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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of	)	
	)	
Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation	)	ET Docket No. 93-62
	)	
	)	

REQUEST FOR EXTENSION OF COMPLIANCE DEADLINE

Prairie Grove Telephone Company and its subsidiary, Allcom Communications, Inc. (collectively, the Company), hereby request that the Commission issue a blanket extension of the deadline for complying with its new radiofrequency (RF) radiation rules adopted in the above captioned docket. The Commission should revise the compliance deadline so that it falls due one year after the issuance of revised OET Bulletin No. 65.

The Company is licensed to operate Paging and Radiotelephone Service, and Telephone Maintenance Radio Service facilities. The original compliance deadline for the new RF radiation rules (adopted by the Commission's July 31, 1996 Report and Order in this proceeding) was January 1, 1997. Various parties have requested that the Commission extend the compliance deadline (originally scheduled for January 1, 1997) to fall due one year after the release of the updated OET Bulletin No. 65. This measure is necessary because the Commission's new RF radiation rules contain a number of ambiguities and complex issues, and the industry will need the guidance to be provided by the updated Bulletin No. 65 in order to accurately evaluate their compliance with the

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new rules. See First Memorandum Opinion and Order, supra at ¶ 5. A number of the issues and ambiguities have been the subject of petitions for reconsideration.

The Commission recognized the difficulties in achieving compliance by January 1, 1997, and its First Memorandum Opinion and Order granted an eight month extension of this deadline. However, given the complex nature of the many issues raised on reconsideration of the Commission's July 31, 1996 Report and Order in this proceeding, it has taken several months for the Commission to draft a reconsideration order, and the revised OET Bulletin No. 65. While these documents have apparently been drafted, they have not yet been issued. Therefore, despite the Commission's well intended extension, it is clear that the industry will not have adequate time to comply with the new RF radiation rules. While the Company is diligently taking steps to verify the compliance of its radio facilities, where such evaluation can be completed under the "safe harbor" guidelines in the rules, the guidance to be provided by the reconsideration order and OET Bulletin No. 65 is needed to complete this process, especially for those sites which require more complex calculations and/or measurements. Some of the sites used by the Company have a substantial number of antennas on the structure, making it difficult to determine compliance. Indeed, because the Commission's rules are ambiguous as to the responsibilities of individual licensees in a multiple transmitter situation, and because many cellular, PCS and paging

facilities can be installed without notification to the Commission, it may take a long time to obtain accurate information on all of the radio operations on a given rooftop, in order to evaluate the relevant RF levels.

The Commission's First Memorandum Opinion and Order concurred with the need for a longer transition period, but stated that "we believe that it would be unnecessary, in most circumstances, to extend the transition period for a full year or more after a revised Bulletin No. 65 is issued." Id. at ¶ 8. The Commission did not elaborate on this conclusion. With the passage of seven and one-half months, such licensees will not be able to digest the Commission's resolution of the outstanding issues in time to meet the September 1, 1997 deadline. Since the reconsideration order has still not been scheduled for a vote, and since the resolution of the complex issues raised on reconsideration is likely to require many licensees to "start from square one" in evaluating their rooftop sites, it is respectfully submitted that an extension based on the resolution of these issues (presumably in revised Bulletin No. 65) would be a more prudent course of action. Such extension should be for at least one year. Such outcome is further justified by the fact that the current freeze on the filing of notification applications by paging and Specialized Mobile Radio Service licensees may complicate compliance efforts, where relocating or raising the height of an antenna is a necessary solution to an RF exposure problem.

Extension of the compliance deadline in the case at hand is supported by previous FCC decisions extending compliance deadlines pending FCC action on issues affecting the parties' ability to comply. See, e.g., Nextwave Personal Communications, Inc., FCC 97-1040, File Nos. 00341CWL96 et al., 1997 FCC LEXIS 2593 (Wireless Tel. Bur. May 16, 1997) (extending deadline for compliance with foreign ownership requirements pending the Commission's rulemaking proceeding concerning the implementation of the WTO Agreement which would change the Commission's foreign ownership restrictions); U S WEST Communications, Inc., 10 FCC Rcd. 640 (Com. Car. Bur. 1994) (extending deadline for compliance with single bill requirement for all local exchange carriers pending the FCC's decision on two waiver requests concerning the single bill requirement).

In the event that the Commission does not see fit to grant a blanket extension, the Company requests that the Commission grant it a temporary waiver of the September 1, 1997 deadline, for the reasons set forth above. Similar waivers should be granted to any licensee that must evaluate numerous transmitters; that experiences delays in obtaining information about other radio operations at a given antenna site, if these delays are beyond the control of the entity performing the environmental compliance review; or where guidance from the reconsideration order/OET Bulletin No. 65 is required. A flexible approach by the FCC would help to give licensees assurance that they will be given a fair opportunity to meet the Commission's new requirements.

Conclusion

In light of the foregoing, the Company requests that the Commission extend the compliance deadline as specified above, or grant a waiver for a one year period from the release of the revised OET Bulletin No. 65 for all radio facilities in which the Company holds an interest.

No party to this request is subject to a denial of Federal benefits pursuant to 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. 862.

Respectfully submitted,

By: David M. Parks, President
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Their Counsel

Dated: August 20, 1997

CERTIFICATE OF SERVICE

I, Sharmon B. Truesdale, do hereby certify that I have, on this 22nd day of August 1997, caused to be served by first class U.S. mail, postage prepaid, a copy of the foregoing Request to the following:

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