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February 24, 2014

VIA E-MAIL: [Scot.Stone@fcc.gov](mailto:Scot.Stone@fcc.gov)

Mr. Scot Stone  
Deputy Chief, Mobility Division  
Wireless Telecommunications Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Re: Informal Request for Commission Action  
American Time & Signal ("ATS") – WQFW336  
WT Docket No. 12-17

Dear Mr. Stone:

On January 6, 2014, the Commission responded to EWA's request for clarification<sup>1</sup> of an *Order* of the Wireless Telecommunications Bureau's Mobility Division in WT Docket 12-17.<sup>2</sup> The *Order* allowed ATS to **license** its fixed data systems at customer locations with an MO6 station class designation for administrative ease. However, since the systems **operate** as fixed data facilities with antenna heights and power levels well above those that qualify as low-power use, EWA asked the FCC to clarify whether the requirements of Sections 90.233, 90.235, or other operational provisions of the Commission's Rules applied to ATS's customers' facilities. Contrary to ATS' position that those rules did not apply, the Commission has confirmed that "Nothing in the *Order* suggests that the Division intended to waive any operating rules governing ATS's customer locations or otherwise modify their status. Consequently, all relevant service rules apply to ATS's operations to the same extent as if no waiver had been granted ...."

In light of the operating characteristics of the ATS facilities, it would appear that they are subject to FCC Rule Section 90.235 (Secondary Fixed Signaling Operations) as opposed to FCC Rule Section 90.233 (Base/Mobile Non-Voice Operations). Thus, in addition to the automatic features that must be employed to prevent inadvertent, continuous transmissions from unattended transmitters, ATS's operations are authorized on a secondary, non-interference basis to primary co-channel voice operations. In other words, in the event of interference, ATS, as the private carrier licensee with responsibility for the day-to-day operations of these customer installations, has the obligation to remedy the interference and, if unsuccessful, to turn off the offending equipment.

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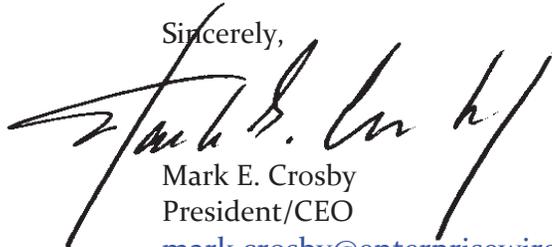
<sup>1</sup> Request for Clarification dated December 18, 2012 (Clarification Request); *see also* Request for Clarification dated February 1, 2013 (EWA Follow-up Clarification Request).

<sup>2</sup> *See* American Time and Signal Company, Order, WT Docket No. 12-17, 27 FCC Rcd 14901 (WTB MD 2012) (Order).

So that Frequency Advisory Committees (“FACs”) and co-channel licensees have accurate information regarding these systems for purposes of frequency selection and interference mitigation, it is critical that ATS’s license reflects the correct emission designator for which its equipment is type-accepted. EWA notes that virtually every MO6 station listed on WQFW336 shows an “1K2F3E” emission designator, which indicates that the systems are utilizing analog voice equipment.<sup>3</sup> This licensing error should be corrected<sup>4</sup>. EWA requests the FCC to advise ATS to amend its license to reflect the proper data emission designator for its equipment. We are unsure whether that would be 1K2F1D, 1K2F2D, or a data emission designator that is unique to ATS’s equipment FCC type-acceptance, but it certainly is not 1K2F3E.

We appreciate the opportunity to submit this Informal Request for Commission Action.

Sincerely,



Mark E. Crosby  
President/CEO

[mark.crosby@enterprisewireless.org](mailto:mark.crosby@enterprisewireless.org)

MEC:

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Kenneth E. Hardman, Esq., via e-mail: [kenhardman.law@gmail.com](mailto:kenhardman.law@gmail.com)

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<sup>3</sup> Pursuant to FCC Rule Section 90.235, “Voice signaling will be permitted only in the Public Safety Pool.”

<sup>4</sup> We are unsure which FCC-certified FAC ATS is utilizing to conduct its frequency coordination functions for these MO6 modifications, but that FAC has the obligation, consistent with its certification, to verify that the application data is complete, accurate and consistent with FCC rules. In light of the pleadings associated with this matter, it is surprising that the FAC in question seemingly did not question an emission designator that is inconsistent with ATS’s description of its system, thereby potentially compromising the operation of co-channel voice operations.