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

COMMENTS OF POWERTRUNK, INC.

PowerTrunk, Inc. ("PowerTrunk"), by its counsel, hereby submits comments on the Petition for Clarification of Motorola Solutions, Inc. ("Motorola").[1]

Introduction

The Petition requests that the Commission clarify that "only subscriber devices[2] that are capable of operating on the designated nationwide narrowband interoperability channels in

---

[1] *Petition for Clarification of Motorola Solutions, Inc.*, filed in PS Docket No. 13-87 on March 1, 2016 ("Petition").

[2] Except for subscriber devices intended to operate on the Low Power Channels.

conformance with the technical standards identified in Section 90.548 of the Commission's rules are permitted to operate in the 700 MHz public safety narrowband spectrum."[3]

The Petition further requests that the Commission "specify that the Section 90.547 requirement that devices 'be capable of being programmed to operate' on the designated interoperability channels refers only to the particular channels programmed into a device and made available to a user, not to any other software, air interface, or technology changes that might be necessary in order for a device to operate over the interoperability channels in a compliant manner." [4]

According to the Petitioner, there are "fears that some might mistakenly interpret the Commission's rules to permit the introduction of non-interoperable technologies in the 700 MHz public safety narrowband spectrum, on the logic that the devices could later be programmed and reconfigured to include the mandated interoperability protocols."[5]

Discussion

PowerTrunk Inc., part of the Sepura Group, headquartered in Jersey City, N.J. is a manufacturer of TETRA, P25, DMR and conventional analog FM equipment, having been awarded numerous contracts in North America since 2011, including, among others, New Jersey Transit's TETRA network through Alcatel-Lucent (today Nokia), Academy Bus expansion in Manhattan for the Super Bowl XLVIII, JFK Airport TETRA network through Rockwell Collins and, more recently, New York City Transit RFP W-32366 through Parsons Transportation Group of New York Inc., awarded on February 24th, 2016, for the supply of a 700/800 MHz Bus Radio

---

[3] Petition at pp.1-2.

[4] *Id.* at p. 3.

[5] *Id.* at p. 2.

Network with TETRA and P25 technology. PowerTrunk welcomes the opportunity to offer these comments on the Petition.

At the outset, it is entirely unclear exactly what the Petition seeks by way of "clarification." Rules 90.547 and 90.548 are perfectly plain on their face. PowerTrunk is thus at a loss to appreciate the basis for the Petitioner's fears.

Beyond this, the Petition appears at odds with Motorola's Comments[6] filed a year ago in support of TIA's Petition for Reconsideration[7] in this proceeding. The TIA Petition asks the Commission to reconsider the *700 MHz Report and Order*[8] to reflect that Project 25 compliance assessment certification need not be obtained in advance of FCC equipment authorization. Instead, TIA requests that manufacturers merely state at the time their equipment is submitted for FCC equipment authorization that it has been "designed to Project 25 standards, and identify which Project 25 Common Air Interface capabilities that design intends to be compliant/interoperable [sic]."[9]

Motorola Comments fully support TIA and state that:

> 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

---

[6] *Comments of Motorola Solutions, Inc.*, filed in PS Docket No. 13-87 on February 11, 2015 ("Motorola Comments").

[7] *Petition for Reconsideration by the Telecommunications Industry Association*, filed in PS Docket No. 13-87 on January 2, 2015 ("TIA Petition").

[8] *Proposed Amendments to the Service Rules Governing Public Safety Narrowband Operations in the 769-775/799-805 MHz Bands*, PS Docket No. 13-87, *Report and Order,* 29 FCC Rcd 13283 (2014) ("*700 MHz Narrowband Report and Order*").

[9] TIA Petition at p. 7.

concerned about interoperability, the pre-existing technical standards and regulatory requirements are sufficient to ensure interoperability of devices. [10]

Motorola Comments go on to say that:

> The [CAP] 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.
>
> * * *
>
> 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. 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 have the benefit of providing flexibility in the means by which manufacturers achieve interoperability, thereby allowing for the development of new technologies.[11]

It is difficult to square the Motorola Comments with the clarification Motorola seeks today. Indeed, its recent Petition could be read as contrary to its prior Comments, e.g. its statement that "some might mistakenly interpret the Commission's rules to permit the introduction of non-interoperable technologies in the 700 MHz public safety narrowband spectrum, on the logic that the devices could later be programmed and reconfigured to include the mandated interoperability protocols."[12]

---

[10] Motorola Comments at p 3.

[11] *Id.* at p.5 (emphasis added; footnote omitted).

[12] Petition at p. 2.

Finally, one other matter. In support of its clarification request, the Petitioner purportedly quotes from the 2012 *TETRA Report and Order*[13] stating:

> For example, in 2012, the Commission stated that it "will not allow TETRA technology to operate in 700 MHz public safety spectrum" because "the Commission's rules require that 700 MHz narrowband radios use Project 25 Phase I technology on the 700 MHz narrowband interoperability channels, and there is no indication in the record that TETRA equipment would conform to this standard."[14]

However, the way in which the quotations are cobbled together could lead the reader to an erroneous conclusion. The first part of the quote ("will not allow TETRA technology to operate in 700 MHz public safety spectrum") dealt with the 700 MHz public safety **broadband channels** as to which TETRA was categorically excluded given the policy determination in favor of LTE technology. The relevant language for purposes of the Petition is that dealing with the **narrowband** 700 MHz public safety spectrum, as to which Motorola correctly observes that, since there was no indication in the docket in 2012 that TETRA equipment was P25 compatible[15] -- and since in any event no one had asked that TETRA be authorized for narrowband 700 MHz channels -- the Commission "did not consider the 700 MHz narrowband spectrum to be a candidate for TETRA operation."[16] Hence, the *TETRA Report and Order* lends no additional support to the relief requested by the Petitioner.

---

[13] *Amendment of Part 90 of the Commission's Rules to Permit Terrestrial Trunked Radio Technology*, WT Docket No. 11-69, Report and Order, 27 FCC Rcd 11569, 11574 ¶ 10 (2012) ("*TETRA Report and Order*").

[14] Petition at pp. 3-4.

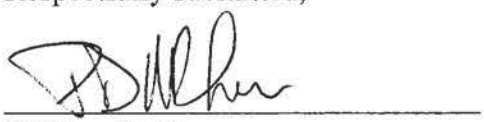
[15] On February 1, 2012 PowerTrunk informed the Commission of commitment to implement P25 interoperability on its 700 MHz subscriber devices for the purpose of complying with Rules 90.547 and 90.548. *See* PowerTrunk Ex Parte filed in WT Docket No. 11-69 on February 28, 2012.

[16] Paragraph 10 of the *TETRA Report and Order* reads in its entirety (minus footnotes) as follows:

Conclusion

For the foregoing reasons, the Petition is without merit. In deference to the need to conserve its scarce resources, the Commission should either deny or dismiss it as not warranting further consideration.

Respectfully submitted,



William K. Keane
Patrick D. McPherson

Duane Morris LLP
505 9th Street NW
Suite 1000
Washington, D.C. 20004
(202) 776-5243

Its Counsel

March 7, 2016

We also will not allow TETRA technology to operate in 700 MHz public safety spectrum. TETRA technology is not suitable for use in the 700 MHz public safety broadband spectrum because both the Commission and the recent legislation passed by Congress have specified Long Term Evolution (LTE) as the required broadband technology for that segment. With respect to the 700 MHz narrowband spectrum, the Commission's rules require that 700 MHz narrowband radios use Project 25 Phase I technology on the 700 MHz narrowband interoperability channels, and there is no indication in the record that TETRA equipment would conform to this standard. In addition, we note that the petitioner did not request that TETRA operation be authorized in the 700 MHz band. Accordingly, we do not consider the 700 MHz narrowband spectrum to be a candidate for TETRA operation.