

WT 08-256

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

FILED/ACCEPTED

DEC 24 2008

Federal Communications Commission
Office of the Secretary

DOCKET FILE COPY ORIGINAL

In the Matter of)
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Request of PTC-220, LLC for Waivers of)
Certain 220 MHz Rules)
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File No. _____

To: Chief, Wireless Telecommunications Bureau

REQUEST FOR WAIVERS

Edwin Kemp and Tom Schnautz
Co-Presidents
PTC-220, LLC
1400 Douglas Street, Stop 640
Omaha, NE 68179
Phone: (402) 544-4883
Facsimile: (402) 233-2943
efkemp@up.com
tom.schnautz@nscorp.com

Michele C. Farquhar
Mark W. Brennan
Hogan & Hartson LLP
555 Thirteenth Street, NW
Washington, DC 20004
Phone: (202) 637-5663
Facsimile: (202) 637-5910
mcfarquhar@hhlaw.com

Counsel to PTC-220, LLC

October 31, 2008

EXECUTIVE SUMMARY

PTC-220, LLC ("PTC-220") requests waivers of certain rules applicable to its 220 MHz licenses ("Licenses") in order to develop and introduce narrowband technology that will allow for the efficient and intensive use of the spectrum, including the deployment of "positive train control" technology. Once implemented, positive train control technology will allow PTC-220 to monitor train activity, prevent collisions, and enhance public safety. To realize the tremendous public safety benefits that will accrue from wide-scale deployment of positive train control systems, PTC-220, pursuant to Sections 1.3, 1.946(e), and 1.925 of the Commission's rules, requests that the Commission waive the following rules applicable to one or more of its 220 MHz Licenses:

- Section 90.767: Construction and implementation of EA and Regional licenses;
- Section 90.769: Construction and implementation of Phase II nationwide licenses;
- Section 90.743: Renewal expectancy;
- Section 90.715: Frequencies available;
- Section 90.713: Entry criteria;
- Section 90.717: Channels available for nationwide systems in the 220-222 MHz band; and
- Section 90.735: Station identification.

Grant of these waivers is consistent with the underlying purpose of the 220 MHz rules to ensure prompt delivery of services, prevent warehousing of spectrum, and promote investment and deployment of new technologies. Such action will allow PTC-220 to continue investing significantly in developing an interoperable positive train control network and to more quickly launch its nationwide system. Moreover, strict enforcement of the Commission's rules in this case would be inequitable, unduly burdensome, and contrary to the public interest. PTC-220's very recent acquisition of the Licenses, coupled with the fact that viable positive train control

equipment capable of overcoming the technological challenges posed by creating a nationwide, interoperable system in the 220 MHz band still requires additional testing, finalization, and approval by the Federal Railroad Administration, represent unique circumstances that justify the requested relief. Absent a grant of the waivers, PTC-220 would have to expend enormous capital and personnel resources to deploy suboptimal, stopgap systems to satisfy the Commission's rules, diverting scarce resources that could better serve the public interest through developing and deploying a positive train control system. Moreover, with the very recent enactment of the Rail Safety Improvement Act of 2008, there is now a federal mandate for the rapid development and deployment of positive train control systems of the type discussed in this application.

The waivers also are in the public interest because they are in harmony with the Commission's prior findings on the use of spectrum for railroad services, as well as its policy goals regarding flexible use of the 220 MHz spectrum. As detailed below, PTC-220's positive train control system will provide a unique service designed to enhance safety and efficiency in rail transportation by reducing and preventing train collisions. Thus, to maximize the public safety benefits of PTC-220's system, the Commission should grant an extension of the construction requirements applicable to the Licenses and waive the base/mobile configuration requirement, commercial use restriction, and station identification requirement. Furthermore, granting the waivers and authorizing PTC-220 to develop a private, non-commercial system that uses the frequencies on its nationwide licenses for any combination of base station, mobile, portable, or control station transmissions also would advance the Commission's spectrum efficiency and flexible use goals.

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REQUEST FOR WAIVERS

PTC-220, LLC (“PTC-220”), by its undersigned counsel and pursuant to Sections 1.3, 1.946(e), and 1.925 of the Commission’s rules, hereby requests waivers of certain rules applicable to its 220 MHz licenses (“Licenses”)¹ so it can develop a robust nationwide, interoperable “positive train control” network designed to monitor train activity, prevent railroad collisions, and enhance public safety.

As discussed below, a waiver of these rules is in the public interest. PTC-220’s positive train control system is being designed to enhance safety and efficiency in the railroad industry by reducing and preventing train collisions along thousands of miles of track. Moreover, a waiver

¹ PTC-220 seeks a waiver of the following rule sections for one or more of its Licenses: 90.767 (Construction and implementation of EA and Regional licenses); 90.769 (Construction and implementation of Phase II nationwide licenses); 90.743 (Renewal expectancy); 90.715 (Frequencies available); 90.713 (Entry criteria); 90.717 (Channels available for nationwide systems in the 220-222 MHz band); and 90.735 (Station identification). Appendix A lists each of PTC-220’s licenses and details the specific waivers that are requested for each license.

grant will allow PTC-220 to launch its nationwide system sooner, ensuring prompt delivery of services and promoting the investment in and deployment of new safety technologies. In addition, a waiver will advance the Commission's spectrum efficiency and flexible use goals and encourage intensive use of the 220 MHz spectrum.

I. BACKGROUND AND DESCRIPTION OF PTC-220'S INTENDED USE FOR THE 220 MHz SPECTRUM.

PTC-220 is a joint venture of Ekanet, Inc. (a subsidiary of Union Pacific Corporation) and Norfolk Southern Railway Company (a subsidiary of Norfolk Southern Corporation). On June 19, 2008, pursuant to an asset purchase agreement entered into by and between PTC-220 and Access 220, LLC ("A2L"),² PTC-220 acquired and assumed control of the Licenses, as well as A2L's existing build-out for the Licenses,³ as part of its plan to develop and introduce narrowband technology that will allow for the efficient and intensive use of the 220 MHz spectrum, including the deployment of positive train control technology.

Positive train control is an advanced system designed to monitor train activity, prevent train collisions, and enhance public safety. Under a positive train control system, a radio device onboard a train transmits and receives information regarding that train's location and related data, along with additional information regarding where the train may travel safely. The onboard system then automatically monitors the train's speed and location with respect to the train's area authorized for travel, also known as "authority." Positive train control systems will manage track congestion, supervise "movement authorities," enforce speed limits, monitor and report

² See File No. 0003479289 (filed Jun. 20, 2008; accepted Jun. 21, 2008).

³ As discussed in Section III, below, PTC-220 intends to keep the existing A2L build-out operational.

train diagnostics, issue alarms, and monitor radio transmissions from “wayside” systems, among other functions.⁴

To date, PTC-220 and its members have diligently pursued the development of viable, interoperable positive train control equipment with Westinghouse Air Brake Company, AnsaldoSTS (Union Switch and Signal), Safetran Systems, General Electric Microwave Data Systems (“MDS”), ARINC, and Meteor Communications Corp. (“MeteorComm,” owned by BNSF Railway). These efforts include the development of: (1) wayside interface units for existing signal systems; (2) onboard safety critical positive train control systems; (3) positive train control back office servers; and (4) prototype 220 MHz communications equipment.

In particular, the rail industry (including Union Pacific Corporation and Norfolk Southern Corporation) has been working with MDS and MeteorComm on 220 MHz radio equipment for positive train control systems. Both companies currently are engaged in testing equipment and protocols developed specifically for interoperable positive train control communications. The MeteorComm testing program is overseen by the Wireless Communications Committee (“WCC”) of the Association of American Railroads (“AAR”).⁵

Furthermore, PTC-220’s members are already using the 220 MHz spectrum to facilitate positive train control pilot programs in the Western, Midwestern, and Southern regions of the country. Union Pacific Corporation has identified two pilot routes, one from Spokane, Washington to Eastport, Idaho, and one from North Platte, Nebraska to close to Bill, Wyoming. Currently, 10 of the 53 planned 220 MHz wayside radio sites are installed on the Spokane route, and Union Pacific Corporation is conducting coverage evaluations and analysis. It plans to

⁴ See, e.g., Positive Train Control, Federal Railroad Administration, at <http://www.fra.dot.gov/us/content/784> (last accessed Sept. 14, 2008).

⁵ MeteorComm also currently has FRA funding to prove certain aspects of positive train control systems.

operate locomotives on both the Spokane and North Platte routes in 2009 to evaluate the positive train control technology. Norfolk Southern Railway Company also has two separate but contiguous pilot routes running from Charleston, South Carolina to Columbia, South Carolina, and then from Columbia, South Carolina to Charlotte, North Carolina. Norfolk Southern Railway Company plans to deploy 86 wayside locations using the 220 MHz spectrum along these routes, and it intends to have all 86 sites operational by the end of 2008. Norfolk Southern Railway Company is also equipping 40 locomotives with 220 MHz radios that can receive transmissions from both the wayside locations and 10 base station locations, and it plans to begin field testing during the first quarter of 2009. As further evidence of their commitment, PTC-220's members have recently entered into an agreement with BNSF Railway and CSX Corporation for the development of a nationwide, interoperable positive train control system.⁶ Combined, these railroads represent the top four "Class I" railroads in the United States.

Tremendous public safety benefits will accrue from wide-scale deployment of positive train control systems. On October 16, 2008, President Bush signed into law the Rail Safety Improvement Act of 2008, a significant part of which mandates development and implementation of positive train control on Class I railroads by December 31, 2015.⁷ Mark Rosenker, Acting Chairman of the National Transportation Safety Board, has stated that positive train control systems "can provide safety redundancy to override mistakes by human operators and prevent train collisions and over-speed derailments."⁸ The Senate Commerce, Science, and Transportation Committee also has remarked that "[i]n

⁶ See "Rails Link Up on PTC," *Traffic World* (Oct. 20, 2008).

⁷ See Rail Safety Improvement Act of 2008, Pub. L. No. 110-432, § 104, 122 Stat. 4848, _____ (2008).

⁸ Press Release, National Transportation Safety Board, *NTSB Acting Chairman Calls on Rail Industry to Employ New Technologies to Improve Safety* (Oct. 7, 2008), available at <http://www.nts.gov/pressrel/2008/081007.html>.

addition to providing a greater level of safety, [positive train control] systems may also enable a railroad to improve scheduling operations, running time, reliability, asset utilization, and track capacity.”⁹ Thus, positive train control systems not only can save lives, enhance rail safety, and reduce the likelihood of train collisions and other rail accidents in the future, but also can help railroads improve efficiency. With these benefits in mind, PTC-220 and its members are committed to developing and deploying an integrated, robust nationwide positive train control system over the next several years.

II. WAIVER AND EXTENSION STANDARDS

To obtain a waiver of the Commission’s rules, an applicant must demonstrate either that: (i) the underlying purpose of the rule at issue would not be served or would be frustrated by its application, and that a waiver is in the public interest; or (ii) in view of the unique circumstances, application of the rule would be inequitable, unduly burdensome or contrary to the public interest.¹⁰ As demonstrated below, PTC-220’s waiver requests meet these standards. PTC-220’s request for more time to meet the construction requirements applicable to the Licenses is also due to circumstances beyond its control, further satisfying the requirement for an extension under the Commission’s rules.¹¹

III. WAIVER OF THE CONSTRUCTION REQUIREMENTS

Section 90.767¹² requires all 220 MHz Phase II Economic Area (“EA”) and Regional Economic Area Grouping (“Regional”) licensees to construct a sufficient number of base stations

⁹ S. REP. NO. 110-270, at 5 (2008).

¹⁰ 47 C.F.R. § 1.925(b)(3); *see also* 47 C.F.R. § 1.3 (stating that the Commission can waive or suspend any portion of its rules “for good cause shown”). Waiver is appropriate if special circumstances warrant a deviation from the general rule, and such a deviation will serve the public interest. *Northeast Cellular Tel. Co. v. Fed. Communications Comm’n*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*citing WAIT Radio v. Fed. Communications Comm’n*, 418 F.2d 1153, 1159 (D.C. Cir. 1969)).

¹¹ *See* 47 C.F.R. § 1.946(e).

¹² 47 C.F.R. § 90.767.

to provide coverage to at least one-third of the population of the license area within five years of issuance of the initial license and to at least two-thirds of the population of the license area within 10 years of receiving the license. Similarly, Section 90.769¹³ sets forth the construction requirements for Phase II nationwide licenses and requires licensees to construct a sufficient number of base stations to provide coverage to a composite area of at least 750,000 square kilometers or 37.5% of the U.S. population within five years of the issuance of the initial license, and to a composite area of at least 1,500,000 square kilometers or 75% of the U.S. population within 10 years of license issuance. In the alternative, both sections permit licensees to satisfy the five- and ten-year requirements by providing “substantial service.” At the end of the license term, Section 90.743¹⁴ requires a licensee seeking renewal of its authorizations to file a renewal application demonstrating that the licensee has provided “substantial service” during the past license term and that it has substantially complied with applicable FCC rules, policies, and the Communications Act of 1934, as amended.¹⁵

The final construction deadlines for the Licenses are in March and September 2009.¹⁶

Although A2L satisfied the five-year interim benchmark applicable to the Licenses under

¹³ *Id.* § 90.769. Access 220 LLC (“A2L”) secured a waiver of the 220 MHz Phase I construction requirements set forth in Section 90.725 of the Commission’s rules with respect to two licenses (WFPF444 and WPFR284), permitting A2L to comply instead with the construction requirements applicable to nationwide Phase II licenses set forth in Section 90.769. See Access 220, LLC, Request for Waivers to Provide Band Management Services Utilizing Licenses in the 220-222 MHz Band, *Memorandum Opinion and Order*, 17 FCC Rcd 20474 (2002), *recon. denied*, 18 FCC Rcd 23841 (2003). On October 23, 2006, the Commission granted A2L a conditional renewal of WFPF444 and WPFR284 and required A2L to meet the requirements of Section 90.769 on or before September 2009. See Petition for Extension of Terms for 220-222 MHz Band Phase I Nationwide Licenses held by Access 220 LLC (WFPF444 and WPFR284) and Other Relief or, Alternatively, for Renewal of Licenses, *Memorandum Order and Opinion*, 21 FCC Rcd 11883 ¶ 24 (2006) (*A2L Extension Order*). On April 23, 2008, the Commission issued a letter order confirming that these construction requirements would continue to apply upon assignment of the licenses to PTC-220. See FCC File No. 0003312543, Call Signs WFPF444 and WPFR284, Request for Waiver of 47 C.F.R. § 90.709 Regarding Nationwide Phase I 220-222 MHz Band License Assignment, *Letter Order* (WTB 2008).

¹⁴ 47 C.F.R. § 90.743.

¹⁵ *Id.* § 90.743(a)(1) (defining “substantial service” as service that is sound, favorable, and substantially above a level of mediocre service that just might minimally warrant renewal).

¹⁶ As the sole exception, the final construction requirement deadline for Call Sign WPVL860 is July 11, 2012.

Sections 90.767 and 90.769 prior to the assignment, the existing build-out and related equipment that PTC-220 inherited fall short of meeting the final coverage requirements.¹⁷ PTC-220 is retaining the build-out made by A2L, but it nevertheless must satisfy the fast-approaching final construction deadlines applicable to its recently acquired Licenses, which were just obtained a few months ago in mid-June 2008. Therefore, for the reasons set forth below, PTC-220 requests a limited waiver of Sections 90.767 and 90.769¹⁸ and asks the Commission to grant a five-year extension of the construction deadlines (starting from the effective date of the Commission's decision on this waiver) for the Licenses.¹⁹ PTC-220 also notes that it has not yet filed renewal applications for any of the Licenses because the 90-day renewal filing window has not yet opened,²⁰ but PTC-220 respectfully requests that the Commission waive the substantial service requirement in Section 90.743 (and clarify any related effect of this waiver on the renewal process). If this Request for Waivers remains pending at the renewal deadline, PTC-220 will address any related renewal issues and requests when it files for renewal of the Licenses.

Because PTC-220 has limited time to fulfill the construction requirements before the impending 2009 deadlines²¹ and will have great difficulty doing so based on the fact that positive train control technology is a specialized and sophisticated new technology that requires viable

¹⁷ See, e.g., Notification that Interim Construction Requirement Has Been Met, ULS, Call Sign WPFR284 (filed Dec. 20, 2007); see also, e.g., Comments, ULS, Call Sign WPFR284 ("The December 20, 2007 interim construction notification is accepted.").

¹⁸ 47 C.F.R. §§ 90.767, 90.769.

¹⁹ The Commission's ULS system requires that an applicant select a specific date for a new construction deadline in an extension request, and PTC-220 has entered dates that are five years after the current deadlines applicable to the Licenses. PTC-220 requests, however, that the Commission grant the five-year extension of the construction deadlines starting from the effective date of the Commission's decision on this Request for Waivers.

²⁰ See 47 C.F.R. §1.949(a) ("Applications for renewal of authorizations in the Wireless Radio Services must be filed no later than the expiration date of the authorization for which renewal is sought, and no sooner than 90 days prior to expiration.").

²¹ PTC-220's Phase II J and L Block licenses have a construction deadline of March 22, 2009. The L Block license, WPOI701, is a nationwide license, and the J Block licenses are REAG licenses that collectively cover a nationwide footprint. Thus, PTC-220 effectively must build a stopgap network that meets the requirements of Sections 90.767 and 90.769 and provides coverage on a nationwide basis by March 2009, even though two of PTC-220's licenses have construction deadlines in September 2009 (WFP444 and WPFR284).

equipment that will not be available within this short timeframe, PTC-220 seeks a limited waiver of Sections 90.767, 90.769, and 90.743 and requests a five-year extension of the construction deadlines and a waiver of the substantial service showing required upon license renewal to avoid deploying suboptimal, stopgap systems to satisfy the construction requirements. Extending the construction deadlines for five years following the Commission's grant of PTC-220's waiver request and waiving the substantial service requirement for license renewal will serve the public interest, as PTC-220 will be able to dedicate its financial resources to developing a robust, spectrum-efficient positive train control system that will serve a niche market currently overlooked by all other licensees, result in increased deployment in rural areas, and enable safe and more efficient rail transport.

A. A Waiver Grant is Consistent with the Underlying Purpose of the Construction Requirements, and a Denial of the Waiver Would Frustrate that Purpose.

Denying this Request for Waivers would be inconsistent with the underlying purpose of Sections 90.767 and 90.769. The Commission implemented the 220 MHz construction rules to ensure prompt delivery of services, to prevent stockpiling and warehousing of spectrum by licensees, and to promote investment and deployment of new technologies and services.²² A five-year waiver of the construction requirement deadlines would advance, not undermine this stated purpose.

First, granting the waiver request will allow PTC-220 to more quickly launch its nationwide network for positive train control operations. Absent a waiver, PTC-220 would have to devote substantial time, labor, and financial resources to building stopgap systems across its

²² See, e.g., *A2L Extension Order* at ¶ 3; Warren C. Havens Request for Waiver or Extension of the Five-Year Construction Requirement for 220 MHz Service Phase II Economic Area and Regional Licenses, *Memorandum Opinion and Order*, 19 FCC Rcd 12994 ¶ 4 (2004) (*Havens Extension Order*); see also 47 U.S.C. § 309(j)(4)(B).

nationwide license area before March 2009. Constructing a stopgap system on a nationwide scale would be a wasteful expenditure and would drain PTC-220's resources – including limited personnel with technical expertise – that could otherwise be used in developing the positive train control system and enhancing public safety. Thus, requiring PTC-220 to satisfy the current 2009 construction deadlines would force PTC-220 to spend significant capital and valuable personnel time on the construction of facilities that it could otherwise invest in finalizing its more advanced equipment and system.²³

Second, giving PTC-220 additional time to meet the construction requirements will allow PTC-220 to continue investing significantly in developing an interoperable network for the deployment of positive train control technology across multiple railroads. As discussed above in Section I, PTC-220 and its members have diligently pursued the development of viable, interoperable positive train control equipment with numerous manufacturers, equipment suppliers, and technology vendors. Because the positive train control equipment market is not quite ready for large-scale deployment, a grant of this extension would allow PTC-220 to spearhead the final development of equipment that will make intensive use of the Licenses and allow for broad deployment over the 220 MHz spectrum.

Third, PTC-220 is not (and has no intention of) warehousing the spectrum, as evidenced by the fact that its members, Ekanet, Inc. and Norfolk Southern Railway Company, as well as other members of the railroad industry, have a strong track record of expeditiously putting spectrum to use. For example, major U.S. railroads began to deploy portable locomotive control technology using shared frequencies in the 450-460 MHz band one year after the Federal

²³ See *infra* Section III(B) and note 31 (citing Rush Network Corp. Request for Extension of Time to Construct a 220-222 MHz Commercial Nationwide Land Mobile Radio System, *Order*, 12 FCC Rcd 9731 ¶ 5 (1997) (*Rush Extension Order*)).

Railroad Administration (“FRA”) issued guidelines for the technology. Similarly, following the Commission’s grant of a waiver, the Association of American Railroads used its 900 MHz spectrum “ribbon license” by leasing it to its members, coordinating channel assignments, and maintaining a database of the locations and operating characteristics of the safety systems operated on its licenses.²⁴ As described in detail above, PTC-220 and its members are already using the 220 MHz spectrum to facilitate numerous positive train control pilot programs in the Western, Midwestern, and Southern regions of the country, and they anticipate beginning equipment production and implementation after the FRA approves their respective positive train control systems. Moreover, the interoperability agreement between the top four Class I railroads provides further evidence of PTC-220’s commitment to developing and deploying positive train control technology on a nationwide basis.

Finally, waiving the current construction requirements would be consistent with the Commission’s treatment of other wireless radio licensees and, therefore, would provide regulatory parity. As past precedent demonstrates, the Commission has granted limited waivers of construction requirements for a multitude of reasons, such as lack of viable equipment and/or technological challenges.²⁵ In addition, the Commission also has granted limited waivers when, as is the case with PTC-220, there is a short timeframe between the acquisition of the licenses

²⁴ See Association of American Railroads Petition for Waiver, File No. 000121770, at 6, 7 (filed Feb. 28, 2003) (*AAR Waiver Request*); see also Modification of AAR Licenses for Use in Positive Train Control Systems, Order, 16 FCC Rcd 3078 (2001). Union Pacific Corporation and its subsidiaries currently hold over 2,700 Commission licenses. Norfolk Southern Corporation and its subsidiaries currently hold almost 2,400 Commission licenses.

²⁵ See, e.g., *Havens Extension Order* at ¶ 19 (recognizing the technical constraints, scarcity of equipment, and other limitations in the 220 MHz band and granting a three-year extension of the five-year interim construction requirement for all Phase II 220 MHz licensees that timely requested relief); Comtech Communications, Inc. Request for Extension of Time to Construct a 220-222 MHz Commercial Nationwide Land Mobile Radio System, Order, 13 FCC Rcd 16249, 16250 (1998) (granting an eight-month extension to Comtech’s four-year construction deadline because equipment to offer one-way paging services on the 220 MHz band was not commercially available); *Rush Extension Order* at ¶ 5 (granting an eight-month extension to the four-year construction deadline due to the lack of equipment that could take advantage of recent rule changes); see also *infra* Section III(c) for a detailed discussion regarding grant of a limited waiver due to lack of viable equipment.

and the build-out deadlines. For example, the Commission granted A2L a waiver of Section 90.769 to extend the construction deadline by five years based on the fact that, among other things, A2L had obtained the license with only two years left on the term.²⁶ Similarly, the Commission extended the 220 MHz construction deadline for the National Rural Telecommunications Cooperative (“NRTC”) by one year based in part on the fact that NRTC acquired the license approximately one year earlier and demonstrated that it planned to use its Phase I license in conjunction with the newly available Phase II licenses.²⁷ Thus, approval of a five-year waiver is warranted. Such an extension would not create regulatory disparity among 220 MHz band licensees or afford PTC-220 a competitive advantage. Accordingly, PTC-220 should be afforded the same treatment.

A grant of the waiver also would further the purposes of the Commission’s flexible build-out requirements for the 220 MHz band. The Commission has stated that it adopted the substantial service build-out requirements “to promote efficient use of the spectrum, encourage the provision of service to rural, remote and insular areas and prevent the warehousing of spectrum,”²⁸ and to provide flexibility to licensees, particularly in situations where they offer cutting-edge niche services.²⁹ Accordingly, a limited waiver of Sections 90.767 and 90.769 is justified because PTC-220’s nationwide network will make efficient use of the spectrum and provide service to rural areas by deploying the positive train control technology along the many miles of track, often located in remote and rural regions of the country. Failure to grant this

²⁶ See *Access Extension Order* at ¶ 23.

²⁷ See National Rural Telecommunications Cooperative Request for Clarification or Extension of Time to Construct a 220-222 MHz Nationwide Land Mobile Radio System, *Order*, 15 FCC Rcd 6637 ¶ 3 (1999) (*NRTC Extension Order*).

²⁸ See Amendment of the Commission’s Rules to Establish Part 27, the Wireless Communications Service, *Report and Order*, 12 FCC Rcd 10785, 10843 (1997) (*WCS Order*).

²⁹ See Cingular Interactive, L.P. Showing of Substantial Service Pursuant to Section 90.665(c), *Order*, DA 01-2501 ¶ 10 (WTB 2001).

waiver request would be inconsistent with Commission policy because it would thwart the development of diverse offerings of cutting-edge niche services in the 220 MHz band, as PTC-220's deployment of its specialized and technologically sophisticated positive train control services would be delayed as a consequence of having to meet the 2009 deadlines.

B. Unique Circumstances Warrant the Waiver Grant, and Application of the Construction Deadlines Would be Inequitable, Unduly Burdensome, and Contrary to the Public Interest

The unique and unusual factual circumstances faced by PTC-220, when taken together, justify a limited waiver of Sections 90.767, 90.769, and 90.743 because strict enforcement of the rules would be inequitable, unduly burdensome, and contrary to the public interest.³⁰ As an initial matter, Union Pacific Corporation and Norfolk Southern Corporation, through their subsidiaries, recently formed the joint venture, PTC-220, to acquire the Licenses to offer the mission-critical service of an interoperable positive train control system using the 220 MHz band. While PTC-220 and its members have devoted substantial financial sums and technical expertise to developing positive train control technology, acquiring the Licenses, and finalizing 220 MHz equipment, PTC-220 will be unable to finalize equipment and network design, obtain system approval from the FRA, and deploy the positive train control network within the nine months remaining before the March 2009 construction deadlines.

Therefore, without a waiver grant, PTC-220 would have no alternative but to expend significant capital investment and drain personnel resources to deploy suboptimal, stopgap systems and services to meet the existing construction deadlines to preserve its Licenses. Such

³⁰ 47 C.F.R. § 1.925(b)(3)(ii); *see also* Intek License Acquisition Corp. Request for Waiver and Consolidation of 220 MHz Construction Requirements, *Memorandum Opinion and Order*, 16 FCC Rcd 16431 ¶10 (2001) (granting waiver of the construction requirements in Sections 90.725 and 90.767 on the grounds that Intek used its licensed facilities to build a single nationwide system, application of the various construction requirements would be unduly burdensome, and that its band manager approach would offer more diverse services).

expenditures would be particularly wasteful and contrary to the public interest in this instance because any stopgap system would be incompatible with the positive train control network that PTC is developing. Requiring PTC-220 to meet the March 2009 construction deadlines would divert its ongoing efforts to develop the positive train control system and could delay further the significant public safety benefits of the system. Because PTC-220's situation is similar to previous instances where the Commission has extended applicable construction deadlines in response to the recent acquisition of licenses and/or a lack of viable equipment, relief should be granted.

The limited relief PTC-220 requests is reasonable in light of PTC-220's unique situation, having obtained the Licenses with approximately nine months remaining to satisfy the applicable construction requirements. As discussed above, the Commission granted a waiver of Section 90.769 and gave A2L a five-year extension of its construction deadlines based on multiple factors, including the fact that A2L had obtained the licenses with only two years left in the license term and that it had made contributions to the development of 220 MHz equipment.³¹ The Commission also extended NRTC's 220 MHz construction deadline by one year because NRTC only acquired the license approximately one year earlier.³² Accordingly, a five-year extension is warranted because PTC-220 and its vendors, contractors, and lessees need sufficient time to facilitate the construction and operation of a robust 220 MHz positive train control network. Moreover, it would benefit the public interest by expediting the provision of positive train control technology and lowering the administrative burdens on PTC-220.³³ Otherwise, "the

³¹ See *Access Extension Order* at ¶ 23.

³² See *NRTC Extension Order* at ¶ 3.

³³ See *Havens Extension Order* at ¶ 19 (granting a limited waiver of the construction requirements and finding a three-year extension sufficient for similar reasons); see also *LMDS Order* at ¶ 26 (finding that enforcement of the construction deadlines would slow, rather than accelerate, equipment development and service deployment).

public interest would be ill-served by compelling 220 MHz . . . licensees to devote their resources to the construction of stopgap . . . systems to meet the construction deadline.”³⁴

An extension of PTC-220’s construction terms by five years is also justified because PTC-220 faces equipment availability difficulties, a factor which the Commission has found warrants a waiver grant. In the *Havens Extension Order*, the Commission found that the 220 MHz licensees met the standards for receiving a waiver because they had no reasonable alternative for providing service due to the lack of voice equipment and that it would be unduly burdensome and contrary to the public interest to require licensees to use discontinued or inappropriate equipment to meet the construction requirements.³⁵ The Commission has similarly justified extension of construction deadlines for WCS and LMDS licensees, explaining that relief is warranted where licensees face unique challenges beyond their control in obtaining viable equipment but where new technology solutions are available in the near future.³⁶ Significantly, when granting Rush Network Corporation an extension of its four-year construction deadline due to the lack of viable equipment, the Commission stated that it would be “wasteful” to require a licensee “to follow the letter of the rule and construct a system on a nationwide scale that is not consistent with its revised plan to capitalize on the greater flexibility in uses of the 220 MHz band,” and that “[s]uch a decision would needlessly require [the licensee] to spend time and money constructing facilities it is unlikely to use.”³⁷

³⁴ See *Havens Extension Order* at ¶ 17.

³⁵ See *id.* at ¶¶ 16-19.

³⁶ See *WCS Order* at ¶¶ 11-12; Applications filed by Licensees in the Local Multipoint Distribution Service (LMDS) Seeking Waiver of Section 101.1011 of the Commission’s Rules and Extensions of Time to Construct and Demonstrate Substantial Service, *Memorandum Opinion and Order*, 23 FCC Rcd 5894 ¶¶ 29-30 (2008) (granting LMDS licensees a four-year extension of their construction deadlines because the licensees faced economic and technical challenges to equipment development and network deployment) (*LMDS Order*).

³⁷ *Rush Extension Order* at ¶ 5.

Like the aforementioned licensees, PTC-220 and its affiliates proactively conducted research and trials using 220 MHz spectrum and developed limited equipment options prior to obtaining the Licenses; however, these options are not quite ready for widespread deployment of positive train control technology across a nationwide system. As discussed in Section I above, the rail industry has been working with several manufacturers to test equipment and protocols for positive train control systems. Since obtaining the Licenses, PTC-220 and its members have been actively testing and finalizing radio communications equipment specifications and the selection of manufacturer(s) for such equipment. Moreover, PTC-220's members are conducting pilot tests for positive train control technology, and the initial pilot test results and analysis have revealed that 220 MHz radios will support the initial positive train control communications demand load.

If the requested waiver is granted, PTC-220 and its members expect to complete the communications equipment specifications and seek FRA approval for the technology. Upon FRA approval, PTC-220 would select vendor(s), and begin manufacturing. Although PTC-220 must wait for FRA approval, it believes viable, approved equipment will be available and initially deployed within the next several years. For these reasons, the waiver should be granted.

C. A Waiver Grant is in the Public Interest.

The FCC should grant the limited waiver because permitting PTC-220 to satisfy the construction requirements five years from the waiver approval date benefits the public interest, as the planned positive train control network will enhance rail safety and provide advanced monitoring to prevent train collisions. While railroads recognize these safety benefits of positive train control technology, the technical challenges in designing a uniform nationwide system, as well as the significant cost involved, has delayed deployment of such systems. Recently,

however, Congress enacted a law requiring the railroad industry to deploy positive train control systems.³⁸ Under the law, each “Class I” railroad carrier (including Union Pacific Railroad Company and Norfolk Southern Railway Company) would be required to develop and submit to the Secretary of Transportation, within 18 months, a plan for implementing a positive train control system.³⁹ The Secretary of Transportation then would have 90 days to approve or disapprove of the plan (if the Secretary disapproves, the railroad must submit a corrected, revised plan within 30 days).⁴⁰ Now that PTC-220 holds the necessary FCC licenses, it can advance the development of positive train control technology even further, move beyond the technical challenges, and take a leadership role in implementing the Congressionally mandated positive train control system over the next several years.

Moreover, PTC-220 is an integral part of the development and implementation of a positive train control system using cutting-edge technology. Once the FRA provides additional guidance (and, where applicable, approval of the underlying technology) regarding the required positive train control plans, PTC-220, together with Class I railroads, can launch widespread pilot programs leading to the eventual deployment of positive train control systems pursuant to a specific timeline to be established by each railroad. If granted a five-year waiver of the construction requirements applicable to the Licenses and a waiver of the substantial service showing required upon renewal, PTC-220 intends to support the build-out of positive train control systems through locomotive radios, wayside radios (for signal and switch information), and base station radios. Although it believes that a five-year extension of the construction

³⁸ See Rail Safety Improvement Act of 2008, Pub. L. No. 110-432, § 104, 122 Stat. 4848, ____ (2008). In a recent Congressional statement, FRA Administrator Joseph Boardman indicated that one of the main reasons that positive train control deployment has been hampered is the “limited availability of needed radio spectrum.” Statement of Joseph H. Boardman, Administrator, Federal Railroad Administration, before Senator Barbara Boxer (September 23, 2008).

³⁹ *Id.* § 104. Under the bill, the positive train control systems must be implemented by December 31, 2015.

⁴⁰ *Id.*

requirements is warranted and supported by Commission precedent, PTC-220 needs at least a three-year extension to ensure that its proposed positive train control system meets the law's requirements, is consistent with the plans approved by the Secretary of Transportation, and obtains additional required FRA approvals.

In addition, PTC-220's nationwide network will utilize a common radio protocol, allowing multiple railroads to safely operate on the same track and facilitating true nationwide interoperability among such users. For example, trains will be able to transition from one railroad to the next at the operational track speed without interruptions to the positive train control system. By extending PTC-220's construction deadlines for five years and waiving the substantial service showing required upon renewal, the Commission would allow PTC-220 to develop a nationwide network operating across multiple license blocks that promises significant benefits to the rail industry and the public. The additional five years will ensure that a reliable system, which prevents train-to-train collisions, enforces speed limits, and protects roadway workers operating near the trains, is developed. Moreover, the waiver is consistent with Congress' mandate in Section 151 that the Commission "promot[e] safety of life and property,"⁴¹

⁴¹ 47 U.S.C. § 151.

as well as the Commission's prior findings on the use of spectrum for railroad services⁴² and its policy goals regarding flexible use of the 220 MHz spectrum.⁴³

IV. WAIVER OF THE BASE/MOBILE CONFIGURATION REQUIREMENTS

Section 90.715 establishes the channel designations for the paired frequencies in the 220 MHz band.⁴⁴ In particular, Section 90.715(a) states that “[f]requencies shall be assigned in pairs, with base station frequencies taken from the 220–221 MHz band with corresponding mobile and control station frequencies being 1 MHz higher and taken from the 221–222 MHz band.”⁴⁵

Because PTC-220's proposed positive train control technology would incorporate the use of base stations and mobile stations, both of which could transmit and receive signals on either the 220-221 MHz band or the 221-222 MHz band, PTC-220 requests a waiver authorizing it to use frequencies authorized by the Licenses for any combination of base station, mobile, portable, or control station transmissions.

The Commission previously has found waivers of the base/mobile restriction to be in the public interest. In 2003, the Wireless Telecommunications Bureau granted a similar waiver

⁴² Application for Consent to the Assignment of a Five-Channel 220 MHz Nationwide License (Call Sign WPWY753, formerly WPTC968) from Rush Network Corp. to the Association of American Railroads, Request by Rush Network Corp. for Waiver of the Ten-Year Construction Requirement, *Order*, 18 FCC Rcd 24711 ¶¶ 6-8 (2003) (*AAR Waiver Order*) (granting AAR's request for waiver of the commercial use only restriction based on the conclusion that AAR served as licensee on behalf of its member railroads to coordinate portable locomotive control technology operations, the PLCT operations on narrowband channels provided for flexible use of the spectrum and would spur technological innovation, and promoted public safety by eliminating the use of the congested 450-460 MHz band); see also *FCC Staff Report on NTLA's Study for Current and Future Spectrum Use by the Energy, Water and Railroad Industries*, at 5 (July 30, 2002) (stating that the railroad industry has been developing positive train control systems to protect against train collisions and incursions into roadway worker locations and enforcing train speeds).

⁴³ Amendment of Part 90 of the Commission's Rules to Provide for the Use of the 220-222 MHz Band by the Private Land Mobile Radio Services, *Second Memorandum Opinion and Order and Third Notice of Proposed Rulemaking*, 11 FCC Rcd 188, 193 (1995) (stating that the Commission's primary goal in addition to promoting efficient use of the 220 MHz spectrum “is to establish a flexible regulatory framework that will . . . eliminate unnecessary regulatory burdens on both existing and future licensees,” and “ensure that licenses are granted to those who value the spectrum most highly and will maximize its use to provide the best quality and variety of service to consumers”).

⁴⁴ 47 C.F.R. § 90.715.

⁴⁵ *Id.* at § 90.715(a).

request to allow AAR to use a 220 MHz nationwide license for “portable locomotive control technology” (“PLCT”), a system that was designed to allow the freight railroad industry to operate “switching” or “yard” locomotives in railroad yards using radio control links, allowing more efficient and safer assembly and disassembly of individual freight cars from railroad trains.⁴⁶ AAR requested the waiver because the PLCT technology did not utilize “base stations” but instead relied on “mobile-to-mobile” or “portable-to-mobile” communications.⁴⁷

The Commission found the AAR waiver to be in the public interest because, absent a waiver, the PLCT system would lose some of its functional enhancements.⁴⁸ In addition, the FCC noted that reversing the base/mobile frequencies “[did] not pose co-channel interference concerns because AAR [was] the sole nationwide licensee on this spectrum.”⁴⁹

Like AAR’s PLCT system, PTC-220’s system provides a unique service designed to enhance safety and efficiency in the railroad industry. Indeed, PTC-220’s positive train control system has even broader public interest benefits—namely, enhancing safety and efficiency across thousands of miles of rail lines (not just rail yards) by reducing or preventing train collisions and roadway worker injuries. Absent a waiver, PTC-220’s system certainly would lose key safety functions. For example, if PTC-220 remains subject to the base/mobile restriction, it would reduce the available effective communications capacity to support a robust positive train control system. Under current rules limiting base stations to the lower half of the 220 MHz band, these channels are effectively organized as duplex pairs. Since the positive train control systems being developed have asymmetric traffic load (*i.e.*, significantly more traffic to the mobile units than from the mobile units), duplex operation necessarily wastes significant

⁴⁶ *AAR Waiver Request* at 4.

⁴⁷ *Id.* at 2-3.

⁴⁸ *AAR Waiver Order* at ¶ 9.

⁴⁹ *Id.*

capacity on half of the channel. PTC-220 would be unable to support the deployment of an effective nationwide positive train control system, especially in areas shared by multiple freight and commuter railroads, under the current rules.

By employing techniques such as time-division duplexing on the channels, the inbound and outbound capacity can be adjusted dynamically to better match the traffic load. Further, the ability to deploy base stations on channels in either half of the 220 MHz band allows greater flexibility with regard to frequency reuse, thus reducing the potential for co-channel interference in congested areas. Given the finite amount of spectrum available, these spectrum efficiency benefits will directly yield system performance benefits, which in turn will lead to maximized safety benefits.

Like the Commission's grant of the AAR Request, granting a waiver of Section 90.715 in this instance would pose no increased risk of harmful interference to other spectrum users. Mobile transmissions already are permitted in the 220-221 MHz band.⁵⁰ In addition, paging base stations are authorized to operate in the 221-222 MHz band,⁵¹ and PTC-220's non-paging base stations would provide no risk of interference beyond that posed by the paging base stations.⁵² The PTC-220 base stations would otherwise meet the FCC's requirements for the 221-222 MHz band, just as the paging base stations must operate within these parameters. Moreover, PTC-220 has several nationwide licenses and an effective nationwide footprint for its J Block regional licenses, further eliminating the potential for co-channel interference.

⁵⁰ 47 C.F.R. § 90.723(i).

⁵¹ *Id.* § 90.729(b).

⁵² The FCC already has addressed the interference risk of adjacent-channel and co-channel interference from paging base stations by subjecting those base stations transmitting in the 221-222 MHz band to the same 50 watts ERP and 7 meters HAAT antenna height restrictions applicable to mobile units. *See id.*

The waiver request also is in the public interest because it would promote flexible spectrum use. As the Commission's Spectrum Policy Task Force recommended, "[t]he Commission should seek to avoid rules that restrict spectrum use to particular services or applications . . ." and should give spectrum users "maximum possible flexibility to decide how spectrum will be used . . . so long as they comply with the general parameters applicable to the band."⁵³ By authorizing PTC-220 to use the frequencies on its nationwide licenses for any combination of base station, mobile, portable, or control station transmissions, the Commission can advance its spectrum efficiency and flexibility goals.⁵⁴

For these reasons, the waiver request satisfies the Commission's waiver standard and should be granted.

V. WAIVER OF THE COMMERCIAL USE RESTRICTION

Sections 90.713(a) and 90.717(b) designate certain Phase I licenses in the 220-222 MHz band as "commercial."⁵⁵ PTC-220 has acquired two Phase I Nationwide licenses governed by these provisions (WFP444 and WPFR284). PTC-220 asks the Commission to waive these rules to allow its two Phase I Nationwide licenses to be used for a private, non-commercial application by member railroads. Specifically, PTC-220 intends to utilize these licenses for a positive train control system to be deployed on rail lines throughout the continental United States. PTC-220's system, once complete, will utilize the Licenses to enhance safety and efficiency in locomotive operations.

⁵³ Spectrum Policy Task Force Report, ET Docket No. 02-13, 16-17 (Nov. 2002).

⁵⁴ See *AAR Waiver Order* at ¶ 6.

⁵⁵ Section 90.713(a) provides: "As set forth in ¶ 90.717, four 5-channel blocks are available for nationwide, commercial use to non-Government Phase I applicants." 47 C.F.R. § 90.713(a). Section 90.717(b) provides: "Channels 21-25, 26-30, 151-155, and 156-160 are 5-channel blocks available to non-Government applicants only for nationwide, commercial Phase I systems." 47 C.F.R. § 90.717(b).

The Commission previously has found waivers of the commercial use restriction to be in the public interest. In 2003, the Wireless Telecommunications Bureau granted a very similar waiver request to allow AAR to use its 220 MHz Phase I license to develop a safety-focused, private non-commercial system for the freight railroad industry—PLCT.⁵⁶ AAR served as the licensee on behalf of its member railroads, which would utilize the system.⁵⁷ The Commission found the AAR waiver request to be in the public interest because of the “public safety, spectrum, and efficiency benefits.”⁵⁸ The Commission also noted that such action was consistent with the Commission’s policies encouraging flexible spectrum use.⁵⁹

Like the AAR operations, PTC-220’s system provides a unique service designed to enhance safety and efficiency in the railroad industry. As discussed above, PTC-220’s positive train control system has even broader safety and efficiency benefits. Failing to grant a waiver could leave PTC-220’s system with insufficient nationwide spectrum to meet public safety and interoperability goals because it would be unable to incorporate the spectrum authorized under its two nationwide Phase I licenses into the positive train control network. Application of the commercial use restriction would thus be contrary to the public interest because it would prevent this spectrum from being used to enhance railway safety and efficiency, and because PTC-220 has “no reasonable alternative” to operating the positive train control system as a private system.⁶⁰ Therefore, the request satisfies the waiver standard and should be granted.

⁵⁶ Application for Consent to the Assignment of a Five-Channel 220 MHz Nationwide License (Call Sign WPWY753, formerly WPTC968) from Rush Network Corp. to the Association of American Railroads, Request by Rush Network Corp. for Waiver of the Ten-Year Construction Requirement, *Order*, 18 FCC Rcd 24711 (WTB 2004) (*AAR Waiver Order*).

⁵⁷ *AAR Waiver Order* at ¶¶ 6-8.

⁵⁸ *Id.* ¶ 7.

⁵⁹ *Id.* ¶ 6.

⁶⁰ 47 C.F.R. § 1.925(b)(3)(ii); *see also, e.g., AAR Waiver Request* at 6-7, 9 (detailing the reasons why there are no reasonable alternatives to using the 220 MHz spectrum for new railroad safety applications).

VI. WAIVER OF THE STATION IDENTIFICATION REQUIREMENT

Section 90.735 of the Commission's rules requires stations authorized in the 220-222 MHz band to transmit identification data in accordance with Section 90.425 of the rules.⁶¹ Nationwide systems, however, are exempt from this requirement.⁶² PTC-220 seeks a waiver of the station identification requirement for its non-nationwide licenses because its positive train control system will be an integrated system – deployed on a nationwide basis – using nationwide, regional, and local spectrum licenses.

In addition to its two Phase I Nationwide licenses discussed above, PTC-220 acquired six J Block licenses that cover the continental United States.⁶³ This group of J Block licenses constitutes a *de facto* nationwide license and should be exempt from the station identification requirement for the same reasons that Section 90.735 exempts nationwide systems in the 220-222 MHz frequency band from the requirement. Specifically, the usual considerations making station identification necessary would not apply, as there would not be multiple co-channel users coming into close geographic proximity. Moreover, the public interest benefits inherent in the development and deployment of a *nationwide* positive train control system provide good cause for the Commission to waive the station identification rule with respect to the J Block licenses.⁶⁴

PTC-220 also has acquired three EA licenses in the E Block that cover areas where there is a high density of railroad operations.⁶⁵ These smaller, localized licenses will also be an integral part of PTC-220's nationwide network. Accordingly, PTC-220 asks the Commission to

⁶¹ 47 C.F.R. §§ 90.735, 90.425.

⁶² *Id.* § 90.735(a).

⁶³ The call signs for these licenses are: WPOI702, WPOI703, WPOI704, WPOI705, WPOI706, and WPOI708.

⁶⁴ *See* 47 C.F.R. §§ 1.3, 1.925(b)(3).

⁶⁵ The call signs for these licenses are: WPOI774, WPOI800, and WPVL860.

waive the station identification rule as it pertains to its E Block licenses in order to enable efficient use and deployment of the nationwide system.

The Commission has, in the past, granted waivers of the station identification rule in cases where there is a single licensee operating on particular channels in a Commission-defined service area, and where the licensee “can be readily identified based on service area information contained in the Commission’s licensing records and other publicly available sources.”⁶⁶ Most recently, the Commission eliminated the station identification requirement for all geographic area VHF public coast station (“VPC”) operations. In doing so, the Commission noted that “[e]limination of this requirement will not compromise the ability of the Commission or the [US Coast Guard] to identify transmissions from geographic area VPC stations, and should not engender confusion among the licensees’ customers.”⁶⁷

PTC-220’s E Block licenses should be afforded the same treatment. The E Block licenses will provide much-needed additional capacity for important portions of PTC-220’s nationwide network, and the overall system design will be most efficient if the E Block operations are functionally integrated. Although there will be other users on the E Block frequencies in areas adjacent to PTC-220’s license areas, these users will be able to determine whether any interference is being caused by another incumbent based on the site-specific incumbent’s station identification. As in the case of the VPC licenses, to the extent that interference occurs and is not identified as a site-specific licensee, it can be assumed that the geographic area licensee is the source. The identity of the geographic area licensee can then be

⁶⁶ Implementation of Sections 3(n) and 332 of the Communications Act, *Third Report and Order*, 9 FCC Rcd 7988, 8092 ¶¶ 216-17 (1994); Implementation of Sections 3(n) and 332 of the Communications Act, *Memorandum Opinion and Order on Reconsideration*, 15 FCC Rcd 6341, 6346-47 ¶¶ 13-14 (2000).

⁶⁷ Amendment of Parts 13 and 80 of the Commission’s Rules Concerning Maritime Communications; Petition for Rule Making Filed by Globe Wireless, Inc.; Amendment of the Commission’s Rules Concerning Maritime Communications, *Second Report and Order*, *Sixth Report and Order*, *And Second Further Notice of Proposed Rulemaking*, 19 FCC Rcd 3120, 3157 ¶ 72 (2004).

determined by consulting the Commission's licensing database and other publicly available sources. Thus, the underlying purpose of the station identification rule would not be undermined by waiving its application to PTC-220's E Block licenses, as a licensee can, with little effort, determine whether PTC-220's operations are the source of any interference in the band.

A waiver of the station identification requirement with respect to both the J Block and E Block licenses is in the public interest because it will enhance the efficiency and operability of the nationwide positive train control system. The system will provide a critical public safety service and, as discussed above, unique circumstances make application of the station identification rule unduly burdensome and contrary to the public interest.⁶⁸ Because PTC-220's system uses the J Block and E Block licenses in conjunction with other nationwide licenses, integration of the system and certain functionality will be impeded if these portions of the system are required to transmit station identification. For these reasons and the reasons discussed above, the Commission should waive the station identification rule with respect to the J Block and E Block licenses.

⁶⁸ See 47 C.F.R. 1.925(b)(3).

VII. CONCLUSION

For the foregoing reasons, PTC-220 respectfully requests that the Commission grant the waiver requests made herein.

Respectfully submitted,

/s/ Michele C. Farquhar

Edwin Kemp and Tom Schnautz
Co-Presidents
PTC-220, LLC
1400 Douglas Street, Stop 640
Omaha, NE 68179
Phone: (402) 544-4883
Facsimile: (402) 233-2943
efkemp@up.com
tom.schnautz@nscorp.com

Michele C. Farquhar
Mark W. Brennan
Hogan & Hartson LLP
555 Thirteenth Street, NW
Washington, DC 20004
Phone: (202) 637-5663
Facsimile: (202) 637-5910
mcfarquhar@hhlaw.com

Counsel to PTC-220, LLC

October 31, 2008

Appendix A
PTC-220 Licenses and Waiver Request Summary

CALL SIGN	BLOCK / LICENSE AREA	WAIVER OF 90.767	WAIVER OF 90.769	WAIVER OF 90.743	WAIVER OF 90.735	WAIVER OF 90.717	WAIVER OF 90.713	WAIVER OF 90.715	CONSTRUCTION AND RENEWAL DEADLINE
WPFR284	Phase I Nationwide		X	X		X	X	X	September 23, 2009
WPFP444	Phase I Nationwide		X	X		X	X	X	September 19, 2009
WPOI701	L Block Nationwide		X	X				X	March 22, 2009
WPOI702	J Block REAG	X		X	X			X	March 22, 2009
WPOI703	J Block REAG	X		X	X			X	March 22, 2009
WPOI704	J Block REAG	X		X	X			X	March 22, 2009
WPOI705	J Block REAG	X		X	X			X	March 22, 2009
WPOI706	J Block REAG	X		X	X			X	March 22, 2009
WPOI708	J Block REAG	X		X	X			X	March 22, 2009
WPOI774	E Block EA	X		X	X			X	March 22, 2009
WPOI800	E Block EA	X		X	X			X	March 22, 2009
WPVL860	E Block EA	X		X	X			X	July 11, 2012