



Federal Communications Commission
Washington, D.C. 20554

August 14, 2003

Mr. Mitchell Lazarus
Fletcher, Heald & Hildreth
1300 North 17th Street, 11th Floor
Arlington, Virginia 22209

Dear Mr. Lazarus:

This is in response to your letter of August 4, 2003, filed on behalf of your client, Geophysical Survey Systems, Inc. ("GSSI"), requesting a waiver of Part 15 of our rules. Specifically, you request a waiver of the emission limits specified in Section 15.509(d) for the GSSI ground penetrating radar ("GPR") device that is pending a grant of certification under FCC ID QF7TERRAVISION. This GPR is a 500 pound unit that costs approximately \$100,000.00 with projected U.S. sales of six or fewer units per year. It is used to survey very long pipeline installation sites prior to excavation and would rarely, if ever, be employed in population centers.

As shown in your letter, the emissions from this GPR exceed the applicable limits by 0.3 dB at 213.9 MHz, by 1.0 dB at 35.58 MHz, by 1.3 dB at 34.14 MHz, by 1.5 dB at 291.9 MHz, and by 3.6 dB at 46.18 MHz. As also indicated in your letter, the emissions from this GPR have been extensively shielded, and most of the measured emissions are due to unavoidable leakage between the lower edge of the shielding and the ground surface. You state that further efforts to shield the emissions are unlikely to provide any significant reduction and that reducing the emission levels through a reduction in the output level of the GPR or a decrease in the pulse repetition frequency would result in impaired performance.

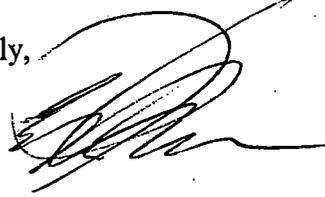
It is a well-established principle that the Commission will waive its rules in specific cases only if it determines, after careful consideration of all pertinent factors, that such a grant would serve the public interest without undermining the policy which the rule in question is intended to serve. See *WAIT Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969). A waiver of the GPR emission limit in rule Section 15.509(d) in this case is consistent with that principle. We note that the subject GPR exceeds the applicable emission limits at five frequencies by a *de minimis* amount. However, the limited operation of this GPR in low populated areas should ensure that no harmful interference is caused to any radio services that may operate on these frequencies. Further, granting GSSI's waiver request will serve the public interest by making available immediately a product that is employed for safety-of-life applications, as already recognized by the Commission in its *First Report and Order* in ET Docket No. 98-153, and will not undermine Commission policy, since it is unlikely that harmful interference would be caused to the authorized radio services.

Accordingly, under the authority contained in Sections 0.31(i) and 0.241(a) of the Commission's regulations, 47 CFR §§ 0.31 (i) and 0.241 (a), we grant GSSI a waiver of the emission limits specified in Section 15.509(d) to permit the operation of its GPR, FCC ID QF7TERRAVISION.

The radio frequency emissions produced by this GPR shall not exceed the limits specified by GSSI in its waiver letter, as described above, or the emission limits specified in Section 15.509, whichever emission level is higher.

If you have any further questions, please contact John Reed at (202) 418-2455.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ed Thomas', written over a large, circular scribble.

Ed Thomas
Chief
Office of Engineering and Technology