



PUBLIC NOTICE

Federal Communications Commission
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OFFICE OF ENGINEERING AND TECHNOLOGY DECLARES AMTRAK REQUEST FOR WAIVER OF RULE SECTIONS 15.407(a)(1)(iii) AND 15.407(a)(3) TO BE A “PERMIT-BUT-DISCLOSE” PROCEEDING FOR *EX PARTE* PURPOSES AND REQUESTS COMMENT

ET Docket No. 16-415

Comment Date: February 27, 2017
Reply Comment Date: March 15, 2017

On December 13, 2016, The National Railroad Passenger Corporation d/b/a Amtrak (Amtrak) filed a request for waiver of Sections 15.407 (a)(1)(iii) and 15.407(a)(3) of the Commission’s rules to allow Amtrak’s trackside network (TSN) in the Northeast Corridor (NEC) to operate under the specifications that apply to fixed point-to-point operation in the 5.15-5.25 GHz (U-NII-1) and 5.75-5.825 GHz (U-NII-3) bands. Amtrak states that the requested waiver would allow it to deliver high-speed Wi-Fi connectivity aboard trains traveling along the NEC without creating any increased risk of interference to authorized users of the U-NII-1 and U-NII-3 bands.

Section 15.407 (a)(1)(iii) of the Commission’s rules permits only fixed point-to-point U-NII-1 devices to operate with a maximum conducted output power of 1 watt and antenna directional gain up to 23 dBi. Client radios for non-fixed operations are restricted to a maximum power of 250 mW and up to 6 dBi antenna gain in this band. Amtrak states that these limitations would require deployment of three times as many trackside access points which would dramatically increase its capital cost and delay the deployment of its TSN. Similarly, Section 15.407(a)(3) permits only fixed point-to-point operations to operate with the maximum output power and antennas with gain greater than 6 dBi. Amtrak seeks a waiver of these rules to allow its TSN devices to operate under the technical specifications that apply to fixed point-to-point U-NII devices.

The FCC’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 "permit-but-disclose" in accordance with Section 1.1200(a) of the Commission's rules, subject to the requirements under Section 1.1206(b).

Pursuant to sections 1.415 and 1.419 of the Commission’s rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed: (1) using the Commission’s Electronic Comment Filing System (ECFS), (2) through the Federal Government’s eRulemaking Portal, or (3) by submitting 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: <http://fjallfoss.fcc.gov/ecfs2/> or the Federal eRulemaking Portal: <http://www.regulations.gov>.
- Paper Filers: Parties that choose to file by paper must file an original and one copy 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. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered 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 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 DC 20554.

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).

All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554. Parties should also send a copy of their filings to Aole Wilkins, Office of Engineering and Technology, Federal Communications Commission, Room 7-A232, 445 12th Street, SW, Washington, DC 20554, or by e-mail to aole.wilkins@fcc.gov.

Documents in ET Docket No. 16-415 are available for viewing on ECFS, <http://www/fcc/gov/cgb/ecfs>, by entering the docket number, ET 16-415. These documents are available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC 20554.

Office of Engineering and Technology contact: Aole Wilkins at (202) 418-2406.

By the Chief, Office of Engineering and Technology

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