

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Proposed Amendments to the Service Rules Governing Public Safety Narrowband Operations in the 769-775/799-805 MHz Bands)	PS Docket No. 13-87
)	
National Public Safety Telecommunications)	RM-11433
)	
)	
Council Petition for Rulemaking on Aircraft Voice Operations at 700 MHz National Public Safety Telecommunications)	WT Docket No. 96-86
)	
)	
Council Petition for Rulemaking to Revise 700 MHz Narrowband Channel Plan Region 24)	PS Docket No. 06-229
)	
)	
700 MHz Regional Planning Committee Petition for Rulemaking)	WT Docket No. 96-86 PS Docket No. 06-229
)	
)	
State of Louisiana Petition for Rulemaking)	RM-11577
)	
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COMMENTS OF MOTOROLA SOLUTIONS, INC.

Motorola Solutions, Inc. (“Motorola Solutions”) supports the Telecommunications Industry Association’s (“TIA”) Petition for Reconsideration¹ of the Federal Communications Commission’s (“FCC” or “Commission”) Report and Order² issued pursuant to the above-captioned proceedings. TIA’s petition requests that the Commission amend the output of the

¹ Telecommunications Industry Association, Petition for Reconsideration, PS Docket No. 13-87 (Jan 2, 2015).

² Proposed Amendments to the Service Rules Governing Public Safety Narrowband Operations in the 769-775/799-805 MHz Bands, *et al.*, PS Docket No. 13-87, *Report and Order*, 29 FCC Rcd 13283 (2014) (“Report and Order”).

Report and Order to acknowledge that manufacturers may not be able to complete all requirements for Project 25 Compliance Assessment Program (“P25 CAP”) certification prior to submitting equipment certification applications to the Commission. Because of the logistical and practical difficulties of achieving P25 CAP certification in advance of FCC equipment authorization, and the sufficiency of current regulations to achieve interoperability, Motorola Solutions supports TIA’s request for reconsideration, and recommends that Section 2.1033(c)(20) of the Commission’s Rules be removed.

I. BACKGROUND

Motorola Solutions supports the Department of Homeland Security’s (“DHS”) Project 25 Compliance Assessment Program. The program enhances public safety communications by offering a rigorous, standardized, and independent assessment of various aspects of Project 25 compliance. Motorola Solutions is a proponent of P25 CAP and its contributions to the public safety community, and routinely publishes on its website declarations of compliance submitted to obtain P25 CAP certification for its products, as well as other documents relating to the success of the program.³

Despite the benefits of P25 CAP program, its design and function make it ill-suited to be a pre-market, pre-sale equipment certification requirement for 700 MHz narrowband devices. When the Commission proposed such a requirement in the Notice of Proposed Rulemaking in this proceeding,⁴ Motorola Solutions submitted comments explaining the logistical and practical difficulties presented by a mandatory pre-market P25 CAP certification requirement, such as the

³ Motorola Solutions, Inc., Project 25 (P25) Compliance Assessment Program and Manufacturing P25 Testing, http://www.motorolasolutions.com/US-EN/Business+Product+and+Services/Project+25+%28P25%29+Systems/P25+CAP_US-EN.

⁴ Proposed Amendments to the Service Rules Governing Public Safety Narrowband Operations in the 769-775/799-805 MHz Bands, *et al.*, PS Docket No. 13-87, *Seventh Report and Order and Notice of Proposed Rulemaking*, 28 FCC Rcd 4783, ¶ 127 (2013).

lag between the introduction of new interoperability technologies and updates to the P25 CAP program and the discrepancy between CAP functionality assessments and what is required to operate on 700 MHz interoperability channels.⁵ Motorola Solutions asserted that P25 CAP Certification should remain a voluntary program, as it was originally designed.⁶

Despite finding that “700 MHz equipment manufacturers are uniformly participating in the voluntary CAP certification program,”⁷ the Report and Order decided to “amend [the] rules to further encourage voluntary CAP compliance.”⁸ Under the new rule, a manufacturer applying for equipment authorization “shall include a Compliance Assessment Program Supplier’s Declaration of Conformity and Summary Test Report or, alternatively, shall include a document detailing how the applicant determined that its equipment complies with § 90.548 and that the equipment is interoperable across vendors.”⁹

Imposing additional requirements prior to equipment authorization is unnecessary, burdensome on the industry, and detrimental to innovation. Although P25 CAP is beneficial in its current role, it should not be a prerequisite to equipment authorization. The logistical difficulties of achieving CAP compliance prior to equipment authorization could keep important products from coming to market. To the extent the FCC is concerned about interoperability, the pre-existing technical standards and regulatory requirements are sufficient to ensure interoperability of devices. As such, Motorola Solutions supports TIA’s petition for

⁵ Comments of Motorola Solutions, Inc., PS Docket No. 13-87, at 10-11 (filed June 18, 2013).

⁶ *Id.*

⁷ Report and Order ¶ 60.

⁸ *Id.*

⁹ *Id.* at Appendix B (amending 47 CFR § 2.1033(c)(20)).

reconsideration of this issue and its request that the new prerequisite to equipment authorization be removed.

II. DISCUSSION

A. Mandating P25 CAP Certification Prior to Equipment Authorization is Incompatible with the Design and Function of the Program.

Under the rule adopted by the Report and Order, a manufacturer must submit P25 CAP certification in its application to the Commission for equipment authorization.¹⁰ By offering an uncertain process using undefined terms as an “alternative,” the new rule essentially mandates P25 CAP certification. Such a mandate is inconsistent with the purpose and design of the program and will have negative consequences for innovation and efficiency.

Mandating P25 CAP certification prior to equipment authorization creates several logistical problems. The CAP program is designed to evaluate finished products whereas equipment authorization is generally appropriate at a much earlier stage of development. At the time of equipment authorization, a manufacturer may only be able to state that the product is designed to the P25 standards. Making P25 CAP certification a prerequisite therefore undermines the equipment authorization process. In addition, because declaring interoperability under P25 CAP requires testing with three different manufacturers, making the program a prerequisite to equipment authorization could delay the introduction of new products until there are three manufacturers with a similar or equivalent product, reducing the commercial incentive

¹⁰ *Id.* The new rule provides: “Applications for certification of equipment operating under Part 90 and capable of operating on the 700 MHz interoperability channels (See 90.531(b)(1)) shall include a Compliance Assessment Program Supplier’s Declaration of Conformity and Summary Test Report or, alternatively, shall include a document detailing how the applicant determined that its equipment complies with § 90.548 and that the equipment is interoperable across vendors.” *Id.* § 2.1033(c)(20).

to innovate. Mandating a program with these logistical challenges will create timing problems for manufacturers, prevent important products from getting to market, and stifle innovation.

The P25 Compliance Assessment Program is best suited to be a voluntary program that manufacturers utilize after equipment authorization and further development of their products. The program provides system operators with information about the specific features and functions of P25 devices—not a binary, pass/fail assessment of interoperability—and is therefore far more useful to system operators at later stages of development than it is at the time the FCC grants equipment authorization. The program is working successfully in this capacity: as the FCC recognized in the Report and Order, manufacturers are uniformly using P25 CAP on a voluntary basis.¹¹ The Commission need not adopt rules to incentivize its use, and moreover, even if such rules were necessary, a pre-equipment authorization mandate simply will not be successful, as it is inconsistent with the design of the program.

B. Pre-existing Technical Standards and Regulatory Requirements are Sufficient to Ensure Interoperability.

Even without the new rule, the FCC already has a robust regulatory scheme in place to ensure interoperability. Under these rules, manufacturers on 700 MHz narrowband channels must comply with P25 technical standards and create devices capable of operating on all interoperability channels.¹² Because these technical standards can be met while a product is in earlier stages of development, manufacturers will not face delays at the type certification stage and can continue the steps to bringing important products to market. Moreover, these regulations

¹¹ *Id.* ¶ 60.

¹² 47 CFR § 90.548(a)(1) (requiring P25 for operations on the 700 MHz nationwide interoperability channels); 47 CFR § 90.547 (requiring mobile and portable transmitters operating on 700 MHz narrowband channels to be capable of operating on all of the nationwide narrowband interoperability channels).

have the benefit of providing flexibility in the means by which manufacturers achieve interoperability, thereby allowing for the development of new technologies.

III. CONCLUSION

Because of the inherent problems, inefficiencies, and logistical difficulties of mandating P25 CAP certification prior to equipment authorization, Motorola Solutions supports TIA's Petition for Reconsideration on this aspect of the Commission's Report and Order. Accordingly, the Commission should strike part (20) of Section 2.1033(c), which creates the new prerequisite.¹³ Such a solution allows the P25 Compliance Assessment Program to continue to perform as a voluntary program that offers benefits to the public safety community, and will maintain efficiency in the equipment authorization process.

Respectfully submitted,

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¹³ *Id.* at Appendix B.