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December 18, 2012

Mr. Scot Stone  
Deputy Chief, Mobility Division  
Wireless Telecommunications Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Re: **Request for Clarification**

AMERICAN TIME & SIGNAL COMPANY  
Call Sign WQFW336; FCC File No. 0005007890  
WT Docket No. 12-17

Dear Mr. Stone:

On November 28, 2012, the FCC issued an *Order* granting a waiver request from American Time and Signal Company ("ATS") to permit the licensing of wireless, fixed, data transmitters used to control clock systems at ATS customer locations pursuant to an "MO6" private carrier, mobile-only license held by ATS.<sup>1</sup> The only rule waiver requested or granted was with respect to the frequency coordination requirements of FCC Rule Section 90.173(b). ATS's license, call sign WQFW336 has been modified consistent with the *Order* and includes the following special condition:

- (1) Licensee is required to license each customer location as an MO6 station with a geographical center point and an operating radius not to exceed 20 kilometers; and
- (2) Licensee is responsible for maintaining the accuracy of its licensed sites via modifications to this license.

As an FCC-certified frequency advisory committee, EWA has the following questions about how the ATS facilities are to be considered for purposes of frequency coordination and, more generally, what obligations the licensee has under Commission rules. These matters were not addressed in the ATS waiver request or in the *Order* and require clarification for coordination purposes:

<sup>1</sup> In the Matter of American Time and Signal Company, WT Docket No. 12-17, *Order*, DA 12-1915 (rel. Nov. 29, 2012) ("Order").

- 1) The FCC has allowed these fixed data facilities to be coordinated and licensed as mobile areas of operation. Is this license, therefore, subject to the requirements of FCC Rule Section 90.233 governing base/mobile non-voice operations even though there is no mobile use on the channels? Specifically, is ATS responsible for “cooperating in the shared use of land mobile radio channels,”<sup>2</sup> including compliance with the referenced Rule Section 90.403(e), which requires licensees to monitor before transmitting to avoid interference? A failure to require monitoring on these channels would effectively grant ATS a protected service area for each mobile area of operation even though these operations do not comply with FCC Rule Section 90.187(b), including the fundamental requirement that the facilities operate in a trunked mode.
- 2) Alternatively, are these facilities governed by Rule Section 90.235 applicable to secondary fixed signaling operations? If so, has the FCC implicitly waived subsection (j), which states that a mobile service frequency may not be used exclusively for secondary signaling? Since fixed operations on these frequencies presumptively are secondary to the licensee’s primary voice operations, which voice operations, in turn, are subject to the monitoring requirements of Rule Section 90.403(e), what monitoring obligations attach to the non-voice ATS license? Is ATS also subject to the technical provisions of Section 90.235 such as the power limitations, the maximum duration of transmissions, and the number of transmissions permitted each hour? Assuming the FCC considers this rule section as governing ATS’s operations, EWA and other frequency advisory committees would be permitted to conduct their frequency analyses without considering ATS’s secondary facilities so clarification of this issue is essential.
- 3) ATS sells, installs, and presumably maintains the fixed data facilities located at its customers’ premises for which it holds the license as an MO6 private carrier. This suggests that the vendor of any fixed data equipment is eligible to hold the authorization for equipment it installs and maintains for its customers, including SCADA or other such systems. Is that the FCC’s interpretation of its rules? Would this interpretation apply to other operations licensed under Part 90 of the FCC Rules?

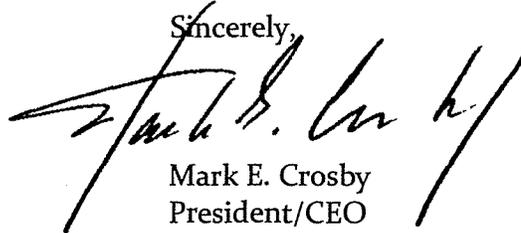
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<sup>2</sup> 47 C.F.R. § 90.233(a).

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We look forward to receiving clarification regarding these matters.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark E. Crosby". The signature is stylized and written over the printed name and title.

Mark E. Crosby  
President/CEO

cc: ATS  
Kenneth Hardman, Esq.