

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

November 2, 1998

IN REPLY REFER TO:
2000F/BFW

Mr. Stephen Wells
The Alaska Wildlife Alliance
P. O. Box 202022
Anchorage, AK 99520-2022

Re: Freedom of Information Act Request
FOIA Control No. 98-15

Dear Mr. Wells:

By electronic mail dated January 28, 1998, you stated that the Alaska Wildlife Alliance ("AWA") requests that the Federal Communications Commission ("FCC" or "Commission") provide, pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, the following documents:

1. Radio telemetry permits for tracking and locating wildlife issued to the state of Alaska and/or the Alaska Department of Fish and Game valid for the years 1997 - 1998.
2. Documents related to the above-mentioned permits including, but not limited to, applications for the permits, correspondence relating to the permits, *etc.*
3. Copies of any FCC rules or regulations related, generally or specifically, to such permits.

With respect to your first and second requests, we have reviewed our files for records responsive to your request. We have determined that there are documents which appear to be covered by your request. Specifically, there are FCC radio station construction permits and licenses of an experimental nature for the following call signs: KA2XQA (File No. 0570-EX-R-96), authorization effective December 1, 1995, and expired 3:00 A.M. EST December 1, 1997; KA2XOJ (File No. 0572-EX-R-96), authorization effective December 1, 1995, and expired 3:00 A.M. EST December 1, 1997; and KM2XOK (File No. 5607-EX-ML-97), authorization effective May 13, 1997, and will expire 3:00 A.M. EST May 1, 1999. Enclosed you will find copies of the relevant portions of these files covered by your requests that are subject to disclosure pursuant to the FOIA.¹

¹ Because these documents are predecisional and involve assessments, advice and opinion reflecting intra-agency coordination we are withholding them pursuant to the deliberative process privilege. 5 U.S.C. § 552(b)(5). See *Jordan v. Department of Justice*, 591 F.2d 753 (D.C. Cir.

Mr. Stephen Wells

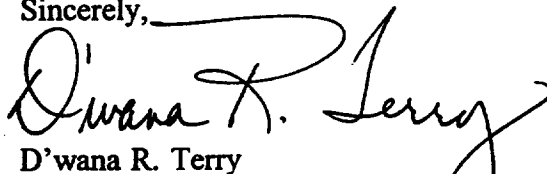
2.

With respect to your third request, Section 90.238 of the Commission's Rules, 47 C.F.R. § 90.238, pertains to telemetry operations but there is nothing in this section specifically relating to tracking and locating wildlife. Section 90.238 is publicly available and, therefore, the Commission is not required to provide it in response to individual FOIA requests. 5 U.S.C. § 552(a)(3). Moreover, this information is available at the National Archives and Records Administration's World Wide Web site at <http://www.access.gpo.gov/nara/cfr/cfr-table-search.html>. In addition, this information is published by the Office of the Federal Register, National Archives and Records Administration, and is for sale by the U.S. Government Printing Office ("GPO"). GPO may be reached at (202) 512-1800. Alternatively, this information also is available via the Commission's copy contractor, International Transcription Service ("ITS"). ITS may be reached at (202) 857-3800.

We are waiving charges associated with retrieving and providing you with the enclosed material because disclosure to the AWA, which, you claim is a non-profit organization, is deemed to be in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not of commercial interest. 5 U.S.C. § 552(a)(4)(A).

If you consider this letter to be a denial of your request, in whole or in part, you may file an application for review with the Commission's Office of General Counsel, Washington, DC 20554, within 30 days of the date of this decision, pursuant to 47 C.F.R. § 0.461(d). See also 47 C.F.R. § 1.115. The undersigned official is responsible for this response.

Sincerely,



D'wana R. Terry
Chief, Public Safety and Private Wireless Division
Wireless Telecommunications Bureau

Enclosures

1978); Vaughn v. Rosen, 484 F.2d 820 (D.C. Cir. 1973), cert. denied 415 U.S. 1977 (1974). The withheld documents pertain to call sign KM2XOK.

From: Thomas Stanley
 To: J4.J4.NHEILMEI, J4.J4.YCARLSON
 Date: 4/4/97 5:07pm
 Subject: EXP COORD: WTB Response to 8 Recent App.

Nona & Young,

Below you will find WTB's reaction to the 8 recent experimental coordination requests.

Except for 5638 (InterOcean Systems) we do not object to these experimental applications, but we do raise the comments and conditions noted below.

- Referred by:
 Nona
- 5624 Advanced Nationwide Messaging--Power levels in 901-902 Mhz of 150 w is significantly higher than that currently used in band. Any reason not to limit power to current limit of 7 w? Carl has
 - Nona - 5654 Glenayre--Broad request includes public safety and amateurs. Is all this needed? No experimentals in public safety bands. Also, emission designator is ambiguous.
 - Nona - 5607 State of Alaska--OK, but suggest that Alaska may wish to pursue unlicensed approaches.
 - Young
 - Nona - 5586 Hughes--No WTB comment.
 - Nona - 5622 BST--No WTB comment.
 - Young - 5633 Maritime Telecom. Network--No WTB comment.
 - Young - 5638 InterOcean Systems--WTB does not concur with this application. The 157 band uses 50 w stations for public coast services; 467 Mhz band, for harbor use with 4 w limits; 152 Mhz could be used, but only at limited power and radiating out to sea. In summary, this appears to need rethinking. Carl has
 - Nona - 5658 3M Corp--No WTB comment. Carl has

Thanks. Tom S.

CC: WTB EXP COORD