



February 26, 1999

Ms. Judith Dunlap, Chief
Information Development Branch
Information Technology Division
Wireless Telecommunications Bureau
Federal Communications Commission
1270 Fairfield Road
Gettysburg, PA 17325-7245

Dear Chief Dunlap:

We are creators and distributor of the software program Airspace®. One of the purposes of Airspace® is to determine notice requirements to the Federal Aviation Administration (FAA), as specified in United States Code of Federal Regulations Title 14 Part 77, Section 3, for builders of tall structures, such as radio towers.

It has come to our attention the Federal Communications Commission (FCC) also has a software program called "TowAir" whose purpose is to determine notice requirements to the FAA. Conversations with Mr. Jamison Prime, a FCC attorney, during the past 12 months has led us to the conclusion that there are significant differences between our Airspace® software and the FCC's TowAir computer program when calculating notice requirements.

The United States Code of Federal Regulations Title 47, Part 17, Section 7 specifies the calculations the FCC is to use when determining notice requirements to the FAA. This document repeats notice requirements specified in USC Title 14 Part 77, Section 3. Airspace® calculates notice requirements exactly as prescribed in Title 14CFR77.13 and Title 47CFR17.7. In other words, it uses the exact runway length, coordinates and elevation of the nearest point of the nearest runway to determine notice requirements specified in the law. It is our belief that TowAir does not perform the calculations exactly as specified in Title 14CFR77.13 or Title 47CFR17.7. We based this conclusion on the following:

1. If TowAir database does not have the actual runway coordinates it uses the Airport Reference Point and the length of the longest runway to perform notice calculations using an algorithm different than specified in the law. This methodology often requires the end user to notify the FAA in many cases even though notice is not required.
2. TowAir uses the lowest point on the airport and not the runway elevation as specified in FAR 77.13 to perform the slope calculations. This procedure flags more structures as "Notice Required" than the law requires.

3. The FCC receives airport/runway data from the National Flight Data Center (NFDC), as do we. This is the FAA organization responsible for maintenance of the airport and runway database. The NFDC data for airport/runway coordinates contains errors. We do not believe the FCC has in place any process of data certification for airport/runway data. Our company has such as program in place.

On February 11, 1999 a Telcon between Mr. Prime and myself was conducted to discuss how TowAir performs an analysis and alternatives when differences occur between Airspace® and TowAir. It was our mutual agreement to submit the Airspace® Airport Analysis report (Notice Criteria) and picture of the runway layout along with the required FCC documents. This would serve, as documentation that notice to the FAA is not required. This letter is our request for FCC approval of the following procedure:

The FCC requires a proponent to determine if notification to the FAA is required when submitting certain documents to the FCC in licensing situations. In those events where TowAir specifies notice to the FAA is required and Airspace® determines notice is not required the proponent would submit, to the FCC the required FCC documents along with the following:

1. Airspace® Airport Analysis report for notice requirements.
2. Image of the airport runway layout, the site under study, and the distance from the end of the runway to the site.
3. The FCC will manually review this information to determine its acceptance and override the results of TowAir, as necessary, and not reject the proponent's application based solely upon the results of TowAir.

Please find attached an example of just such a case and copies of the proposed documents.

Our Airspace® software has been used by the wireless industry since 1989. There has never been a case of error in notice calculations performed by Airspace®. We would be happy to discuss this matter further with you and arrive at a solution to improve service, reduce the burden of government regulations and maintain the level of safety the public demands. We would like to come to an agreement with the FCC on this matter. If further discussion is required please contact Mr. Clyde Pittman at (847) 537-8047 or Email to: Airspace@AirspaceUSA.com.

Sincerely,

L. Johnson, President
Federal Airways & Airspace®

 * PUBLIC AIRPORTS IN PROXIMITY OF CASE *

File: TODD01

OVERALL ELEVATION (AMSL): 558

LATITUDE: 40-00-16.0

LONGITUDE: 90-25-4.00

<u>FACIL</u>			<u>BEARING</u>	<u>DISTANCE</u>	<u>DELTA ARP</u>	<u>FAR</u>
<u>IDENT</u>	<u>TYP</u>	<u>NAME</u>	<u>To FACIL</u>	<u>IN N.M.</u>	<u>ELEVATION</u>	<u>P77</u>
K06	AIR	GREATER BEARDSTOWN	160.7	1.976	+93	YES

This facility has at least one runway over 3,200 feet in length.

Your structure **DOES NOT EXCEED** FAR 77.13(a)(2) Notice Requirement for this airport. However, you may EXCEED other Notice Standards. Please review the reports for the FAR Part 77 Surfaces, Air Navigation, & Communication facilities.

You are below requirements by: 8 feet.

You are 10272 feet from the nearest runway threshold. Please review runway analysis for remaining airport surfaces.

5K4	AIR	SCHUY-RUSH	310.52	10.445	-107	YES
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This facility has at least one runway over 3,200 feet in length.

Your structure **DOES NOT EXCEED** FAR 77.13(a)(2) Notice Requirement for this airport. However, you may EXCEED other Notice Standards. Please review the reports for the FAR Part 77 Surfaces, Air Navigation, & Communication facilities.

You are 62077 feet from the nearest runway threshold. Please review runway analysis for remaining airport surfaces.

IJX	AIR	JACKSONVILLE MUNI	149.08	16.102	-66	YES
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This facility has at least one runway over 3,200 feet in length.

Your structure **DOES NOT EXCEED** FAR 77.13(a)(2) Notice Requirement for this airport. However, you may EXCEED other Notice Standards. Please review the reports for the FAR Part 77 Surfaces, Air Navigation, & Communication facilities.

You are 95304 feet from the nearest runway threshold. Please review runway analysis for remaining airport surfaces.

I63	AIR	MOUNT STERLING MUNICIPAL	266.61	17.846	-174	YES
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This facility has at least one runway over 3,200 feet in length.

Your structure **DOES NOT EXCEED** FAR 77.13(a)(2) Notice Requirement for this airport. However, you may EXCEED other Notice Standards. Please review the reports for the FAR Part 77 Surfaces, Air Navigation, & Communication facilities.

You are 108337 feet from the nearest runway threshold. Please review runway analysis for remaining airport surfaces.

910 AIR HAVANA REGIONAL 54.33 22.347 +59 YES

This facility does not have a runway over 3,200 feet in length.

Your structure DOES NOT EXCEED FAR 77.13(a)(2) Notice Requirement for this airport. However, you may EXCEED other Notice Standards. Please review the reports for the FAR Part 77 Surfaces, Air Navigation, & Communication facilities.

You are 134846 feet from the nearest runway threshold. Please review runway analysis for remaining airport surfaces.

PPQ AIR PITTSFIELD PENSTONE MUNI 217.25 27.531 -152 YES

This facility has at least one runway over 3,200 feet in length.

Your structure DOES NOT EXCEED FAR 77.13(a)(2) Notice Requirement for this airport. However, you may EXCEED other Notice Standards. Please review the reports for the FAR Part 77 Surfaces, Air Navigation, & Communication facilities.

You are 167074 feet from the nearest runway threshold. Please review runway analysis for remaining airport surfaces.

C10 AIR SMITH 340.76 28.57 -144 YES

This facility does not have a runway over 3,200 feet in length.

Your structure DOES NOT EXCEED FAR 77.13(a)(2) Notice Requirement for this airport. However, you may EXCEED other Notice Standards. Please review the reports for the FAR Part 77 Surfaces, Air Navigation, & Communication facilities.

46IL HEL MC DONOUGH COUNTY HOSPITAL 336.9 29.059 -127 YES

Your structure DOES NOT EXCEED FAR 77.13(a)(2) Notice Requirement for this heliport. You are not locating within 5,000 feet of facility. You are beyond limit by: 171565.4 feet.

74LL HEL ILLINOIS DEPT OF TRANSPORTAT 114.81 32.48 -72 YES

Your structure DOES NOT EXCEED FAR 77.13(a)(2) Notice Requirement for this heliport. You are not locating within 5,000 feet of facility. You are beyond limit by: 192351.7 feet.

MQB AIR MACOMB MUNI 340.88 32.748 -147 YES

This facility has at least one runway over 3,200 feet in length.

Your structure DOES NOT EXCEED FAR 77.13(a)(2) Notice Requirement for this airport. However, you may EXCEED other Notice Standards. Please review the reports for the FAR Part 77 Surfaces, Air Navigation, & Communication facilities.

You are 197461 feet from the nearest runway threshold. Please review runway analysis for remaining airport surfaces.

SPI AIR CAPITAL 105.97 35.502 -39 YES

This facility has at least one runway over 3,200 feet in length.

Your structure DOES NOT EXCEED FAR 77.13(a)(2) Notice Requirement for this airport. However, you may EXCEED other Notice Standards. Please review the reports for the FAR Part 77 Surfaces, Air Navigation, & Communication facilities.

You are 214019 feet from the nearest runway threshold. Please review runway analysis for remaining airport surfaces.

UIN AIR QUINCY MUNI BALDWIN FIELD 263.83 36.018 -211 YES

This facility has at least one runway over 3,200 feet in length.

Your structure DOES NOT EXCEED FAR 77.13(a)(2) Notice Requirement for this airport. However, you may EXCEED other Notice Standards. Please review the reports for the FAR Part 77 Surfaces, Air Navigation, & Communication facilities.

You are 215394 feet from the nearest runway threshold. Please review runway analysis for remaining airport surfaces.

CTK AIR INGERSOLL 24.85 37.328 -126 YES

This facility has at least one runway over 3,200 feet in length.

Your structure DOES NOT EXCEED FAR 77.13(a)(2) Notice Requirement for this airport. However, you may EXCEED other Notice Standards. Please review the reports for the FAR Part 77 Surfaces, Air Navigation, & Communication facilities.

You are 224729 feet from the nearest runway threshold. Please review runway analysis for remaining airport surfaces.

03K HEL STATE FAIRGROUNDS 105.78 37.385 -92 YES

Your structure DOES NOT EXCEED FAR 77.13(a)(2) Notice Requirement for this heliport. You are not locating within 5,000 feet of facility. You are beyond limit by: 222155 feet.

9H7 HEL ILL DEPT OF TRANS 110.16 39.921 +8 YES

Your structure DOES NOT EXCEED FAR 77.13(a)(2) Notice Requirement for this heliport. You are not locating within 5,000 feet of facility. You are beyond limit by: 237564 feet.

THE NEAREST AIRPORT TO CASE COORDINATES IS: K06

GREATER BEARDSTOWN is an Airport type landing facility and is associated with the city of BEARDSTOWN, IL. The facility is eligible for Study under FAR Part 77 sub-Part C.

Its Reference Point (ARP) elevation is: 465 feet AMSL and you are locating 12008 feet from this landing facility.

AIRSPACE® Version 5.99.3

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The mathematical algorithms used by this program are derived directly from Federal Aviation Regulations Part 77, sub-part C.

