

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

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| In the Matter of |) | |
| |) | |
| Amendment of Part 15 of the Commission’s Rules To Establish Regulations for Tank Level Probing Radars in the Frequency Band 77-81 GHz |) | ET Docket No. 10-23 RM-11352 |
| |) | |
| Siemens Milltronics Process Instruments Inc. Request for Waiver for Tank Level Probing Radars under Part 15 of the Commission’s Rules |) | ET Docket No. 06-216 |
| |) | |
| Ohmart/VEGA Corp., Request for Waiver of Section 15.205(a) of the Commission’s Rules to Permit Certification and Immediate Marketing of a Tank Level Probing Radar Operating in the Frequency Band 77-81 GHz |) | ET Docket No. 07-96 |

To: The Commission

**REPLY COMMENTS
OF THE
AMERICAN PETROLEUM INSTITUTE**

The Telecommunications Subcommittee of the American Petroleum Institute (“API”)¹ is pleased to submit these Reply Comments supporting the Commission’s proposal to allow tank level probing radar (“TLPR”) devices to operate in the 77-81 GHz frequency band on an unlicensed basis under the provisions of Part 15 of the Commission’s rules.²

¹ API is a national trade association representing more than 400 companies involved in all phases of the petroleum and natural gas industries, including exploration, production, refining, marketing and transportation of petroleum, petroleum products and natural gas. The API Telecommunications Subcommittee evaluates and develops responses to state and federal proposals affecting telecommunications facilities used in the oil and gas industries.

² See Amendment of Part 15 of the Commission’s Rules to Establish Regulations for Tank Level probing Radars in the Frequency Band 77-81 GHz, *Notice of Proposed Rulemaking and Order*, ET Docket No. 10-23, RM-11352 (Rel. Jan. 19, 2010) (“NPRM”).

TLPR devices play an important role in the production, refining, transportation, storage and distribution of petroleum and petroleum products. In addition to enhancing efficiency and effectiveness, TLPR is critical to meeting obligations for safe crude and refined product storage, handling and leak detection. TLPR also assists in preventing high risk substances from entering the soil or water table. Access to accurate, non-contact devices to perform these tasks are of central importance due to the often hazardous nature of the substances involved.

The millimeter wave bands, in which propagation is limited and severely prone to atmospheric attenuation, are particularly well suited for the type of contained, short-range, operations proposed in the NPRM. Limiting operation to “closed storage tanks and vessels made of metal, concrete, or material with similar attenuating characteristics, at fixed locations at petroleum and chemical production and storage facilities, and similar commercial and industrial sites” as proposed in the NRPM will further mitigate the potential for interference to other users. In addition, the narrow beamwidths in the 77-81 GHz frequency band will improve accuracy and aid frequency reuse at large tank farm deployments.

API applauds the Commission’s efforts to provide another tool to the industry to support safe and effective operations. These proposals will promote greater utility for the 77-81 GHz band without increasing the interference risk to authorized services in the band. The availability of new devices in the marketplace not only will assist the mission of API’s members but will enhance competition for new equipment.

CONCLUSION

The continued operation of reliable and efficient communications systems by petroleum and natural gas companies is absolutely essential to protecting lives, health and property, in connection with the day-to-day operations of these companies. API encourages the Commission's continued efforts to meet the communications needs of the energy industry in this proceeding through the adoption of rules authorizing tank level probing radar devices in the 77-81 GHz frequency band on an unlicensed basis.

Respectfully submitted,

**THE AMERICAN PETROLEUM
INSTITUTE**

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