



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

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## WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON AMERICAN TIME & SIGNAL COMPANY REQUEST FOR WAIVER TO PERMIT LICENSING OF CERTAIN FIXED TRANSMITTERS AS MOBILE UNITS

WT Docket No. 12-17

**Comment Date: February 22, 2012**

**Reply Comment Date: March 5, 2012**

On December 28, 2011, American Time & Signal Company (ATS) filed an application to modify its license for Industrial/Business Pool Station WQFW336<sup>1</sup> and a corresponding request for waiver of Section 90.7 of the Commission's Rules.<sup>2</sup> ATS manufactures and sells wireless clock systems nationwide to schools, hospitals, and other organizations operating in a large building or campus setting that need to synchronize numerous clocks. Each system uses a system controller (master clock) that transmits brief data signals periodically to associated clocks with wireless receivers. For smaller buildings, transmitters of five or ten watts are used; for larger buildings and multi-building campuses, transmitters of twenty-five or forty watts are used. The transmitter(s) and antenna installations typically are deployed in the customer's headquarters or other campus building, usually at heights of twenty-three meters or less, and sometimes "fill-in" transmitters are deployed to eliminate in-building or other gaps in signal coverage.

The license for Station WQFW336 authorizes operation of hundreds of temporary base stations nationwide on five 464 MHz frequencies.<sup>3</sup> Pursuant to Section 90.137(b) of the Commission's Rules, however, temporary base stations that remain or are intended to remain at the same location for more than one year must be licensed as permanent base stations.<sup>4</sup> ATS argues that licensing its numerous customer locations throughout its nationwide service area as permanent base stations would be administratively burdensome for it and its frequency coordinators, and could not be accomplished under Call Sign WQFW336 because the Commission's Universal Licensing System cannot accommodate that many fixed locations under one license.

Consequently, ATS seeks a waiver of the definition of a mobile station as set forth in Section 90.7 to the extent necessary to license fixed transmitters as mobile units (station class code MO6). It proposes to add a MO6 service area to its license for each customer's location and to locate the system

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<sup>1</sup> See FCC File No. 0005007890.

<sup>2</sup> 47 C.F.R. § 90.7.

<sup>3</sup> Specifically, 464.600 MHz, 464.625 MHz, 464.650 MHz, 464.675 MHz, and 464.700 MHz.

<sup>4</sup> See 47 C.F.R. § 90.137(b).

controller at the center coordinates of its MO6 site. The radius of the MO6 service area would depend on the system controller power level.<sup>5</sup>

ATS notes that the Commission's Rules permit the licensing of base stations as mobile units for low-power operations on certain 450-470 MHz band frequencies.<sup>6</sup> It argues that its wireless clock systems fit the same technical and operational profile as the fixed low-power data systems that the Commission allows to be licensed as mobile units, and that the reason for the low-power rule – that requiring coordinates for each fixed site in such a system is unduly burdensome – applies to ATS's wireless clock systems. ATS asserts that grant of its waiver request offers significant public interest benefits because the location of each licensed master transmitter will be reflected in the Commission's database on a current basis, facilitating the frequency coordination process for other applicants and enabling the Commission to readily identify and locate transmitters operating in the event of interference.

We seek comment on the ATS waiver request to allow authorization of fixed base stations as mobile units operating within a specific radius centered around a geographic point. We also request comment regarding the necessity of providing primary spectrum protection to such operations.

### **Procedural matters**

Comments on the waiver request are due **no later than February 22, 2012**. Reply comments are due **no later than March 5, 2012**. All filings should reference the docket number of this proceeding WT 12-17.

The proceeding this Notice initiates shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.<sup>7</sup> Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

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<sup>5</sup> Specifically, twelve kilometers for a 5-watt transmitter, fourteen kilometers for a 10-watt transmitter, sixteen kilometers for a 25-watt transmitter, and twenty kilometers for a 40-watt transmitter.

<sup>6</sup> See 47 C.F.R. § 90.267(b)(1); *see also* Amendment of Part 90 of the Commission's Rules and Policies for Applications and Licensing Low Power Operations in the Private Land Mobile Radio 450-470 MHz band, *Report and Order*, WT Docket 01-147, 18 FCC Rcd 3948 (2003).

<sup>7</sup> 47 C.F.R. §§ 1.1200 *et seq.*

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 in the Commission's Reference Center, Room CY-A257, 445 12th Street, S.W., Washington, D.C. 20554, and via the Commission's Electronic Comment Filing System (ECFS) by entering the docket number, WT 12-17. Copies of the request are also available from Best Copy and Printing, Inc., telephone (800) 378-3160, facsimile (301) 816-0169, e-mail [FCC@BCPIWEB.com](mailto:FCC@BCPIWEB.com).

Comments may be filed using the 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 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](mailto: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 one copy of each filing. 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 12<sup>th</sup> 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, DC 20554.

-All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

Parties are requested to 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](mailto: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 & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY), or send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov).

For further information, contact Mr. Rodney Conway of the Mobility Division, Wireless Telecommunications Bureau at (202) 418-2904 or via e-mail to [Rodney.Conway@fcc.gov](mailto:Rodney.Conway@fcc.gov).

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

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