



Federal Communications Commission
Washington, D.C. 20554

March 18, 2010

Gerrett Conover, Vice President
Radio Systems, Inc.
601 Heron Drive
Logan Township, NJ 08085

RE: Request for Equipment Waiver

Dear Mr. Conover,

I am writing in response to your letter of October 20, 2009, sent on behalf of Radio Systems, Inc. (Radio Systems), requesting a waiver to operate a model TR-6000 AM transmitter "at 1710 KHz for Part 90 (TIS/HAR) operation."¹ For the reasons set forth below, we grant Radio Systems' request.

The rules governing Travelers' Information Stations (TIS) permit operations in the frequency range 530 kHz to 1700 kHz only.² On November 14, 2008, the Commission's Public Safety and Homeland Security Bureau (Bureau) granted County of Hudson, New Jersey (Hudson), a waiver to operate TIS station WQFG689 on 1710 kHz.³ Radio Systems seeks a waiver in order to pursue an equipment authorization for a transmitter that could be utilized by Hudson's TIS station WQFG689 on 1710 kHz.

Pursuant to section 1.3 of the Commission's rules "[t]he provisions of this chapter may be ... waived for good cause shown."⁴ Waiver of the Commission's rules is appropriate only if special circumstances warrant a deviation from the general rule, and such deviation will serve the public interest.⁵ The Bureau determined that grant of Hudson's request to operate TIS station WQFG689 at frequency 1710 kHz would serve the public interest, because of the "County's critical location as an evacuation area for Manhattan, its crowded population centers, and congestion of the radio spectrum in the New York area."⁶

¹ See Letter, Garrett Conover, Vice President, Radio Systems, Inc., to Brian Butler, Senior Engineer, Policy Division, Public Safety and Homeland Security Bureau, Federal Communications Commission (dated Oct. 20, 2009) (Conover Letter).

² Section 90.242(a) of the Commission's rules states in relevant part: "The frequencies 530 through 1700 kHz ... may be assigned to the Public Safety Pool for the operation of Travelers' Information Stations." See 47 C.F.R. § 90.242(a).

³ See Letter, Thomas J. Beers, Chief, Policy Division, Public Safety and Homeland Security Bureau, to William Baker, Information Station Specialists (Nov. 14, 2008) (Hudson Order) at 1, *available at* <https://wireless2.fcc.gov/UlsEntry/attachments/attachmentViewRD.jsp?applType=search&fileKey=1737892855&attachmentKey=18373753&attachmentInd=applAttach>. Hudson is the licensee for Travelers' Information Station (TIS) WQFG689.

⁴ 47 C.F.R. § 1.3.

⁵ See *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

⁶ Hudson Order at 2.

For similar reasons, we find that grant of the instant request is warranted, because it will enable Radio Systems to apply for an equipment authorization for a transmitter capable of operation in the frequency range 530 kHz to 1710 kHz. The extended frequency range of 1700-1710 kHz for the new equipment will be allowed the same technical radio parameters limits as allowed in the 530-1700 kHz band. This new equipment authorization, if granted by the Commission, would provide Hudson with the Commission-authorized equipment necessary to implement its licensed service. This equipment must only be used by Hudson. Our decision to grant the Radio Systems' request is limited to the facts of the instant request and does not modify the existing parameters specified in Radio Systems' existing authorization B7MTR-6000TIS-WB that is authorized to operate only in the frequency band of 530-1700 kHz. For the aforementioned reasons, we find that grant of the instant request is consistent with the public interest.

Accordingly, IT IS ORDERED, pursuant to Sections 1, 4(i), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), and 303(r), and section 1.3 of the Commission's rules, 47 C.F.R. § 1.3, that the request for waiver of section 90.242(a) of the Commission's rules, 47 C.F.R. § 90.242(a), filed by Radio Systems, Inc. is granted as described herein.

This action is taken under delegated authority pursuant to Sections 0.191 and 0.392 of the Commission's rules, 47 C.F.R. §§ 0.191, 0.392.

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in black ink, appearing to read "Thomas J. Beers", with a stylized flourish at the end.

Thomas J. Beers
Chief, Policy Division
Public Safety and Homeland Security Bureau

Cc: Frank Jazzo, Esq.