



PUBLIC NOTICE

Federal Communications Commission
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WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON GARMIN AT INC., REQUEST FOR WAIVER OF PART 87 RULES TO AUTHORIZE CERTIFICATION AND USE OF UNIVERSAL ACCESS TRANSCEIVERS

Comment Date: May 17, 2004

Reply Comment Date: May 27, 2004

On April 1, 2004, GARMIN AT, Inc. (GARMIN) filed a request for waiver of Sections 87.137, 87.145, and 87.187 and any other applicable provisions of the Commission's Rules in order to permit type certification and operation of its Universal Access Transceiver (UAT), FCC ID No. EOJGDL90A1H, Model No. GDL 90.¹ UAT is a datalink technology that operates on frequency 978 MHz and has been developed to provide Automatic Dependent Surveillance — Broadcast (ADS-B) Service to the aviation community.

ADS-B is an aviation surveillance service that automatically broadcasts Global Positioning System-derived information on the location, velocity, altitude, heading, etc. of an ADS-B equipped aircraft to other ADS-B equipped aircraft and to ADS-B ground stations for distribution to air traffic control systems, thus improving an aircraft's situational awareness and enhancing its safety of flight. GARMIN's UAT is designed to broadcast on a 978 MHz link, with the emission designator 1M70F1D and 50 watts output power.² GARMIN states that its UAT meets the technical standards of Federal Aviation Administration (FAA) Technical Standards Order C154 and the RTCA DO-282 Minimum Operating Performance Standards for the UAT.³

GARMIN participated in developing this technology, which has been field-tested in the FAA Alaska Region over the last two years, and at several sites within the continental United States.⁴ The Commission has proposed new rules in to accommodate UAT operations on 978 MHz.⁵ GARMIN, with

¹ Letter dated April 1, 2004 from Larry S. Solomon, counsel for GARMIN, to D'wana R. Terry, Chief, Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau (Waiver Request).

² *Id.* at 1.

³ See Minimum Operational Performance Standards for Universal Access Transceiver (UAT) Automatic Dependent Surveillance – Broadcast, RTCA/DO-282, Issued 8-27-02 (RTCA, Inc. 2002).

⁴ See Review of Part 87 of the Commission's Rules Concerning the Aviation Radio Service, *Report and Order and Further Notice of Proposed Rule Making*, WT Docket No. 01-289, 18 FCC Rcd 21432 ¶ 77 (2003).

⁵ See *id.* Specifically, the Commission proposed to amend Sections 87.137, 87.139, 87.141, 87.187, 87.263, 87.345, 87.349, 87.375, 87.417 and 87.475. 47 C.F.R. §§ 87.137, 87.139, 87.141, 87.187, 87.263, 87.345, 87.349, 87.375,

the support of the FAA,⁶ seeks a waiver in order to permit the certification and use of its UAT pending the resolution of that proceeding.⁷ GARMIN states that it will limit the use of UAT under the waiver to U.S. registered aircraft and FAA-sanctioned ground stations, and that use of UAT will not be available to the general public.⁸ Further, GARMIN asserts that, if the waiver is granted, the authorized UAT facilities will not be a hazard to air navigation or violate international agreement or treaty.⁹

Interested parties may file comments on the Waiver Request on or before May 17, 2004. Parties interested in submitting reply comments must do so on or before May 27, 2004. All comments should reference the subject request including the DA number of this Public Notice, and should be filed with the Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, S.W., TW-325, Washington, D.C. 20554.¹⁰ A copy of each filing also should be sent to: (1) Qualex International, Inc., Portals II, 445 Twelfth Street, S.W., Room CY-B402, Washington, D.C. 20554; (2) Maria Ringold, Federal Communications Commission, Consumer and Governmental Affairs Bureau, Reference Information Center (RIC), 445 Twelfth Street, S.W., Room CY-B529, Washington, D.C. 20554; and (3) Jim Shaffer, Federal Communications Commission, Wireless Telecommunications Bureau, Public Safety and Critical Infrastructure Division, 445 Twelfth Street, S.W., Room 4-C342, Washington, D.C. 20554.

The Waiver Requests and responsive comments and reply comments filed pursuant to this Public Notice will be available for inspection and duplication during regular business hours in the Reference Information Center (RIC) of the Consumer and Governmental Affairs Bureau, Federal Communications Commission, 445 Twelfth Street, S.W., Room CY-A257, Washington, D.C. 20554. Copies may also be obtained from the Commission's duplicating contractor, Qualex International, Inc., Portals II, 445 Twelfth Street, S.W., Room CY-B402, Washington, D.C. 20554, (202) 863-2893, facsimile (202) 863-2898, or via e-mail qualexint@aol.com. For further information regarding the public reference file for this request, contact Maria Ringold, Chief, Wireless Branch, RIC, (202) 418-1355.

Because of the policy implications and potential impact of this proceeding on persons not parties to this request, we believe it would be in the public interest to treat this matter as a permit-but-disclose proceeding under the *ex parte* rules, *see* Sections 1.1200(a) and 1.1206 of the Commission's Rules, 47 C.F.R. §§ 1.1200(a), 1.1206, rather than a restricted proceeding under Section 1.1208 of the

87.417 and 87.475. The *Notice of Proposed Rule Making* was published in the *Federal Register* on April 12, 2004. 69 Fed. Reg. 19140 (2004). Comments are due July 12, 2004, and reply comments are due August 10, 2004.

⁶ *See* Letter dated March 19, 2004, from George K. Sakai, Spectrum Policy and Management, Federal Aviation Administration to D'wana R. Terry, Chief, Public Safety and Critical Infrastructure Division, Federal Communications Commission.

⁷ Waiver Request at 2.

⁸ *Id.*

⁹ *Id.*

¹⁰ The address for FCC filings should be used only for documents filed by United States Postal Service first-class mail, Express Mail, and Priority Mail. Hand-delivered or messenger-delivered documents for the Commission's Secretary are accepted only at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. Other messenger-delivered documents, including documents sent by overnight mail (other than United States Postal Service Express Mail and Priority Mail) should be addressed for delivery to 9300 East Hampton Drive, Capitol Heights, MD 20743. *See* FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence, *Public Notice*, 16 FCC Rcd 22165 (2001).

Commission's Rules, 47 C.F.R. § 1.1208. Therefore, any *ex parte* presentations that are made with respect to the issues involved in the subject request, subsequent to the release of this Public Notice, will be allowed but must be disclosed in accordance with the requirements of Section 1.1206(b) of the Commission's Rules, 47 C.F.R. § 1.1206(b).

For further information, contact Mr. Jim Shaffer, Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau at (202) 418-0687, TTY (202) 418-7233 or via email to james.shaffer@fcc.gov.

By the Chief, Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau.

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