



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

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DA 13-546
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OFFICE OF ENGINEERING AND TECHNOLOGY DECLARES THE SPECTRUM BRIDGE, INC. AND MELD TECHNOLOGIES, INC. REQUEST FOR WAIVER OF SECTIONS 15.711(b)(2) AND 15.711(b)(3)(ii) OF THE RULES TO BE A “PERMIT-BUT-DISCLOSE” PROCEEDING FOR *EX PARTE* PURPOSES AND REQUESTS COMMENT

ET Docket No. 13-81

Comment Date: April 25, 2013

Reply Comment Date: May 10, 2013

On February 25, 2013, Spectrum Bridge, Inc. (“Spectrum Bridge”) filed a request on behalf of Meld Technologies, Inc. (“MeldTech”) asking that the Commission waive the restriction on adjacent channel operation for a fixed TV bands device (TVBD) manufactured by MeldTech and certified under FCC ID: OKVMT300. The device that would operate pursuant to the requested waiver is a rack mounted unit with a power level of 40 milliwatts that would stream video content to digital television receivers in commercial locations such as “big box” stores. It would not be sold to consumers or through consumer retail outlets. Spectrum Bridge specifically requests a waiver of Sections 15.711(b)(2) and 15.711(b)(3)(ii) of the rules to allow the MeldTech fixed device to be treated as a professionally installed personal/portable device and to operate on channels that are indicated in a TV bands database as being available for use by personal/portable TVBDs. It requests the waiver for a period of one year to permit the marketing, manufacture and installation of the subject equipment.

TVBDs must have the capability to access a database that determines the available channels on which they can operate. Spectrum Bridge is authorized by the Commission to operate one such database. Under the Commission’s rules for TVBD operation, the channels that are available for fixed and personal/portable devices generally differ at a given location because, for example, only fixed devices may operate below channel 21 and only personal/portable devices with a power level of 40 milliwatts or less may operate within the service contour of adjacent channel TV stations.

Spectrum Bridge states that the geographic location of the MeldTech device will be programmed into the device as part of the professional installation procedure, and that MeldTech authorized distributors will be responsible for ensuring that all devices are correctly installed. It further states that the device will contact the Spectrum Bridge database once every 30 minutes to confirm channel availability, and that the database will allow operation only on channels 21 and above, including adjacent channels, consistent with the rules for 40 milliwatt personal/portable devices. Spectrum Bridge states that the waiver would permit access to more channels indoors which can be utilized to provide parallel streams of content to different signs, particularly in areas where channels available for fixed devices are extremely limited. Spectrum Bridge argues that a waiver is necessary because the MeldTech devices will be used inside buildings where GPS is not a practical or reliable way to determine location, so including GPS in the device would

not provide for reliable operation. It also argues that adding GPS capabilities would require additional engineering and integration that would delay the device from getting to market. Spectrum Bridge requests a waiver for a period of one year to provide time for MeldTech to develop more reliable geolocation solutions for the environments where the devices will operate. Spectrum Bridge states that the requested waiver would serve the public interest by increasing the potential opportunities for innovative use of the TV white spaces while satisfying the requirement to provide protection for incumbent operations.

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 Hugh L. Van Tuyl, Office of Engineering and Technology, Federal

Communications Commission, Room 7-A162, 445 12th Street, SW, Washington, DC 20554, or by e-mail to Hugh.VanTuyl@fcc.gov. Parties must also serve one copy with the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC 20554, (202) 488-5300, or via e-mail to fcc@bcpiweb.com.

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. The documents may also be purchased from BCPI, telephone (202) 488-5300, facsimile (202) 488-5563, TTY (202) 488-5562, e-mail fcc@bcpiweb.com.

Office of Engineering and Technology contact: Hugh L. Van Tuyl at (202) 418-7506.

By the Chief, Office of Engineering and Technology

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