



PUBLIC NOTICE

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

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TTY: 1-888-835-5322

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WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON EXPERT LINEARS AMERICA, LLC, REQUEST FOR WAIVER OF THE 15 DB AMPLIFICATION LIMIT FOR EXTERNAL RF POWER AMPLIFIERS IN THE AMATEUR RADIO SERVICE

WT Docket No. 16-243

Comment Date: August 29, 2016

Reply Date: September 13, 2016

On June 11, 2016, Expert Linears America, LLC (Expert) filed a request for waiver of Section 97.317(a)(2) of the Commission's rules¹ to permit importation, marketing, and use of its Model 1.3K FA amplifier.² Expert seeks a waiver pending the resolution of its petition for rulemaking proposing to eliminate the 15 dB gain limitation on amateur amplifiers currently embodied in Section 97.317(a)(2).³ We seek comment on the waiver request.

Expert is the United States sales representative and maintenance and repair services provider for SPE Expert Linear Amplifiers, which produces the Model 1.3K FA. The version that Expert imports has been modified to bring it into compliance with Section 97.317(a)(2).⁴ Expert seeks a waiver in order to be able to import the unmodified version of the Model 1.3K FA, which is capable of considerably more than 15 dB amplification. Expert argues that the public interest would be served by permitting use of a higher-powered amplifier, because it would improve the communications capabilities of amateurs using portable, low-power transmitters by enabling them to approach the maximum legal power output.⁵ Expert also notes that the Model 1.3K FA has proprietary software that prevents it from transmitting in the 26-28 MHz band, so it cannot be used in the Citizens Band Radio Service.⁶

¹ 47 CFR § 97.317(a)(2).

² Letter from James M. Talens, counsel for Expert, to Roger Sherman, Chief, Wireless Telecommunications Bureau (June 11, 2016) (Request).

³ See Petition of Expert Linears America, LLC, for Rulemaking, RM-11767 (Apr. 07, 2016). The Commission sought comment on the rulemaking petition. See Consumer & Governmental Affairs Bureau Reference Information Center Petition for Rulemakings Filed, *Public Notice*, Report No. 3041 (CGB rel. Apr. 27, 2016). That proceeding remains pending.

⁴ See Request at 3. Expert refers in its request to "other of its amplifiers," but does not provide information regarding any amplifier other than the Model 1.3K FA.

⁵ See *id.* at 4.

⁶ See *id.* at 3.

Procedural Matters

Interested parties may file comments and reply comments in response to the waiver request on or before the dates listed on the first page of this *Public Notice*. All pleadings must reference WT Docket No. 16-243. Parties may file comments using (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies.⁷

- Electronic Filers: File comments electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- In completing the transmittal screen, filers 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, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.
- Paper Filers: Parties who choose to file by paper must file an original and two copies of each filing.

Send filings by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. Address filings to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- Deliver hand-delivered or messenger-delivered paper filings to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554 between 8:00 AM and 7:00 PM. Use rubber bands or fasteners to hold deliveries together. Dispose of all envelopes before entering the building.
- Send commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- Send U.S. Postal Service first-class, Express, and Priority mail to 445 12th Street, SW, Washington DC 20554.

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.

The request, and comments and reply comments filed in response to this *Public Notice* are available for viewing via the Commission's Electronic Comment Filing System (ECFS) by entering the docket number, WT No. 16-243. The documents also will be available for public inspection and copying during business hours in the FCC Reference Information Center, Portals II, 445 12th Street S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from Best Copy and Printing, Inc., telephone (800) 378-3160, facsimile (202) 488-5563, TTY (202) 488-5562, e-mail 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.

⁷ See *Electronic Filing of Documents in Rulemaking Proceedings*, Report and Order, 13 FCC Rcd 11322 (1998).

This proceeding has been designated as a “permit-but-disclose” proceeding in accordance with the Commission's *ex parte* rules.⁸ 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.

For further information, contact Mr. Scot Stone of the Wireless Telecommunications Bureau, Mobility Division, at (202) 418-0638, scot.stone@fcc.gov.

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

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⁸ See 47 CFR §§ 1.1200(a), 1.1206.