



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
1919 M STREET, N.W.
WASHINGTON, D.C. 20554

DA 98-1705

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DISPATCH INTERACTIVE TELEVISION REQUEST FOR DECLARATORY RULING AND WAIVER OF SECTIONS 95.855 AND 95.859(a) OF THE COMMISSION'S RULES

Comment Date: September 15, 1998

Reply Date: September 30, 1998

On June 9, 1998, Dispatch Interactive Television, Inc. (DITV), filed a Request for Waiver and Declaratory Ruling of Sections 95.855 and 95.859(a) of the Commission's Rules (Waiver Request). DITV seeks to provide one-way voice or data transmission services, including paging services, over an interactive video and data service (IVDS) system it proposes to build in Indianapolis, Indiana. The Commission now invites comment on this request.

DITV holds the B Block IVDS license in the Indianapolis Metropolitan Statistical Area (MSA), call sign KIVD0037. DITV is a wholly owned subsidiary of the Dispatch Printing Company, which in turn holds the license for television Channel 13 in Indianapolis, call sign WTHR. The system outlined by DITV in its Waiver Request contains a single cell transmitter station (CTS) co-located upon the antenna used by WTHR. DITV seeks permission to operate this CTS at up to 250 watts effective radiated power (ERP). Section 95.855 of the Commission's Rules, 47 C.F.R. § 95.855, limits the ERP of CTSs to 20 Watts ERP and Section 95.859(a), 47 C.F.R. § 95.859(a), further limits the ERP of CTS units to below 20 Watts if their antenna height above average terrain (HAAT) exceeds 36.6 meters. DITV's IVDS transmitter will be placed 212.2 meters HAAT.

DITV argues that its Waiver Request should be granted because the rules at issue were intended to ensure that IVDS signals would not interfere with TV Channel 13. DITV maintains that the design of its system eliminates this concern because co-locating the IVDS transmitting antenna with the TV Channel 13 antenna will ensure that the transmitting power disparity between WTHR and the IVDS signal will be maintained throughout WTHR's service area at approximately 10,000 to 1. This, DITV states, will ensure that the IVDS transmissions from the CTS will not interfere with the TV Channel 13 signal.

DITV further argues that granting its Waiver Request will serve the public interest by facilitating its efforts to obtain the equipment necessary to build and operate its IVDS system. DITV states that it cannot proceed with the development, manufacture, and purchase of equipment until it determines that the proposed system will be allowed to operate.

Interested parties may file comments on DITV's Waiver Request no later than September 15, 1998. Parties interested in submitting reply comments must do so no later than September 30, 1998. All comments should reference DITV's Waiver Request, and File No., DA 98-1705, and should be filed with the Office of Secretary, Federal Communications Commission, 1919 M Street, N.W., Room 222, Washington, D.C. 20554. A copy of each filing should be sent to International Transcription Service, Inc. (ITS), 1231 20th Street, N.W., Washington, D.C. 20036, (202) 857-3800 and to James Moskowitz, Federal Communications Commission, Wireless Telecommunications Bureau, Public Safety and Private Wireless Division, 2025 M Street, N.W., Room 8010, Washington, D.C. 20554.

14. Authority. This Order is issued pursuant to Section 4(i), 214(a), and 310(d) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 214(a), and 310(d), Section 4 of the Freedom of Information Act, 5 U.S.C. § 552(b)(4), and authority delegated under Section 0.261 of the Commission's rules, 47 C.F.R. § 0.261, and is effective upon its adoption.

FEDERAL COMMUNICATIONS COMMISSION

Chief, Common Carrier Bureau