PUBLIC NOTICE

Federal Communications Commission
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DA 11-555
Released: March 25, 2011

WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON CITY OF LEWISBURG, WV REQUEST FOR WAIVERS OF PART 90 RULES TO PERMIT IMPLEMENTATION OF WIRELESS WATER MANAGEMENT SYSTEM

WT Docket No. 11-56

Comment Date: April 15, 2011 **Reply Date: April 25, 2011**

On March 14, 2011, the City of Lewisburg, West Virginia (Lewisburg) submitted a request for waiver of various Part 90 rules to allow implementation of a fixed multiple address system in the 450-470 MHz band in ULS application No. 0004650786. Lewisburg is located within the National Radio Astronomy Observatory (NRAO) area, and must obtain concurrence for operation of radio systems so that the operations do not impact the capabilities of the NRAO. Lewisburg has worked with NRAO and certified FCC frequency coordinators to locate spectrum that would allow operation of a wireless water management system and satisfy the electromagnetic interference concerns of the NRAO. In order to implement this system Lewisburg has requested waivers of Sections 90.35, 90.137(b), 90.203, 90.209, 90.210, 90.261(a), (b), (c), (f), and 90.267 of the Commission's Rules.

The rule waivers are necessary to satisfy the emission constraints of the National Radio Astronomy Observatory and allow the use of radio equipment that is typically deployed in a different frequency band. The waivers are specifically needed to permit the use of wider bandwidth and higher power emissions than are permitted under the Part 90 Rules, and to allow non-standard channel pairing to facilitate the operation of the radio system.

Commenters are requested to address the merits of the waiver request. With respect to the waiver requests, commenters should consider whether any conditions should be placed on operations pursuant to any portion of the waiver request.

Procedural Matters

Comments on the request are due **no later than April 15, 2011**. Reply comments are due **no later than April 25, 2011**. All filings should reference the docket number of this proceeding WT 11-56.

This proceeding has been designated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.[1] Parties making oral *ex parte* presentations in this proceeding are reminded that memoranda summarizing the presentation must contain the presentation's substance and

[1] *See* 47 C.F.R. §§ 1.1200(a), 1.1206.

not merely list the subjects discussed.[2] More than a one- or two-sentence description of the views and arguments presented is generally required.[3]

The application and waiver request can be accessed electronically via the Commission's Universal Licensing System, http://wireless.fcc.gov/uls. The request, and comments and reply comments filed in response to this *Public Notice*, will be available for public inspection and copying in the Commission's Reference Center, Room CY-A257, 445 12th Street, S.W., Washington, D.C. 20554, and via the Commission's Electronic Comment Filing System (ECFS) by entering the docket number, WT 11-56. Copies of the request are also available from Best Copy and Printing, Inc., telephone (800) 378-3160, facsimile (301) 816-0169, e-mail FCC@BCPIWEB.com.

Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See* Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to http:// www.fcc.gov/cgb/ecfs/. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission, as follows:

-Effective December 28, 2009, all hand-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., S.W., Room TW-A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Envelopes must be disposed of before entering the building. The filing hours at this location are 8:00 a.m. to 7:00 p.m. **PLEASE NOTE:** This is the **ONLY** location where hand-delivered or messenger-delivered paper filings for the Commission's Secretary will be accepted. The Commission's former filing location at 236 Massachusetts Ave., N.E., is permanently closed.

-Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

-U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554.

-All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

Parties shall send one copy of their comments and reply comments to Best Copy and Printing,

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[2] *See* Commission Emphasizes the Public's Responsibilities in Permit-But-Disclose Proceedings, *Public Notice*, 15 FCC Rcd 19945 (2000).

[3] *See* 47 C.F.R. § 1.1206(b)(2). Other rules pertaining to oral and written presentations are also set forth in Section 1.1206(b). *See* 47 C.F.R. § 1.1206(b).

Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, (800) 378-3160, e-mail FCC@BCPIWEB.com.

Comments filed in response to this *Public Notice* will be available for public inspection and copying during business hours in the FCC Reference Information Center, Portals II, 445 12th Street S.W., Room CY-A257, Washington, D.C. 20554, and via the Commission's Electronic Comment Filing System (ECFS) by entering the docket number, WT 11-56. The comments may also be purchased from Best Copy and Printing, Inc., telephone (800) 378-3160, facsimile (301) 816-0169, e-mail FCC@BCPIWEB.com.

Alternate formats of this *Public Notice* (computer diskette, large print, audio recording, and Braille) are available to persons with disabilities by contacting the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY), or send an e-mail to fcc504@fcc.gov.

For further information, contact Rodney Conway of the Wireless Telecommunications Bureau, Mobility Division, at (202) 418-2904, Rodney.Conway@fcc.gov.

Action by the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau.

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