

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended)	WT Docket No. 99-87
)	
Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies)	RM-9332
)	

To: The Chief, Wireless Telecommunications Bureau, Chief, Public Safety and Homeland Security Bureau, and Chief, Office of Engineering and Technology

PETITION FOR CLARIFICATION AND/OR DECLARATORY RULING

The Telecommunications Industry Association (“TIA”), pursuant to 47 C.F.R. §§ 1.41 and 1.2, respectfully seeks clarification of the Commission’s Order waiving the January 1, 2013 deadline for private land mobile radio (“PLMR”) licensees in the 470-512 MHz band to migrate to narrowband (12.5 kHz or narrower) technology.¹ Specifically, we request that the Commission clarify that it is waiving the ban on 25 kHz technologies in radios for use in the 470-512 MHz band (“T-Band”) portion of the Part 90 VHF/UHF in certification applications filed on or after January 1, 2011. TIA strongly supported the passage of the Spectrum Act of 2012² and further supports the Commission’s work to implement it.

¹ *Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended, Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies*, Order, WT Docket No. 99-87, RM-9332, FCC 12-624 (rel. Apr. 26, 2012) (“T-Band Order”).

² Pub. L. No. 112-96, 126 Stat. 156 (2012) (“Spectrum Act”).

I. INTRODUCTION

TIA has been a standards development organization (“SDO”) since its inception in 1988. TIA’s standards committees create consensus-based voluntary standards for numerous facets of the ICT industry, for use by both private sector interests and government, which are affected by the Commission’s actions related to the T-Band.³ Among other areas, TIA’s standards committees develop protocols and interface standards relating to current U.S. Government technology priorities in such areas as fiber optics, public and private interworking, telecommunications cable infrastructure, wireless and mobile communications, multimedia and voice over internet protocol access. TIA’s standards reach into areas such as Smart Grid,⁴ health care ICT,⁵ and – of particular relevance to the T-Band – industrial and emergency communications.⁶ TIA’s hundreds of member companies provide, develop, manufacture, and supply information and

³ TIA publishes an annual report that includes the latest actions taken by each respective TIA engineering committee toward the development of standards for the advancement of global communications. *See TIA, 2011-2012 Standards & Technology Annual Report* (rel. Apr. 2012) at 4-5, available at http://www.tiaonline.org/standards/about/documents/STAR_2011-2012.pdf.

⁴ TIA’s TR-50 (Smart Device Communications) is responsible for the development and maintenance of access agnostic interface standards for the monitoring and bi-directional communication of events and information between smart devices and other devices, applications or networks. *See* <http://tr50.tiaonline.org>.

⁵ TIA’s TR-49 (Healthcare ICT) is responsible for development and maintenance of standards for the healthcare ICT applications which involve medical devices, network infrastructure, applications, and operations support. *See* <http://tr49.tiaonline.org>.

⁶ Engineering Committee TR-8 formulates and maintains standards for private radio communications systems and equipment for both voice and data applications. TR-8 addresses all technical matters for systems and services, including definitions, interoperability, compatibility, and compliance requirements. The types of systems addressed by these standards include business and industrial dispatch applications, as well as public safety (such as police, ambulance and firefighting) applications. *See* <http://tr8.tiaonline.org>.

communications technology (ICT) products and services, including components of the T-Band. Currently TIA is one of the largest SDOs accredited by ANSI.

II. THE COMMISSION SHOULD CLARIFY THAT IT HAS WAIVED THE BAN ON INCLUDING 25 KHZ TECHNOLOGIES IN RADIOS FOR USE IN THE T-BAND PORTION OF THE PART 90 VHF/UHF IN CERTIFICATION APPLICATIONS FILED ON OR AFTER JANUARY 1, 2011.

The Commission has taken several important steps towards implementing the Spectrum Act. The Act requires the FCC to reallocate and auction spectrum in the 470 – 512 MHz band used by public-safety and industrial and business entities within nine years. Incumbent users will then have two years to relocate from the band.⁷

On April 26, 2012, the Commission, (i) waived the requirement that Industrial/Business and Public Safety Radio Pool licensees in the 470-512 MHz band migrate to 12.5 kHz channel bandwidth or utilize a technology that achieves equivalent efficiency by January 1, 2013; and (ii) waived the January 1, 2013 deadline which cuts off the manufacture or importation of equipment capable of operating with only one voice path per 25 kHz of spectrum in the T-band. In reference to the latter, the Commission states that it “waive[s] the deadline only with respect to the 470-512 MHz band; the manufacture or import of equipment capable of operating with only one voice path per 25 kHz of spectrum in the 150-174 MHz or 421-470 MHz bands still will be prohibited as of January 1, 2013,” going further to note in Footnote 19 that it “recognize[s] that most equipment currently in production is programmable and that manufacturers can limit their

⁷ Section 6103(a) of the Act directs that no later than nine years after the date of enactment (February 22, 2011), the FCC must reallocate spectrum in the 470-512 MHz band used by public safety entities and begin a system of competitive bidding. Section 6103(c) of the Act further states that the relocation of public safety entities must be completed 2 years after the auction is complete.

equipment to different operational parameters in different bands through software.

Manufacturers can submit requests for permissive changes to enable the wider band operation in the 470-512 MHz band if their current grant is limited and if the change is made through software.”⁸

TIA supports the action the Commission has taken in the T-Band to implement the Spectrum Act. As the Commission notes, the actions taken are needed to allow for the FCC to determine how to implement the Spectrum Act, and we agree that prohibiting the manufacture or import of equipment capable of operating in 25 kHz mode could effectively prevent existing 470-512 MHz band systems from replacing or adding radios during the waiver period, which would hamper interoperability between systems (or different parts of the same system) that are at different stages of the narrowbanding conversion.⁹ We also believe that it is appropriate for the Commission to remain committed to the narrowbanding transition in the 150-174 MHz and 421-470 MHz bands.¹⁰

However, in the view of TIA, the Commission’s statement in Footnote 19 of the T-Band Order, while providing that permissive changes may be possible in some circumstances for existing certifications during the transitioning of the T-Band, does not appear to account for the possibility that “wideband,” i.e. 25 kHz technology radios, may not be available in the interim time period. In addition it remains unclear to TIA members the effect of using the term “existing

⁸ T-Band Order at ¶ 8.

⁹ *Id.* at ¶ 6.

¹⁰ *Id.* at ¶ 9.

certifications” in this footnote. Unless the Commission expressly clarifies that it is waiving the ban on the inclusion of 25 KHz technology for the T-Band, the possibility exists that a public safety entity may find itself in need of newly-certified equipment during the interim period, which would appear to still be banned based on the Commission’s statement in the T-Band Order that may allow 25 KHz technology in “existing certifications.”

Should public safety entities be unable to replace communications equipment during the interim transition period for the T-Band, these licensees face a dangerous prospect. If they are unable to replace equipment that requires “new” certifications, these licensees risk facing reduced availability and capabilities required for continued protection of the public. TIA does not believe that such a policy would be in the public interest, nor that the Commission intended for such an effect. TIA has consulted with public safety licensees as well as numerous vendors, and has found this clarification to be needed.

Furthermore TIA believes a continuation of the ban on 25 kHz technologies being included in applications for equipment certification eliminates the possibility equipment manufacturers may desire to develop new offerings that will satisfy the needs of licensees who will operate 25 kHz technologies for the foreseeable future, but which such offerings may also incorporate capabilities to ease the licensees’ transition to other spectrum bands and technologies when the time to vacate T-Band arrives.

We therefore request that the Commission expressly state that it is waiving the ban on the inclusion of 25 kHz technologies for the 470-512 MHz spectrum in applications for certification of T-Band capable equipment.

III. CONCLUSION

For the foregoing reasons, TIA urges the Commission to clarify that the Commission has waived the ban on the inclusion of 25 kHz technologies for the 470-512 MHz spectrum in applications for certification of T-Band equipment.

Respectfully submitted,

TELECOMMUNICATIONS INDUSTRY ASSOCIATION

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May 21, 2012