

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
RECCO AB)	WT Docket No. 14-176
)	
Request for Waiver of Part 90 of the Commission's)	
Rules)	

ORDER

Adopted: September 29, 2017

Released: October 2, 2017

By the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau:

1. *Introduction.* This *Order* addresses a request filed by RECCO AB (RECCO) for waiver of section 90.353(i) of the Commission's rules to permit blanket licensing for its avalanche rescue system.¹ For the reasons set forth below, we grant the waiver request as conditioned herein.

2. *Background.* In 2015, the Wireless Telecommunications Bureau's Mobility Division (Division) granted a waiver of section 90.353(h) of the Commission's rules to permit equipment authorization and licensing of RECCO's avalanche rescue system,² which consists of a handheld detector that transmits a signal on frequency 902.85 MHz and a passive reflector (integrated into apparel, helmets, protection gear, or boots) that doubles the signal and re-radiates on frequency 1805.7 MHz, thus enabling search and rescue personnel to home in on the location of skiers, snowboarders and others buried in avalanches.³ A waiver was required because the 902-904 MHz band is designated for, *inter alia*, non-multilateration Location and Monitoring Service (LMS) systems, but section 90.353(h) prohibits non-multilateration LMS systems from providing non-vehicular location services.⁴ The Division concluded that grant of a waiver was in the public interest because the proposed operations would enhance safety in mountain areas with little potential for interference to other users.⁵

3. RECCO also sought a waiver of section 90.353(i), which provides that non-multilateration LMS licenses will be issued to non-government entities on a site-by-site basis. The Division denied RECCO's request for a blanket license, concluding that RECCO had not demonstrated that a waiver was warranted or explained why the equipment could not be licensed site-by-site.⁶ Instead,

¹ Letter from Magnus Granhed, President, RECCO AB, to FCC (Feb. 17, 2017) (Waiver Request); Letter from Magnus Granhed, President, RECCO AB, to FCC (May 17, 2017) (Supplement); *see* 47 CFR § 90.353(i).

² *See RECCO AB*, Order, 30 FCC Rcd 14399, 14402-03, para. 15 (WTB MD 2015) (*Order*).

³ *Id.* at 14399, paras. 2-3.

⁴ *See* 47 CFR § 90.353(h). The 902-928 MHz and 1780-1850 MHz bands are allocated on a primary basis for Federal Government operations. *See* 47 CFR § 2.106.

⁵ *See Order*, 30 FCC Rcd at 14401-02, paras. 10-11.

⁶ *See id.* at 14402, para. 14.

the Division required that a separate authorization be obtained for each ski resort or other area being served.⁷

4. In 2017, RECCO again requested a waiver to permit blanket licensing of its avalanche rescue system. It argues that blanket licensing is more appropriate than site-based licensing because RECCO owns, maintains, and controls the use of all detectors, which may be used only by specially trained staff.⁸ It also asserts that site-based licensing would impose unnecessary burdens and costs on avalanche rescue teams.⁹ In addition, RECCO states that it discussed the request with the National Telecommunications and Information Administration (NTIA), and that NTIA does not object to the issuance of a blanket license.¹⁰

5. *Discussion.* Section 1.925 of the Commission's rules provides that we may grant a waiver if it is shown that (a) the underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and grant of the requested waiver would be in the public interest; or (b) in light of unique or unusual circumstances, application of the rule(s) would be inequitable, unduly burdensome, or contrary to the public interest, or the applicant has no reasonable alternative.¹¹ For the reasons set forth below, we conclude that a waiver of section 90.353(i) is warranted, subject to certain conditions.

6. The Commission rejected a blanket licensing approach for non-multilateration LMS systems so that other co-channel users and the Commission could ascertain the location of LMS transmitters in order to avoid interference.¹² We conclude that requiring site-based licensing of the RECCO avalanche rescue system is not necessary to achieve this goal. Use of the system is permitted only at ski resorts and other areas of high potential for avalanches, and is limited to actual emergencies involving threats to safety of life and necessary training related to such operations.¹³ RECCO owns the detectors and users may operate them only as specified by RECCO. In addition, as the Division noted previously, due to the relatively low power, limited number, and limited use of RECCO detectors in remote ski areas, the potential for interference is low.¹⁴ In the event of interference, RECCO, which maintains a list of all authorized users of the device, can readily identify the source. Therefore, we believe that a waiver of section 90.353(i) is warranted if the conditions below are met.

7. We grant the requested waiver of Section 90.353(i) to permit blanket licensing and operation of the RECCO detector, subject to the following conditions:

- RECCO must file for a nationwide license for users to operate RECCO detectors. Part

⁷ See *id.* at 14403, para. 16.

⁸ See Supplement at 1.

⁹ See *id.* at 2.

¹⁰ See Waiver Request at 1; Supplement at 2.

¹¹ 47 C.F.R. § 1.925(b)(3); see also *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969).

¹² See *Amendment of Part 90 of the Commission's Rules to Adopt Regulations for Automatic Vehicle Monitoring Systems*, Report and Order, 10 FCC Rcd 4695, 4731, para. 67 (1995).

¹³ See *Order*, 30 FCC Rcd at 14402-03, para. 15.

¹⁴ See *id.* at 14401, para. 10.

90 frequency coordination is not required.¹⁵ The application must reference this *Order* (by the DA number set forth above). Reflectors will not require separate licensing.

- RECCO must maintain a list of all entities authorized to use the equipment, and the areas where they operate. RECCO must provide this information to the Commission upon request.

Other conditions imposed on use of the RECCO avalanche rescue system continue to apply.¹⁶

8. *Conclusion and Ordering Clauses.* We conclude that RECCO has shown good cause for waiver of part 90 of the Commission's rules to permit blanket licensing for its avalanche rescue system. Therefore, we grant a waiver of section 90.353(i), subject to the conditions set forth in paragraph 7.

9. Accordingly, IT IS ORDERED, pursuant to sections 4(i) and 303(i) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(i), and section 1.925 of the Commission's rules, 47 CFR § 1.925, that the request for waiver filed by RECCO AB on February 17, 2017, IS GRANTED SUBJECT TO THE CONDITIONS set forth in paragraph 7. Our grant of the waiver request is without prejudice to any Enforcement Bureau action concerning operation of the RECCO system prior to proper authorization.

10. This action is taken under delegated authority pursuant to sections 0.131 and 0.331 of the Commission's Rules, 47 CFR §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

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¹⁵ See 47 C.F.R. § 90.175.

¹⁶ See *Order*, 30 FCC Rcd at 14402-03, para. 15.