

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

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

**REQUEST FOR WAIVER OF VERTEX STANDARD LMR, INC.**

Vertex Standard LMR , Inc. (“Vertex Standard”), pursuant to Section 1.925 of the Federal Communications Commission’s rules,<sup>1</sup> hereby requests a waiver of the Section 90.203(j)(5)<sup>2</sup> narrow banding requirement as applied to two specific applications for equipment certification. Specifically, Vertex Standard request that the Commission waive the Section 90.203(j)(5) requirement that all certification applications in specified UHF and VHF bands include a 6.25 kHz operating mode with respect to the equipment certification applications for FCC IDs AXI11274620 and AXI11284620. These applications request certification under Part 90 of the FCC’s Rules for 5 watt, UHF (403-470 MHz) 12.5 kHz land mobile radios that do not have a 6.25 kHz operating mode, or equivalent efficiency. As the period for filing such applications expired on December 31, 2014, waiver of Section 90.203(j)(5) is hereby requested.

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<sup>1</sup> 47 C.F.R. § 1.925.

<sup>2</sup> As written, Section 90.203(j)(5) specifies January 1, 2011, as the date that all applications for certification of most UHF/VHF radios must specify devices that have a 6.25 kHz mode or equivalent efficiency. 47 C.F.R. § 90.203(j)(5). That deadline, however, was subsequently extended by Commission Order until January 1, 2015. *See* In the Matter of Implementation of Section 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, DA 13-431, released March 18, 2013.

Vertex Standard is a manufacturer of land mobile radios with global distribution channels. In business since 1956, Vertex Standard focuses on developing low power, portable and mobile handsets for government and enterprise users. Since 2012, Vertex Standard has been a wholly-owned subsidiary of Motorola Solutions, Inc.

Vertex Standard had intended to submit equipment authorization applications for as many as six 12.5 kHz devices prior to the December 31, 2014, deadline in order to replace its existing VX-230 (FCC ID K6610854620) and VX-350 series (FCC ID K6610654820) with radios that offer better performance with newer components and design. The new line of products, the VX-260 series, will be targeted to the price-sensitive, entry tier commercial market. Vertex Standard successfully completed and submitted applications for four of the six products that will comprise the new product line.<sup>3</sup> The fifth and sixth devices, the VX-264-G6-5 and the VX-261-G6-5, were not submitted to the Telecommunications Certification Body (“TCB”) prior to the narrow banding deadline, and are the subject of this request.

- The VX-264-G6-5 prototype (FCC ID AXI11274620) was submitted for testing on December 17th, 2014, in time for the unit to complete testing and to be submitted to the TCB before the December 31, 2014 deadline. Unfortunately, the test facility requested Vertex Standard to provide additional batteries for SAR testing. This request was not anticipated and resulted in the testing being completed after January 1, 2015.
- The VX-261-G6-5 prototype (FCC ID AXI11284620) is the last of the series of six radios and was submitted for testing early this year since Vertex Standard could not finalize its completion by December 31, 2014.

Waiver of Section 90.203(j)(5) is required as neither unit includes a 6.25 kHz operating mode or equivalent efficiency.<sup>4</sup>

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<sup>3</sup> VX 260 series

<sup>4</sup> Vertex Standard notes that this Request would have been submitted to the Commission sooner, but initially the requests for waiver were filed along with the applications to the TCB in February, a short time after realizing the oversight related to the narrowbanding deadline. These requests were eventually forwarded by the TCB to the Office of Engineering and Technology, which notified Vertex Standard in April that the requests for waiver would need to be submitted to the Wireless Bureau.

Grant of the requested waiver will serve the public interest and not undermine the fundamental intent of the rule. First, grant of the waiver will allow Vertex Standard to utilize the same components across this product line to provide better performance at lower costs to customers. If the waiver is denied, Vertex Standard will continue to market its existing 12.5 kHz products. This would deny users the benefit of improved performance and lower costs that would be achieved through economies of scale by utilizing components across the entire product line as well as benefiting from sharing the same accessories and energy systems. This would not serve the public interest.

Second, the fundamental purpose of the rule will not be undermined by grant of this waiver. As the Commission is well aware, the market has numerous legacy products that lack 6.25 kHz capability or equivalent efficiency but will continue to be sold for the foreseeable future. This is primarily true because the Commission has not mandated a user transition to 6.25 kHz technologies.<sup>5</sup> At the same time, devices featuring 6.25 kHz operational modes are entering the market, introduced by Vertex Standard as well as numerous other manufacturers.<sup>6</sup> Ample options exist for users desiring this enhanced efficiency; granting certification for an additional 12.5 kHz device to be manufactured and marketed will not influence the market or otherwise delay any future transition to 6.25 kHz that the Commission might consider. However, rejecting the waiver request would deny users the benefit of using radios with improved performance and design. It would also require Vertex Standard to develop new devices to replace the VX-264-G6-5 and VX-261-G6-5 outside of the company's typical development cycles. In addition to wasting the development costs of the devices at subject in this

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<sup>5</sup> The Commission has determined that mandating a user transition to 6.25 kHz compliance would be premature given the lack of standards for such technologies. Vertex Standards notes that this continues to be the case.

<sup>6</sup> See, e.g., Vertex Standard, VXD-720, <http://www.vertexstandard.com/lmr/digital/vxd-720> (last visited April 25, 2015).

request, requiring this special development would drive up the price of the new equipment, potentially making it unattractive to the price-sensitive target market for VX-260 series.

For the foregoing reasons, Vertex Standard respectfully requests a limited waiver of Section 90.203(j)(5) of the Commission's rules as described herein.

Respectfully submitted,

/s/ Yukimasa Tomita

Yukimasa Tomita  
Executive Manager  
Vertex Standard LMR, Inc.  
4-6-8 Shibaura  
Minato-ku, Tokyo 108-0023  
Japan

Tel: 81-(0)3-6722-2400

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