

EX PARTE OR LATE FILED Received & Inspected

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

AUG 14 2008
FCC Mail Room

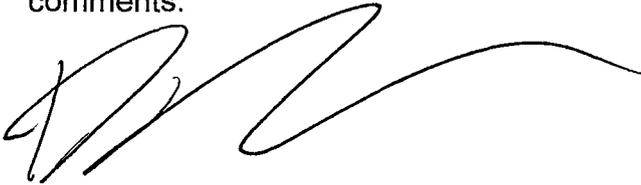
August 8, 2008

ORIGINAL

Re PETITION TO ACCEPT LATE-FILED COMMENTS FOR WT 01-289

Good Morning!

The following issues arose after the comment period closed, but these issues are relevant to the proceeding, and I hereby request that the Commission accept these late comments.



David Wartofsky
Potomac Airfield
10300 Glen Way, Ft Washington, MD 20744

REFERENCE

IV. SECOND FURTHER NOTICE OF PROPOSED RULE MAKING

****12 29.** In this *Second Further Notice of Proposed Rule Making*, we invite comment on whether we should further amend Part 87 of the Commission's Rules in support of our objectives of streamlining and updating the rules, maximizing operational flexibility, promoting efficient use of the spectrum, and enhancing aviation safety. We seek comment here on matters that were raised in the comments to the *FNPRM* or that were otherwise brought to the Commission's attention and have been found, at least tentatively, to merit consideration of rule changes.^[FN125] With respect to all of these matters, we ask proponents of a particular rule amendment to suggest specific implementing language for the rule(s) to be amended. Commenters should also consider if the proposed rule change may impose a new compliance burden, and, if so, whether that burden reasonably may be mitigated or eliminated either for all regulated entities or at least for small businesses and other small entities. In addition, we ask commenters to address with particularity the impact, if any, that the rule change may have on public safety and homeland security.

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LATE-FILED COMMENTS FOR WT 01-289

Potomac Aviation Technology (PATC) requests Part 87 regulations be amended in accordance to WT 01-289. "...[FCC] invite[s] comment on whether we should further amend Part 87 of the Commission's Rules in support of our objectives of streamlining and updating the rules, maximizing operational flexibility, promoting efficient use of the spectrum, and enhancing aviation safety."

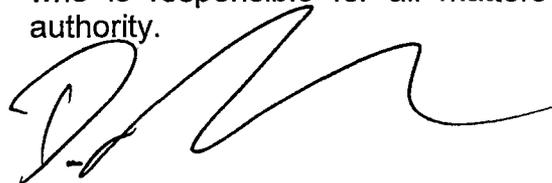
The following proposed amendments would significantly reduce compliance burden for many small community airports, enhancing public safety by allowing more affordable and broader availability of flight safety information.

In certain areas of practice, FAA currently applies FCC 87.71 and 87.73 to require an individual with an FCC General Radiotelephone Operator's License (GROL) to be physically present whenever any 'aeronautical station' is installed, regardless of transmitter power or nature, as well as whenever subsequent measurements are taken; including low-power VHF transmitters having no field adjustable components.

FAA's current practice imposes onto many small community airports prohibitive compliance costs as well as procedural impediments, undermining airports' ability to perform otherwise simple, routine, installation and maintenance tasks. Small outlying airports are often compelled to literally fly-in someone merely having a GROL to meet this "FCC requirement."

For further consideration, new FCC licensed and factory-sealed transceiver technology incorporates internal diagnostics and remote maintenance monitoring which remotely performs all of the measurements otherwise be performed by a human, including antenna loading (VSWR) measurements without breaking the antenna path; and without any human presence at the transmitter site.

For transmitters able to perform measurements remotely without human presence at the radio site, current requirement to have a GROL individual present at the radio site are costly and redundant. The proposed language replaces the requirement for an individual having a GROL to be at the site, with the FCC station licensee their agent, who is responsible for all matters pertaining to transmitters operating under their authority.



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CURRENT Sec. 87.71 Frequency measurements.

A licensed operator must measure the operating frequencies of all land-based transmitters at the following times:

- (a) When the transmitter is originally installed;
- (b) When any change or adjustment is made in the transmitter which may affect an operating frequency; or
- (c) When an operating frequency has shifted beyond tolerance.

PROPOSED AMENDED Sec. 87.71 Frequency measurements.

An authorized licensee, or their agent, must verify the correct operating frequencies of all land-based transmitters at the following times:

- (a) When the transmitter is originally installed;**
- (b) When any change or adjustment is made in the transmitter which may affect an operating frequency; or**
- (c) When an operating frequency has shifted beyond tolerance.**

CURRENT Sec. 87.73 Transmitter adjustments and tests.

A general radiotelephone operator must directly supervise and be responsible for all transmitter adjustments or tests during installation, servicing or maintenance of a radio station. A general radiotelephone operator must be responsible for the proper functioning of the station equipment.

AMENDED

An authorized licensee, or their agent, must supervise and be responsible for all transmitter adjustments or tests during installation, servicing, or maintenance of a radio station. The licensee must be responsible for the proper functioning of their station equipment.

PATC also requests amendment clarifying Automated Unicom, 87.219, for which PATC was the original proponent in 1996. As currently written, 87.219 could inadvertently authorize significant interference onto airport unicom frequencies.

The final language of 87.219 was written some years after the regulatory and comment process, and may have failed to clearly specify the fundamental principal necessary for guaranteeing non-interference. The current language allows transmissions of 'up to one minute in length' without context for frequency congestion.

CURRENT 87.219(3)

Automated advisory transmissions must be as brief as possible, and must never exceed one minute in length.

PROPOSED AMENDMENT 87.219(3)

Automated advisory transmissions must be as brief as possible, adapting dynamically to changing levels of frequency congestion, and must never exceed one minute in length.

Sec. 87.219 Automatic operations.

(a) A station operator need not be present when an automated unicom is in operation.

(b) Unicom operations in an automated mode must comply with the requirements of paragraphs (1) through (5) of this section, in addition to the requirements applicable to non-automated unicom operations.

(1) An automated unicom must transmit only in response to interrogating signals from aircraft, including but not limited to the brief keyed RF signals specified in Sec. 87.187(y).

(2) An automated unicom must monitor the unicom frequency prior to transmission, and provide a brief delay between the aircraft's interrogating signal and the automatic unicom's response.

(3) Automated advisory transmissions must be as brief as possible, and must never exceed one minute in length.

(4) An automated unicom may not provide weather information at an airport that has an operational, FAA-certified, automatic weather facility, unless the unicom itself is certified by the FAA.

(5) If weather information is provided by an automated unicom:

(i) weather sensors must be placed in order to adequately represent the weather conditions at the airport(s) to be served;

(ii) the weather information must be preceded by the word 'advisory'

(iii) the phrase 'automated advisory' must be included when the weather information was gathered by real-time sensors or within the last minute;

and,

(iv) the time and date of the last update must be included when the weather information was not gathered within the last minute.

(c) Only one automated unicom may be operated at an uncontrolled airport. Prior to the operation of an automated unicom at an airport with more than one unicom licensee, all of the licensees at that airport must sign a letter of agreement stating which licensee(s) control the automated unicom operations, and, if control is to be shared among several operators, how that control will be divided or scheduled. The original or a copy of the letter of agreement must be kept with each licensee's station records. Within 90 days of the date upon which a new unicom operator is licensed at an airport where more than one unicom is authorized, and an automated unicom is being operated, an amended letter of agreement that includes the new licensee's signature must be signed or automated unicom operations must cease.

[64 FR 27475 , May 20, 1999]