

I. Introduction

Community Teleplay, Inc. ("Applicant"), is the Interactive Video Data Service ("IVDS") licensee (Station KIVD0054) for the Norfolk-Virginia Beach Metropolitan Statistical Area ("MSA"), frequency Segment B (218.5-219 MHz).

Applicant is constructing an RF network in its market that, among other things, will provide a vehicle tracking service to customers having a need to track fleets of vehicles. The network will be comprised of a number of base stations known as Cell Transceiver Stations ("CTSs") and devices deployed in the vehicles, known as Remote Transceiver Units ("RTUs"). The RTUs include software enabling the device to receive Geostationary Positioning Satellite ("GPS") information. The RTU installed in the vehicle will transmit the GPS information over the IVDS frequency in the 218.5-219 MHz band to a CTS, which will relay the information via a telephone line to the System Hub. The System Hub, in turn, will send the information over another telephone line to the customer's personal computer which will display an icon for the vehicle which moves along a detailed street map as the vehicle changes its location.

Under the Commission's Rules, the power of mobile RTUs is limited to 100 milliwatts, while RTUs that are in "fixed" locations may transmit at powers up to 1 watt. 47 C.F.R. § 95.855. The fixed locations at which RTUs may operate at 1 watt include locations near or on television receivers. The 1 watt limit was specifically adopted because of concerns over the potential for harmful interference to the reception of television channel 13.

Applicant requests an experimental license from the Commission for a one-year period to conduct tests in its market (Norfolk/Virginia Beach MSA) that, among other things, may show that there is no significant difference in the potential for harmful electrical interference caused by a "fixed" RTU operating at 1 watt compared to a "mobile" RTU operating at 1 watt. Applicant also requests permission to test continuous operations of RTUs outside of the Commission's "duty cycle" rule, which only allows an RTU to be activated for 5 seconds each hour. 47 C.F.R. § 95.683. This rule was also adopted with set-top RTUs in mind, although a CTS -- essentially an RTU located outside -- is not subject to the 5 second duty cycle rule. *Id.* Therefore, Applicant requests an experimental license to permit it to evaluate data demonstrating that outdoor mobile RTUs operating continuously do not significantly increase the potential for harmful electrical interference.

The CTSs used in the experiments will be operated under Applicant's IVDS license and in accordance with the Commission's Rules. Therefore, an experimental authorization is not required for operation of the CTSs used in the tests. However, Applicant does request that the Commission grant authority for the RTUs under an experimental license to communicate with the CTSs that are within the IVDS service. 47 C.F.R. § 5.158. This

authority is necessary in order for the interference tests to be conducted, because the CTS transmits instructions that are received by the RTU instructing it to transmit information. Without the CTS, the RTUs will not transmit information at the 1 watt Effective Radiated Power ("ERP") needed to conduct the tests.

II. Test Guidelines

As stated, Applicant holds the Segment B IVDS license, which is the segment furthest from the TV channel 13 spectrum. Accordingly, Applicant's study will be performed only on the Segment B spectrum. All testing will be limited to a one-year period commencing on the grant date of the experimental authorization. All testing will be limited to areas within the Norfolk-Virginia Beach MSA. The maximum power of a mobile RTU tested within the Grade B contour of Channel 13 will be limited to 1 watt, the same power permitted for a fixed RTU on top of a TV set. All testing with mobile RTUs operating at powers of greater than 100 milliwatts will be limited to no more than five hours of on-air time per test site per day. RTUs will transmit and receive only to and from a CTS. There will be no RTU-to-RTU transmission. A maximum of 25 mobile RTUs will be used in the testing. Prior to commencement of testing under the experimental license, the owner of the channel 13 license will be notified of the area(s) or residential neighborhood(s) where testing may occur. Finally, Applicant will investigate and resolve incidents of harmful interference and, if necessary, limit or cease testing to eliminate such interference.

III. Summary

The data collected from tests conducted under the experimental license will assist the Commission in considering revisions to its rules concerning IVDS to accommodate new innovations and developments in IVDS equipment and services. Therefore, grant of the instant application for an experimental authorization is in the public interest.

While it is technically possible for the Remote Transceiver Units ("RTUs") to transmit the station's call sign as required by Section 5.152 of the Commission's Rules, it is not realistically feasible for the RTUs to do so. 47 C.F.R. § 5.152. Thus, Community Teleplay, Inc. ("Applicant") requests that the Commission specifically exempt it from transmitting the station identification when conducting interference tests with the RTUs. Id.

The software contained in the RTUs is not designed to transmit the station identification, because the equipment was designed to comply with Part 95 of the Commission's Rules, which does not require transmission of station identification. In order to comply with Section 5.152 of the Commission's Rules, the manufacturer (and the Applicant) will have to incur added costs to re-design the software for the units used in the study. This is not commercially feasible considering that the study that the Applicant proposes to conduct under the experimental license only utilizes 25 RTUs and is for a limited duration (1-year). Further, only those receiving with compatible GMSK equipment (probably a small number) will be able to receive the station identification if the software was re-designed. Thus, the purpose of requiring the transmission of station identification, to identify transmissions causing interference to other licensed services, will not be served by the re-tooling of the RTUs.

Finally, Applicant, as part of its study, will be notifying the Channel 13 licensee, who is the neighboring spectrum user at 210-216 MHz, in the Norfolk/Virginia Beach MSA of the time frame in which the tests will be conducted. Therefore, if any interference does result from the testing, the Channel 13 licensee will know whom to contact in order to eliminate such interference.

Applicant, therefore, requests that the Commission specifically exempt it from the requirements of Section 5.152, because compliance will be burdensome and the purpose of the rule will not be served by such added costs.