

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)	
)	
Establishment of Audio Visual Warning System as New Subpart T to Part 87 of the Commission’s Rules and Regulations To Authorize Advanced Audio Visual Warning Systems for Antenna Structures and other Air Navigation Obstacles)	RM-11596
)	
)	
)	

To: The Federal Communications Commission

**STATEMENT OF UTILITIES TELECOM COUNCIL
IN SUPPORT OF
OCAS, INC. PETITION FOR RULEMAKING**

The Utilities Telecom Council (“UTC”) submits this Statement, pursuant to Section 1.405¹ of the Federal Communications Commission’s (“FCC” or “Commission”) rules, in support of the Petition for Rulemaking filed by OCAS, Inc. (“Petition”) that appeared on Public Notice on March 18, 2010.² The Petition³ seeks to establish a new Subpart T, Audio Visual Warning Systems (“AVWS”) under Part 87 of the Commission’s Rules to permit owners and operators of antenna structures and other air navigation obstacles to secure authority to operate advanced AVWS stations as an alternative to the “always-on” antenna structure lighting typically deployed at antenna structures and other air navigation hazards.

¹ 47 C.F.R. § 1.405.

² *See in re* Establishment of Audio Visual Warning System as New Subpart T to Part 87 of the Commission’s Rules and Regulations To Authorize Advanced Audio Visual Warning Systems for Antenna Structures and other Air Navigation Obstacles, *Public Notice*, Report No. 2905, RM No. 11596 (March 18, 2010).

³ Petition for Rulemaking of OCAS, Inc., RM No. 11596 (filed March 4, 2010)(“Petition”).

I. The Commission should expeditiously adopt a rulemaking to establish a new subpart T to provide for AVWS under Part 87 of the Commission's Rules.

UTC supports the instant Petition, which will provide utilities and other critical infrastructure industries (CII) another option for lighting and marking towers, particularly in populated or environmentally sensitive areas, where conventional strobe lighting may not be permissible. In addition to towers, the OCAS system is designed to warn aircraft that are approaching electric transmission lines and wind turbines, which further promotes air navigation safety, as well as public safety and critical infrastructure protection. As such, the establishment of rules for AVWS may promote the siting of communications towers and it may promote air navigation safety. Therefore, the Commission should expeditiously adopt a rulemaking to establish rules under Part 87 so that tower owners may (1) operate continuous wave, low power radar units operating in the band 1300-1350 MHz as provided under Subpart Q of Part 87, (2) transmit on VHF ground-to-air and air-to-air frequencies available under several subparts of Part 87 of the Rules that are used in connection with flight operations in the vicinity of the navigation obstacle, and (3) clarify that antenna structures equipped with or supported by AVWS stations are exempt from the continuous lighting requirements under Section 17.51 of the Commission's Rules.

In addition, there are many other public interest benefits that would result by implementing rules for AVWS. These systems use advanced technology that can be easily monitored and tested; and they provide improved coverage with audible warnings in addition to a strobe light. Aircraft do not need to add additional equipment, and lights stay in "sleep" mode until activated by approaching aircraft. Thus as noted above, the systems produce less lighting "pollution" in populated areas since the lights are only activated when area is infringed upon. The systems also allow tower owners to "count" the number of intrusions within a given

coverage area, and thus measure the actual effectiveness of tower lighting systems. The systems also increase the life span of lights before they need to be changed-out, and they provide aircraft with warnings that are more easily understandable to pilots. Finally, the systems improve the ease of maintenance, especially involving extra high voltage lines that are extremely difficult to take out of service for maintenance. This addresses a more general issue, as older style systems are becoming more difficult to maintain and obtain replacement parts.

WHEREFORE, the premises considered, UTC supports the instant petition for rulemaking and urges the Commission to adopt expeditiously a rulemaking proceeding to establish a Subpart T for AVWS under Part 87, consistent with the petition for rulemaking.

Respectfully submitted,

UTILITIES TELECOM COUNCIL

By: _____

Brett Kilbourne
Director of Regulatory Services and
Associate Counsel

1901 Pennsylvania Avenue, N.W.
Fifth Floor
Washington, D.C. 20006

(202) 872-0030

Date: April 19, 2010

CERTIFICATE OF SERVICE

I certify that on April 19, 2010, a copy of the foregoing Statement in Support of the OCAS, Inc. Petition for Rulemaking was served via electronic mail on the following individuals:

Melissa McCarthy
General Manager
OCAS, Inc.
1934 Old Gallows Road
Suite 350
Vienna, Virginia 22182
Melissa.mccarthy@ocasinc.com

C. Douglas Jarrett
Keller and Heckman LLP
1001 G Street NW
Suite 500 West
Washington, D.C. 20001
jarrett@khlaw.com

Brett Kilbourne