchronization of their systems, improve control of the overall system, conduct on-demand reads, and communicate with hard-to-reach customer premises end points, and otherwise make it possible for Itron to provide smart grid services in support of utilities.[[14]](#footnote-15)

“Second, Itron requests a waiver, to the extent necessary, of Section 22.531 of the Commission's rules so it may provide non-paging data services.”[[15]](#footnote-16) As stated above, section 22.531 limits the assignment of channels in the 931 MHz band to base transmitters that provide paging service, as opposed to the type of non-paging data service Itron proposes. Itron states that grant of a waiver of section 22.531 here would be in keeping with the Commission’s policies favoring flexible use of spectrum, including the Part 22 paging spectrum, and where the spectrum might otherwise lie fallow.[[16]](#footnote-17)

“Finally, Itron seeks a waiver of Section 22.355, to permit fixed and mobile stations operating with an ERP of less than 2 watts to be subject to a frequency tolerance of 5 ppm rather than 1.5 ppm.”[[17]](#footnote-18) Section 22.355 of the Commission’s rules[[18]](#footnote-19) requires that, as relevant to Itron’s proposed 931 MHz band operations, the carrier frequency of each transmitter must satisfy a frequency tolerance limit of 1.5 ppm. Itron seeks a waiver of section 22.355 so that its customer premises end points and readers employing frequencies in the 931 MHz band would be subject to a frequency tolerance limit of 5 ppm.[[19]](#footnote-20) Itron asserts that its need for this waiver arises from certain system design constraints and the requirements of its utility customers.[[20]](#footnote-21) Itron notes that for a large percentage of time, Itron’s customer premises end points and readers will satisfy the 1.5 ppm standard.[[21]](#footnote-22) Itron contends that certain technical factors would mitigate any potential adverse impact from grant of the requested waiver, including the narrow bandwidth used by the customer premises end points and readers and their low power levels (less than two watts Effective Radiated Power).[[22]](#footnote-23)

Despite its stated request for waivers, however, Itron also asserts that waiver of sections 22.515 and 22.531 of the Commission’s rules should not be necessary to permit its half-duplex operations.[[23]](#footnote-24) Itron argues that its proposed non-paging data “operations arguably are consistent with these limitations,” because, “at any point in time, each transmission path on Itron’s system will be inactive or will be used to send messages in only a single direction either [(a)] from a fixed or mobile reader to a fixed customer premises end point or repeater or [(b)] from a fixed customer premises end point or repeater to a fixed or mobile reader.”[[24]](#footnote-25) Itron also asserts that “[n]either section 22.531 nor the Commission’s Table of Frequency Allocations expressly prohibits the assignment of [931 MHz] channels to stations that do not provide paging.”[[25]](#footnote-26) Itron therefore contends that because data services in the 931 MHz band is not prohibited by rule, a waiver of section 22.531 is not necessary for it to provide non-paging data services.[[26]](#footnote-27)

On August 8, 2013, the Bureau issued a *Public Notice* seeking comment on the Itron Request.[[27]](#footnote-28) Two parties submitted comments in response to the Itron Request, USA Mobility, Inc. (USA Mobility) [[28]](#footnote-29) and Space Data Corporation (Space Data). [[29]](#footnote-30) USA Mobility opposes the Itron Request, stating that “the proposed waivers would present a potentially serious risk of interference with USA Mobility’s paging systems, which are vital to hospitals, emergency responders, and other public safety officials.” [[30]](#footnote-31) USA Mobility also argues that Itron should obtain two-way paging licenses to conduct its service “rather than seeking a fundamental repurposing of the one-way spectrum it acquired,” and that a rulemaking proceeding would be more appropriate here given that these waiver requests would result in “fundamental changes to the technical rules governing one-way paging frequencies . . . .”[[31]](#footnote-32) Itron filed comments in reply to USA Mobility[[32]](#footnote-33) reiterating its belief that “[t]he Commission’s rules do not even require one-way communications on Itron’s frequencies,” and that “[e]ven if there were a one-way requirement, Itron’s half-duplex operations will be one-way, [because a]t any given time, each of Itron’s transmission paths will be inactive or will be used to send messages in only a single direction.”[[33]](#footnote-34) Itron also states that “USA Mobility’s technical arguments do not withstand scrutiny,” and that its system “has less interference potential than a traditional paging system operating with maximum facilities.”[[34]](#footnote-35) In addition, Itron argues that the USA Mobility Comments are procedurally flawed because USA Mobility provides no engineering statement in support of its technical arguments, and because “USA Mobility has not satisfied the requirement for an affidavit or declaration from a person with personal knowledge of the facts asserted.”[[35]](#footnote-36)

1. **DISCUSSION**

As a threshold matter, we disagree with Itron that it does not need a waiver of section 22.531 of the Commission’s rules.[[36]](#footnote-37) Section 22.531 provides that systems operating in the 931MHz band only may transmit through base transmitters, whereas Itron proposes operations by which it would utilize non-base transmitters.[[37]](#footnote-38) As Itron’s proposed operations do not fit within the architecture put in place by section 22.531, we find that Itron would, indeed, require a waiver of section 22.531 in order to operate its half-duplex non-paging system.

We now turn to the merits of whether Itron has met the waiver standards of sections 1.925 or 1.3 of the Commission’s rules.[[38]](#footnote-39) Pursuant to section 1.925, waiver may be granted if the petitioner establishes that: (1) the underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and the grant of the waiver would be in the public interest; or (2) in light of unique or unusual factual circumstances, application of the rule(s) would be inequitable, unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative.[[39]](#footnote-40) In addition, the Commission may waive any provision of its rules if good cause is shown.[[40]](#footnote-41) We find that Itron has not met its burden under either rule.

Taken together, the rules that govern the operation of 931 MHz systems provide protection to co-channel site-based incumbents, co-channel geographic licensees, and adjacent-channel licensees from inference caused by a 931 MHz licensee. This interference-protection paradigm presumes that transmissions will be solely through base transmitters. As we described above, however, Itron’s proposed operations appear to use a different communications architecture than the one contemplated by our rules (*i.e.*, one involving mobiles and other non-base transmitters). Itron has not described how it envisions the interference-protection paradigm our rules have set in place for 931 MHz licenses (which allows only for base station transmissions) would apply in this context. For example, it is unclear how Itron proposes to provide co-channel protection to other licensees from its mobile transmissions. And while the Itron Technical Statement demonstrates protection to adjacent channel licensees, we find that Itron has not sufficiently shown how it would protect co-channel site-based incumbents or co-channel geographic area licensees from harmful interference (as required by section 22.503[[41]](#footnote-42)). Itron therefore has not shown that a waiver here would be consistent with the underlying purpose of the rules it seeks to waive, namely interference protection to other licensees, and so has not met the burden of the first prong of section 1.925(b)(3). In addition, Itron’s public interest arguments do not overcome its failure to demonstrate how it would provide adequate protection from interference to other, protected paging licensees given its novel architecture. Itron makes no arguments that any unique or unusual factual circumstances exist such that application of the rules would be inequitable, unduly burdensome, or contrary to the public interest, nor has it argued that it has no reasonable alternative; it therefore also fails to meet the second prong of 1.925(b)(3). Finally, in light of its failure to show that it will not cause interference to co-channel licensees, we find that Itron has failed to establish “good cause” for a waiver pursuant to section 1.3. As such, we deny Itron’s request for waiver of sections 22.515, 22.531, and 22.355.

 Accordingly, IT IS ORDERED that, pursuant to Section 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), and sections 0.331, 1.3, and 1.925 of the Commission’s rules, 47 C.F.R. §§ 0.331, 1.3, 1.925, the Itron Request is DENIED.

Sincerely,

Roger S. Noel

Chief, Mobility Division

Wireless Telecommunications Bureau

Federal Communications Commission

**Attachment 1**

**List of Itron 931 MHz Licenses**

|  |  |  |
| --- | --- | --- |
| **Call Sign** | **Market Code** | **Channel Block** |
| 1. WQMX694
 | MEA001 | AL |
| 1. WQMX695
 | MEA001 | AM |
| 1. WQMX696
 | MEA001 | AN |
| 1. WQMX697
 | MEA002 | AP |
| 1. WQMX698
 | MEA002 | AQ |
| 1. WQMX699
 | MEA002 | BK |
| 1. WQMX700
 | MEA003 | AC |
| 1. WQMX701
 | MEA003 | AF |
| 1. WQMX702
 | MEA003 | AG |
| 1. WQMX703
 | MEA004 | AP |
| 1. WQMX704
 | MEA004 | AZ |
| 1. WQMX705
 | MEA004 | BK |
| 1. WQMX706
 | MEA005 | AJ |
| 1. WQMX707
 | MEA005 | AM |
| 1. WQMX708
 | MEA005 | AN |
| 1. WQMX709
 | MEA005 | BK |
| 1. WQMX710
 | MEA006 | AP |
| 1. WQMX711
 | MEA006 | AQ |
| 1. WQMX712
 | MEA006 | BF |
| 1. WQMX713
 | MEA007 | AC |
| 1. WQMX714
 | MEA007 | AG |
| 1. WQMX715
 | MEA007 | AM |
| 1. WQMX716
 | MEA008 | AW |
| 1. WQMX717
 | MEA008 | AY |
| 1. WQMX718
 | MEA008 | AZ |
| 1. WQMX719
 | MEA009 | AA |
| 1. WQMX720
 | MEA009 | AB |
| 1. WQMX721
 | MEA009 | AC |
| 1. WQMX722
 | MEA010 | AA |
| 1. WQMX723
 | MEA010 | AB |
| 1. WQMX724
 | MEA010 | AC |
| 1. WQMX725
 | MEA011 | AG |
| 1. WQMX726
 | MEA011 | AM |
| 1. WQMX727
 | MEA011 | BD |
| 1. WQMX728
 | MEA012 | AC |
| 1. WQMX729
 | MEA012 | AJ |
| 1. WQMX730
 | MEA012 | AK |
| 1. WQMX731
 | MEA012 | AL |
| 1. WQMX732
 | MEA013 | AB |
| 1. WQMX733
 | MEA013 | AC |
| 1. WQMX734
 | MEA013 | AG |
| 1. WQMX735
 | MEA014 | AB |
| 1. WQMX736
 | MEA014 | AC |
| 1. WQMX737
 | MEA014 | AG |
| 1. WQMX738
 | MEA015 | AF |
| 1. WQMX739
 | MEA015 | AG |
| 1. WQMX740
 | MEA015 | AH |
| 1. WQMX741
 | MEA015 | AI |
| 1. WQMX742
 | MEA016 | AB |
| 1. WQMX743
 | MEA016 | AY |
| 1. WQMX744
 | MEA016 | AZ |
| 1. WQMX745
 | MEA016 | BK |
| 1. WQMX746
 | MEA017 | AA |
| 1. WQMX747
 | MEA017 | AB |
| 1. WQMX748
 | MEA017 | AC |
| 1. WQMX749
 | MEA018 | AG |
| 1. WQMX750
 | MEA018 | BI |
| 1. WQMX751
 | MEA018 | BK |
| 1. WQMX752
 | MEA019 | AP |
| 1. WQMX753
 | MEA019 | BB |
| 1. WQMX754
 | MEA019 | BC |
| 1. WQMX755
 | MEA020 | AF |
| 1. WQMX756
 | MEA020 | AG |
| 1. WQMX757
 | MEA020 | BJ |
| 1. WQMX758
 | MEA020 | BK |
| 1. WQMX759
 | MEA021 | AA |
| 1. WQMX760
 | MEA021 | AB |
| 1. WQMX761
 | MEA021 | AO |
| 1. WQMX762
 | MEA022 | AA |
| 1. WQMX763
 | MEA022 | AB |
| 1. WQMX764
 | MEA022 | AC |
| 1. WQMX765
 | MEA023 | AA |
| 1. WQMX766
 | MEA023 | AB |
| 1. WQMX767
 | MEA023 | AC |
| 1. WQMX768
 | MEA024 | BH |
| 1. WQMX769
 | MEA024 | BI |
| 1. WQMX770
 | MEA024 | BJ |
| 1. WQMX771
 | MEA025 | AA |
| 1. WQMX772
 | MEA025 | AB |
| 1. WQMX773
 | MEA025 | AC |
| 1. WQMX774
 | MEA026 | AA |
| 1. WQMX775
 | MEA026 | AB |
| 1. WQMX776
 | MEA026 | AG |
| 1. WQMX777
 | MEA027 | AA |
| 1. WQMX778
 | MEA027 | AG |
| 1. WQMX779
 | MEA027 | AJ |
| 1. WQMX780
 | MEA027 | AK |
| 1. WQMX781
 | MEA028 | AA |
| 1. WQMX782
 | MEA028 | AB |
| 1. WQMX783
 | MEA028 | AC |
| 1. WQMX784
 | MEA028 | AG |
| 1. WQMX785
 | MEA029 | AA |
| 1. WQMX786
 | MEA029 | AB |
| 1. WQMX787
 | MEA029 | AF |
| 1. WQMX788
 | MEA030 | AA |
| 1. WQMX789
 | MEA030 | AB |
| 1. WQMX790
 | MEA030 | AK |
| 1. WQMX791
 | MEA031 | AA |
| 1. WQMX792
 | MEA031 | AE |
| 1. WQMX793
 | MEA031 | AJ |
| 1. WQMX794
 | MEA031 | AK |
| 1. WQMX795
 | MEA032 | AE |
| 1. WQMX796
 | MEA032 | AG |
| 1. WQMX797
 | MEA032 | AW |
| 1. WQMX798
 | MEA033 | AF |
| 1. WQMX799
 | MEA033 | AZ |
| 1. WQMX800
 | MEA034 | AA |
| 1. WQMX801
 | MEA034 | AB |
| 1. WQMX802
 | MEA034 | AF |
| 1. WQMX803
 | MEA035 | BE |
| 1. WQMX804
 | MEA035 | BI |
| 1. WQMX805
 | MEA035 | BK |
| 1. WQMX806
 | MEA036 | AA |
| 1. WQMX807
 | MEA036 | AB |
| 1. WQMX808
 | MEA036 | AC |
| 1. WQMX809
 | MEA037 | BC |
| 1. WQMX810
 | MEA037 | BD |
| 1. WQMX811
 | MEA037 | BE |
| 1. WQMX812
 | MEA038 | AD |
| 1. WQMX813
 | MEA038 | AE |
| 1. WQMX814
 | MEA038 | AW |
| 1. WQMX815
 | MEA039 | AD |
| 1. WQMX816
 | MEA039 | AI |
| 1. WQMX817
 | MEA040 | AL |
| 1. WQMX818
 | MEA040 | AY |
| 1. WQMX819
 | MEA040 | BC |
| 1. WQMX820
 | MEA040 | BF |
| 1. WQMX821
 | MEA041 | AJ |
| 1. WQMX822
 | MEA041 | AK |
| 1. WQMX823
 | MEA041 | AL |
| 1. WQMX824
 | MEA041 | BK |
| 1. WQMX825
 | MEA042 | AJ |
| 1. WQMX826
 | MEA042 | AM |
| 1. WQMX827
 | MEA042 | BE |
| 1. WQMX828
 | MEA043 | AI |
| 1. WQMX829
 | MEA043 | AJ |
| 1. WQMX830
 | MEA043 | AN |
| 1. WQMX831
 | MEA043 | AW |
| 1. WQMX832
 | MEA044 | AD |
| 1. WQMX833
 | MEA044 | AO |
| 1. WQMX834
 | MEA044 | AW |
| 1. WQMX835
 | MEA045 | AV |
| 1. WQMX836
 | MEA045 | AW |
| 1. WQMX837
 | MEA045 | AX |
| 1. WQMX838
 | MEA046 | AT |
| 1. WQMX839
 | MEA046 | AU |
| 1. WQMX840
 | MEA046 | AV |
| 1. WQMX841
 | MEA047 | AA |
| 1. WQMX842
 | MEA047 | AB |
| 1. WQMX843
 | MEA047 | AC |
| 1. WQMX844
 | MEA048 | AF |
| 1. WQMX845
 | MEA048 | AG |
| 1. WQMX846
 | MEA048 | AH |
| 1. WQMX847
 | MEA050 | AA |
| 1. WQMX848
 | MEA050 | AB |

1. In its waiver request, Itron seeks waiver of 47 C.F.R. §§ 22.355, 22.515, 22.531, and 22.561. In the *Public Notice* the Commission issued in connection with Itron’s waiver request, we stated that “[i]t appears to us that section 22.561 does not apply to Itron’s requested waiver, since that rule section does not apply to 931 MHz band paging operations.” Wireless Telecommunications Bureau Seeks Comment on Itron, Inc. Request for Waivers of Part 22 Rules to Facilitate Provision of Non-Paging Operations Over 931 MHz Licenses, *Public Notice*, WT Docket No. 13-195, 28 FCC Rcd 11829, 11829 (2013) (*Itron Public Notice*). We further stated that “it does appear that Itron might require a waiver of section 22.531 in order to conduct its half-duplex operations, and we therefore will treat Itron’s filings as seeking a waiver of section 22.531 (instead of section 22.561) to the extent necessary.” *Id.* We continue to treat Itron’s waiver request as seeking a waiver of section 22.531 rather than section 22.561 where applicable. [↑](#footnote-ref-2)
2. Itron, Inc. Request for Waiver, WT Docket No. 13-195, filed Dec. 17, 2012 (Itron Request). The Itron Request is attached to the Universal Licensing System (ULS) record for each of those licenses. *See* http://wireless.fcc.gov/uls/index.htm?job=home. Each license’s Call Sign is listed in Attachment 1. [↑](#footnote-ref-3)
3. 47 C.F.R. §§ 1.925(b)(3), 1.3. [↑](#footnote-ref-4)
4. *See* Auction of Lower & Upper Paging Bands Licenses Scheduled for May 25, 2010, *Public Notice*, 25 FCC Rcd 6156 (2009) (*Auction 87 Announcement PN*). [↑](#footnote-ref-5)
5. *Auction 87 Announcement PN* at 6157 ¶ 6 (citing Revision of Part 22 and Part 90 of the Commission’s Rules to Facilitate Future Development of Paging Systems, Implementation of Section 309(j) of the Communications Act – Competitive Bidding, WT Docket No. 96-18, *Memorandum Opinion and Order on Reconsideration and Third Report and Order*, 14 FCC Rcd 10030, 10059-60 ¶¶ 42-44 (1999); Revision of Part 22 and Part 90 of the Commission’s Rules to Facilitate Future Development of Paging Systems, Implementation of Section 309(j) of the Communications Act – Competitive Bidding, WT Docket No. 96-18, *Second Report and Order and Further Notice of Proposed Rulemaking*, 12 FCC Rcd 2732, 2764 ¶¶ 57-58 (1997); 47 C.F.R. § 22.503(i)). [↑](#footnote-ref-6)
6. *See* Auction of Lower & Upper Paging Bands Licenses Closes Winning Bidders Announced for Auction 87, *Public Notice*, 25 FCC Rcd 18164 (2010). [↑](#footnote-ref-7)
7. *See* Wireless Telecommunications Bureau Grants Lower & Upper Paging Bands Licenses, *Public Notice*, 25 FCC Rcd 15324 (2010). [↑](#footnote-ref-8)
8. Itron Request at 1, 2. Specifically, Itron seeks “to provide service, on a non-common carrier basis, to support fixed and mobile functions, including smart grid functions, such as system monitoring, system control, and smart metering.” *Id.* at 2. [↑](#footnote-ref-9)
9. *See* Technical Statement of Dan Seely in Support of ltron's Request for Waiver of Section 22.355 of the Commission's Rules to Permit Operation of Low Power Stations at a Frequency Tolerance of 5 PPM (Itron Technical Statement). [↑](#footnote-ref-10)
10. *See* Itron Request at 3. [↑](#footnote-ref-11)
11. *Id*. [↑](#footnote-ref-12)
12. 47 C.F.R. § 22.515. [↑](#footnote-ref-13)
13. 47 C.F.R. § 22.531. [↑](#footnote-ref-14)
14. *See* Itron Request at 5-6. [↑](#footnote-ref-15)
15. *Id*. at 3. [↑](#footnote-ref-16)
16. *See id.* at 7-8. [↑](#footnote-ref-17)
17. *Id*. at 3. [↑](#footnote-ref-18)
18. 47 C.F.R. § 22.355. [↑](#footnote-ref-19)
19. *See* Itron Request at 9. [↑](#footnote-ref-20)
20. *See id.*  [↑](#footnote-ref-21)
21. *See id.* at 10. [↑](#footnote-ref-22)
22. *See id*. The Itron Technical Statement specifically supports Itron’s request for waiver of section 22.355. [↑](#footnote-ref-23)
23. *See id.* at 5. [↑](#footnote-ref-24)
24. *Id.* Itron states that its network includes customer premises end points located on utility meters and readers that are used to collect information from the customer premises end points and relay information to them. *See id.* at 3-4. [↑](#footnote-ref-25)
25. *Id.* at 7. [↑](#footnote-ref-26)
26. *See id.* [↑](#footnote-ref-27)
27. *Itron Public Notice*. [↑](#footnote-ref-28)
28. Comments of USA Mobility, Inc., WT Docket No. 13-195, filed Sept. 9, 2013 (USA Mobility Comments). [↑](#footnote-ref-29)
29. Comments of Space Data Corporation, WT Docket No. 13-195, filed Sept. 24, 2013. Space Data took no position on the merits of the Itron Request. *See id*. at 1. Rather, it took the “opportunity to discuss the importance of smart grid and other critical infrastructure initiatives, and the availability of narrowband personal communications service (“NPCS”) spectrum that can help advance those initiatives.” *Id*. That issue is outside the scope of this letter and therefore is not addressed herein. [↑](#footnote-ref-30)
30. USA Mobility Comments at 1. [↑](#footnote-ref-31)
31. *Id*. at 1-2. [↑](#footnote-ref-32)
32. Reply of Itron, Inc., WT Docket No. 13-195, filed Sept. 24, 2013 (Itron Reply). [↑](#footnote-ref-33)
33. *Id*. at 2-3. [↑](#footnote-ref-34)
34. *Id*. at 3,11. [↑](#footnote-ref-35)
35. *Id*. at 2. [↑](#footnote-ref-36)
36. *See* Itron Request at 5; Itron Reply at 6-8. [↑](#footnote-ref-37)
37. Section 22.99 defines a base transmitter as “[a] stationary transmitter that provides radio telecommunications service to mobile and/or fixed receivers, including those associated with mobile stations.” [↑](#footnote-ref-38)
38. 47 C.F.R. § 1.925; 47 C.F.R. § 1.3 [↑](#footnote-ref-39)
39. 47 C.F.R. § 1.925(b)(3). [↑](#footnote-ref-40)
40. 47 C.F.R. § 1.3. [↑](#footnote-ref-41)
41. 47 C.F.R. § 22.503. [↑](#footnote-ref-42)