

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Amendment of the Commission’s Rules Governing Certain Aviation Ground Station Equipment	)	WT Docket No. 10-61
	)	
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
	)	

**COMMENTS OF  
PCIA—THE WIRELESS INFRASTRUCTURE ASSOCIATION**

**I. INTRODUCTION**

PCIA—The Wireless Infrastructure Association (“PCIA”) hereby submits these comments in response to the above captioned Federal Communications Commission (“FCC” or “Commission”) *Further Notice of Proposed Rulemaking* regarding the amendment of the Commission’s rules to authorize advanced Audio Visual Warning Systems (“AVWS”) for antenna structures and other air navigation obstacles.<sup>1</sup> PCIA recognizes the benefits to air safety and antenna structure operation afforded by the use of AVWS. However, to best harness those benefits, PCIA urges the Commission to exempt antenna structures that utilize AVWS from the continuous lighting requirements of Part 17 of the Commission’s rules. Furthermore,

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<sup>1</sup> *In re* Amendment of the Commission’s Rules Governing Certain Aviation Ground Station Equipment; 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, *Further Notice of Proposed Rulemaking*, WT Docket No. 10-61, RM-11596, FCC 11-25 (rel. May 4, 2011) (“FNPRM”).

the Commission should avoid imposing unnecessary burdens on antenna structure providers by requiring the use of AVWS on any antenna structures. AVWS operators should coordinate any use of Part 90 frequencies consistent with Commission rules in order to ensure their effective use and to avoid interference. Finally, the Commission should not require auto-monitoring of the lighting component of AVWS stations, but instead treat AVWS consistent with Commission rules by requiring certification of automatic monitoring for the grant of a waiver of section 17.47.

## **II. DISCUSSION**

### **A. ANTENNA STRUCTURES UTILIZING AVWS SHOULD BE EXEMPT FROM CONTINUOUS LIGHTING REQUIREMENTS**

AVWS afford numerous benefits to the public and antenna structure owners.<sup>2</sup> In addition to the safety benefits to air traffic, AVWS lower energy consumption when utilized on constantly-lit antenna structures. Also, AVWS can reduce maintenance cost incurred by antenna structure owners by elongating the life span of lights used to mark the tower.<sup>3</sup>

We agree with the Commission's determination that, where the Federal Aviation Administration ("FAA") renders a determination of No Hazard based on an antenna structure's use of an AVWS, section 17.51 of the FCC's rules regarding times when lights should be exhibited should not apply to such structures.<sup>4</sup> This is also consistent with PCIA's previous request that the FCC should clarify and streamline the antenna structure registration process to provide consistency with FAA rules and requirements.<sup>5</sup>

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<sup>2</sup> See Petition for Rulemaking of OCAS, Inc. at 13-16 (filed Mar. 4, 2010).

<sup>3</sup> See *id.* at 13.

<sup>4</sup> FNPRM at ¶17.

<sup>5</sup> Comments of PCIA—The Wireless Infrastructure Association at 3, WT Docket No. 10-88, RM 11-349 (filed July 20, 2010) ("Part 17 Comments").

**B. THE COMMISSION SHOULD NOT REQUIRE THE USE OF AVWS ON ANY ANTENNA STRUCTURES**

OCAS proposes that AVWS eligibility be limited to owners and operators of antenna structures and other air navigation obstructions that are subject Part 17 of Commission's rules. While the Commission may not want to limit the use of AVWS to these types of structures, PCIA urges the Commission not *require* the use of AVWS on any structure, including Part 17 antenna structures. To do so would limit wireless providers' flexibility in addressing a variety of wireless facility siting issues.

Wireless providers must take into consideration numerous factors in the siting of wireless facilities to meet coverage and capacity demands, including local zoning requirements and cost. While AVWS may be beneficial to the speedy deployment of wireless infrastructure in certain circumstances, it may not be a viable option in all circumstances. PCIA urges the Commission to ensure that wireless providers maintain flexibility in their ability to address these siting concerns by not requiring the use of AVWS on any type of antenna structure.

**C. AVWS OPERATORS SHOULD COORDINATE USE OF PART 90 FREQUENCIES CONSISTENT WITH FCC RULES**

The communications link between the radar and the lights on an antenna structure may utilize frequencies licensed under Part 90 of the Commission rules. Individuals or entities who desire to operate on frequencies licensed under Part 90 of the Commission rules are required to obtain a radio station license for these frequencies by application through a frequency coordinator, who is certified by the Commission to recommend the most appropriate frequencies for applicants in the designated Part 90 radio services.<sup>6</sup> In order to efficiently utilize these

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<sup>6</sup> 46 C.F.R § 87.529, Part 90.

frequencies and to avoid interference with other users, any operator of an AVWS should coordinate their use of the frequencies consistent Commission's rules.

**D. THE COMMISSION SHOULD UPDATE ITS MONITORING REQUIREMENTS TO ACCOUNT FOR MODERN MONITORING TECHNIQUES**

Section 17.47 of the FCC's rules requires antenna structure owners to inspect the lights on their structures at least once daily (visually or through an alarm system) and to inspect associated control equipment (devices, indicators, and alarm systems) on a quarterly basis.<sup>7</sup> Currently, the Commission grants waivers for the use of modern monitoring technologies that have been developed, tested and implemented to allow lighting systems, control devices, indicators and alarm systems to be automatically monitored in a near real-time, continuous fashion by NOC centers.<sup>8</sup> The Commission should not require automatic monitoring of the lighting component of the AVWS, but instead treat the AVWS consistent with Commission rules by requiring AVWS users to certification its automatic monitoring in order to receive a waiver of section 17.47.

While this method is consistent with existing Commission rules, it further evidences the need for the FCC to revisit and modernize this outdated and unnecessary inspection requirement. PCIA petitioned the FCC to adopt a permanent solution, such as eliminating the quarterly inspection requirement for tower owners that utilize these advanced monitoring technologies,<sup>9</sup> and the FCC took up the proposal in a notice of proposed rulemaking ("NPRM"). In part, the NPRM proposes to modernize and clarify Part 17 of the Commission's rules by eliminating

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<sup>7</sup> 47 C.F.R. § 17.47.

<sup>8</sup> Part 17 Comments at 18, n. 50.

<sup>9</sup> Petition for Rulemaking, RM-11349, In the Matter of Amendments to Modernize and Clarify Part 17 of the Commission's Rules Concerning Construction, Marking and Lighting of Antenna Structures, filed by PCIA—The Wireless Infrastructure Association on September 12, 2006.

section 17.47.<sup>10</sup> If the Commission should adopt this proposed change to Part 17 rules, it logically follows that it will apply to all AVWS that have the auto-monitoring function. PCIA urges the Commission to act upon its recommendation and adopt an order eliminating section 17.47.

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<sup>10</sup> *Streamlining and Other Revisions of the Commission's Rules Governing Construction, Marking and Lighting of Antenna Structures, Notice of Proposed Rulemaking*, 25 FCC Rcd 3982, 3993 ¶ 24 (2010).

### III. CONCLUSION

For the foregoing reasons, the Commission should exempt antenna structures utilizing AVWS stations from continuous lighting requirements, not require the use of AVWS on any antenna structures, require that AVWS operators coordinate use of Part 90 frequencies consistent with current FCC rules and not require auto-monitoring of the lighting component of the AVWS. Instead, the Commission should treat the AVWS consistent with its rules by requiring certification of automatic monitoring for the grant of a waiver of section 17.47.

Respectfully submitted,

PCIA – THE WIRELESS  
INFRASTRUCTURE ASSOCIATION

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