

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

In the Matter of

The Development of Operational,
Technical and Spectrum Requirements for
Meeting Federal, State and Local Public
Safety Agency Communication
Requirements Through the Year 2010

WT Docket No. 96-86

PETITION FOR RECONSIDERATION

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SUMMARY

Motorola respectfully submits this Petition for Reconsideration of the Commission's *Fifth Report and Order* in this proceeding. In the *Fifth Report and Order*, the Commission adopted a migration plan to reach a 6.25 kHz efficiency standard for the 700 MHz public safety band that is based upon the plan proposed by APCO and the IACP. However, the Commission made several significant modifications to the APCO/IACP Plan. First, the Commission adopted a fixed deadline of December 31, 2016 for completion of the transition to the 6.25 kHz standard. Second, it adopted December 31, 2006 as a date certain for the cessation of type certifications for 12.5 kHz equipment. Third, the Commission established two prohibitions not contemplated in the APCO/IACP Plan: (1) it bans the marketing, manufacture and importation of 12.5 kHz after December 31, 2006, and (2) prohibits applications for filing for new systems after December 31, 2006 that utilize 12.5 kHz. Motorola seeks reconsideration of these two additional prohibitions.

These two prohibitions will impose a substantial financial burden on public safety entities and will limit these entities' equipment choices without providing an offsetting benefit that justifies their imposition. In particular, the prohibitions will force public safety entities that operate, or are seeking to deploy, conventional, non-trunked 700 MHz public safety systems to purchase dual mode equipment that exceeds their needs. The Commission's stated reasons for imposing the prohibitions lack support in the record and fail to justify imposing such financial hardships on the public safety community. Moreover, the other transition deadlines established in the *Fifth Report and Order* are sufficient to ensure that migration to the 6.25 kHz efficiency standard will be completed by December 31, 2016. Accordingly, the Commission should eliminate these two prohibitions or, at the very least, defer their commencement until December 31, 2011 to minimize the harmful impact they will have on public safety entities.

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Motorola, Inc. (“Motorola”), pursuant to Section 1.429 of the Commission’s rules,¹ respectfully submits this Petition for Reconsideration of the Commission’s *Fifth Report and Order* in the above-captioned proceeding.² Motorola seeks reconsideration of two aspects of the *Fifth Report and Order*. First, Motorola asks the Commission to eliminate the interim ban on marketing, manufacture and importation of 12.5 kHz equipment after December 31, 2006. Second, Motorola requests reconsideration of the provision prohibiting new licensees from submitting applications for new systems using 12.5 kHz equipment after December 31, 2006. In the alternative, Motorola asks the Commission to defer the commencement of these two prohibitions until December 31, 2011. Such actions will provide public safety users with flexibility and the continued right to make their own purchasing decisions without undermining

¹ 47 C.F.R. § 1.429.

² The Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010, WT Docket No. 96-86, Fifth Report and Order, 17 FCC Rcd 14999 (2002) (“*Fifth Report and Order*”). The *Fifth Report and Order* was published in the Federal Register on December 13, 2002. See 67 Fed. Reg. 76697 (Dec. 13, 2002).

the Commission's ultimate goal of requiring full use of 6.25 kHz equipment or equivalent efficiency by the end of 2016.

I. BACKGROUND

On January 17, 2001, the Commission released a Fourth Report and Order and Fifth Notice of Proposed Rule Making in this proceeding.³ The *Fourth Report and Order* adopted Project 25 Phase I, which is based on 12.5 kHz channels, as the voice standard for communications on the 700 MHz Interoperability channels and declined to adopt a migration path to a 6.25 kHz standard for these channels.⁴ In the accompanying *Fifth NPRM*, the Commission sought comment on mandating the use of 6.25 kHz technology on the General Use channels.⁵ In particular, the Commission sought comment on the following five-step migration plan submitted by the Association for Public-Safety Officials-International, Inc. ("APCO") and the International Association of Chiefs of Police ("IACP") (the "APCO/IACP Plan"):

- (1) Immediate adoption of Project 25 Phase I ("Phase I") as the Interoperability standard (a measure the Commission subsequently adopted in the *Fourth Report and Order*);
- (2) As of December 31, 2006, or within six months following Commission notice that at least 15 of the top 20 metropolitan areas (including at least 7 of the top 10 metropolitan areas) have been cleared of relevant television stations (*i.e.*, full power co-channel and adjacent stations), whichever is later, all newly type-accepted radios for use in the band must have the capability to provide one voice channel per 6.25 kHz and meet the Phase I Interoperability standard;

³ The Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010, WT Docket No. 96-86, Fourth Report and Order and Fifth Notice of Proposed Rule Making, 16 FCC Rcd 2020 (2001) ("*Fourth Report and Order*" and "*Fifth NPRM*").

⁴ See *Fourth Report and Order* ¶¶ 70, 74.

⁵ *Fifth NPRM* ¶ 98. Throughout this pleading, reference to 6.25 kHz technology is also intended to include equivalent efficiency technologies offering at least one voice path per each 6.25 kHz of channel bandwidth.

- (3) For the top 50 metropolitan areas only, all General Use operations must be at 6.25 kHz within 10 years of the date established in Step 2.
- (4) For areas outside the top 50 metropolitan areas, all General Use operations must be at 6.25 kHz within 15 years of the date established in Step 2. In addition, rural users would be allowed to maintain 12.5 kHz operations indefinitely on a secondary basis.
- (5) As of the date established in Step 2, the Commission must re-examine technological and marketplace developments and assess the possibility of developing a migration path for transition to a 6.25 kHz Interoperability standard.⁶

The *Fifth NPRM* recognized that numerous parties supported the APCO/IACP Plan, including the Federal Law Enforcement Wireless Users Group (“FLEWUG”), the Public Safety Wireless Network Program (“PSWN”), the Project 25 Steering Committee and Motorola.⁷ In addition, APCO and the IACP developed their Plan in close coordination with the leadership of the Major Cities Chiefs, the Major County Sheriffs’ Association, and the National Sheriffs’ Association, and these organizations thus support the Plan.⁸ The *Fifth NPRM* notes the Commission’s concern that the migration path in the APCO/IACP Plan was “too long,” but acknowledges that factors such as “the duration of the broadcasters transition from analog to digital television,” could impact the length of the migration.⁹

The majority of parties that filed comments on the *Fifth NPRM* supported the APCO/IACP Plan for a phased migration to a 6.25 kHz standard, including parties representing

⁶ See *id.* ¶ 97.

⁷ See *id.* ¶ 96.

⁸ See Comments of the International Association of Chiefs of Police in Response to the Fourth Notice of Proposed Rulemaking, WT Docket No. 96-86, Sept. 22, 2000, at 5.

⁹ *Fifth NPRM* ¶ 98.

federal, state, and local government public safety organizations.¹⁰ A plurality of the eight comments filed in the proceeding supported adoption of the Plan’s proposed deadlines, which are expressly tied to the completion of the digital television (“DTV”) transition.¹¹ Public safety users also noted their opposition to any interim limitations beyond the December 31, 2006 type certification prohibition. APCO opposed the introduction of a ban on marketing, manufacture and importation on 12.5 kHz equipment prior to the end of the migration.¹² In addition, APCO noted its opposition to “restrictions on new system licensees at the initial stages of the migration to 6.25 kHz,” although it acknowledged that “depending upon technological development, it may prove appropriate to adopt a 6.25 kHz requirement for new systems at a subsequent date after the type-acceptance requirement date, but prior to the final 6.25 kHz conversion date.”¹³

The *Fifth Report and Order* adopts a more aggressive migration path than the APCO/IACP Plan. It adopts the December 31, 2006 and December 31, 2016 dates incorporated in the APCO/IACP Plan, but specifically rejects the Plan’s proposal to tie these migration deadlines to substantial completion of the DTV transition.¹⁴ The *Fifth Report and Order* thus

¹⁰ See *Fifth Report and Order* ¶ 8; APCO Comments at 2-10; FLEWUG Comments at 3; Motorola Comments at 4; PSWN Comments at 4; Comments of the State of California at 3; see also APCO Reply Comments at 1; FLEWUG Reply Comments at 2 & n.6; PSWN Reply Comments at 4 & n.10. Eight sets of comments were filed on the *Fifth NPRM*; three parties also submitted reply comments.

¹¹ See APCO Comments at 3; FLEWUG Comments at 4; Motorola Comments at 4; PSWN Comments at 6. Three sets of comments supported the adoption of fixed deadlines. See Comments of Com-Net Ericsson Critical Radio Systems, Inc. at 8; Comments of the International Association of Fire Chiefs, Inc. and the International Municipal Signal Association at 4; Comments of the State of California at 3. One party, Nokia, filed comments that contested the Commission’s decision in the *Fourth Report and Order* to adopt Phase I as the voice standard for the 700 MHz Interoperability channels. See Comments of Nokia, Inc. at 2-6.

¹² See APCO Comments at 6.

¹³ *Id.* at 7.

¹⁴ See *Fifth Report and Order* ¶¶ 11, 15.

prohibits type certification of 12.5 kHz equipment after December 31, 2006¹⁵ and requires the use of 6.25 kHz equipment exclusively after December 31, 2016.¹⁶

In addition to these interim and final deadlines, the *Fifth Report and Order* establishes two additional interim prohibitions that substitute a government mandate for public safety user discretion in purchasing decisions. Specifically, it bans:

- Marketing, manufacture and importation of 12.5 kHz equipment after December 31, 2006; and
- Applications for filing for new systems to use 12.5 kHz equipment submitted after December 31, 2006 (applications before that date may propose to use 12.5 kHz equipment).¹⁷

The *Fifth Report and Order* allows public safety entities licensed prior to December 31, 2006 to continue to use 12.5 kHz systems until December 31, 2016, and allows these licensees to purchase dual mode equipment (*i.e.*, equipment that operates in both the 6.25 kHz and 12.5 kHz modes) for system expansion or maintenance until December 31, 2016.¹⁸ However, it expressly forbids users licensed after December 31, 2006 from deploying any 12.5 kHz systems, regardless of their operational needs.

In essence, users licensed after December 31, 2006 must “flash cut” to 6.25 kHz-only operation beginning on the same date that manufacturers are required to incorporate 6.25 kHz or equivalent capability into new equipment authorizations. The Commission’s approach provides no time to ensure that 6.25 kHz or equivalent systems behave in the real world as envisioned and

¹⁵ After December 31, 2006, the Commission will only certify equipment that includes the capability to meet the 6.25 kHz efficiency standard.

¹⁶ *See id.* ¶ 2.

¹⁷ *See id.*

¹⁸ *See id.*

provides no exceptions for those users who do not need the larger centralized systems that a 6.25 kHz requirement implies. The *Fifth Report and Order* therefore removes the purchasing decision from these licensees, including those that may otherwise be willing to apply prior to December 31, 2006, but may be prevented from doing so by the relatively long cycle to develop and approve regional plans.

II. THE COMMISSION SHOULD RECONSIDER ITS DECISION TO BAN THE MARKETING, MANUFACTURE AND IMPORTATION OF 12.5 KHZ EQUIPMENT AFTER DECEMBER 31, 2006

Motorola seeks reconsideration of the Commission's decision to ban all marketing, manufacture and importation of 12.5 kHz equipment after December 31, 2006. This ban will place a substantial and unnecessary financial burden on public safety entities by forcing public safety entities that need conventional, non-trunked 700 MHz public safety systems to purchase equipment that exceeds their needs. Furthermore, the Commission's stated reasons for imposing the ban lack any support in the record and fail to justify imposing such financial hardships on the public safety community. The other transition deadlines established in the *Fifth Report and Order* are more than sufficient to ensure that migration to the 6.25 kHz efficiency standard will be completed by December 31, 2016. Accordingly, the Commission should eliminate the interim ban or, at the very least, defer the commencement of the ban until December 31, 2011 to minimize the burdens it will impose on public safety users and manufacturers.

Without doubt, the ban on marketing, manufacture and importation 12.5 kHz equipment after December 31, 2006 will impose a considerable financial burden on public safety organizations. Because the Commission failed to seek comments on the ban in the *Fifth NPRM*, the precise extent of this financial burden is at present impossible to quantify. APCO has stated that requiring 12.5 kHz licensees to purchase dual mode equipment prior to the completion of the

efficiency migration would “impose substantial additional costs on agencies and taxpayers,”¹⁹ and the Commission does not contest this assessment. The *Fifth Report and Order* explicitly recognizes that “requiring legacy licensees to purchase dual mode equipment could impose substantial additional costs on agencies and tax payers.”²⁰ Motorola agrees with APCO’s assessment that the ban will impose a substantial financial burden on public safety organizations that currently operate 12.5 kHz systems and that “[p]urchasing previously type-accepted 12.5 kHz radios (without 6.25 kHz capability) may be the only viable choice for those licensees” for some time after December 31, 2006.²¹ The Commission must therefore assess the extent of the financial burden on public safety entities before it imposes any ban on marketing, manufacture and importation. Without such analysis, the Commission is unable to make any reasonable cost-benefit analysis to support imposing this ban.

The Commission has also failed to consider the financial burden that the ban will have on public safety entities that need only single channel, conventional (*i.e.*, non-trunked) systems in the 700 MHz band. It is Motorola’s understanding that manufacturers of public safety radios will meet the efficiency requirement primarily with 12.5 kHz wide time division multiple access (“TDMA”) equipment offering 2 voice paths.²² Motorola is not aware of any credible ongoing development worldwide of digital equipment designed to provide a single voice path within a discrete 6.25 kHz channel. While multi-slot TDMA technologies may provide reasonable solutions for multi-channel, wide-area trunked public safety systems in the future, they are likely

¹⁹ APCO Comments at 6.

²⁰ *Fifth Report and Order* ¶ 16.

²¹ APCO Comments at 6.

²² The TIA standards process is in the process of addressing a 2-slot TDMA standard within a 12.5 kHz channel and is working to resolve several issues related to the specifics of the standard.

to be cost prohibitive for public safety entities that require less elaborate conventional solutions. Banning the sale of 12.5 kHz equipment after 2006 will force such entities to purchase equipment that includes features they do not need, and will therefore impose a significant financial burden. Further, Motorola notes that a substantial portion of current public safety users in the UHF and 800 MHz bands, including the two largest system users in the United States, have deployed conventional systems for operational reasons. Because the *Fifth Report and Order* fails to consider this impact, the Commission should reconsider its decision.

The reasons given by the Commission for adopting the ban fail to justify imposing the financial burdens or operational limitations discussed above. The *Fifth Report and Order* offers two explanations, neither of which provide adequate justification for the ban. First, the Commission suggests that the ban will “promote a competitive equipment market by encouraging new entrants.”²³ This analysis is inconsistent with the FCC’s general approach to flexible spectrum and technical standards.²⁴ The Commission’s “competition promotion” argument therefore provides only questionable support for the ban.

²³ *Fifth Report and Order* at ¶ 16.

²⁴ The FCC typically argues that increased flexibility enhances competition and not the other way around. For example, in proposing to revise certain technical standards for Part 90 radios, FCC stated that “[w]e believe that our regulations must provide flexibility to accommodate and not inhibit the continuously evolving equipment market in ways that encourage competition without favoring any particular technology.” 1998 Biennial Regulatory Review – 47 C.F.R. Part 90 – Private Land Mobile Radio Services, WT Docket No. 98-182, Notice of Proposed Rulemaking, 13 FCC Rcd 21133 (1998) at ¶35. Similarly, in its actions in the 220-222 MHz band, the Commission noted that it aims to “balance[] our goal of stimulating the development of spectrally efficient technology with our desire to rely on market forces to spur the production of efficient technology, and to grant licensees flexibility to determine the technology that best suits their needs.” Amendment of Part 90 of the Commission’s Rules to Provide for the Use of the 220-222 MHz Band by the Private Land Mobile Radio Service, PR Docket No. 89-552, Third Report and Order; Fifth Notice of Proposed Rulemaking, 12 FCC Rcd 10943, ¶ 119 (1997). Finally, the overarching policy was recently articulated by the Commission’s Spectrum Policy Task Force which stated that “[f]lexibility enables spectrum users to make fundamental choices about how they will use spectrum (including whether to use it or transfer their usage rights to others), taking into account market factors such as consumer demand, availability of technology, and competition. By leaving these choices to the spectrum

Second, the Commission asserts that “allowing legacy licensees to continue purchasing 12.5 kHz equipment until the date it becomes illegal to use such equipment would ensure confusion and deprive licensees of a minimum 10-year life cycle” for their 12.5 kHz equipment.²⁵ It adds: “Moreover, these licensees would have to replace their entire systems, a substantially greater financial burden than a gradual transition.”²⁶ This argument rests on the assumption that public safety organizations will make inappropriate purchasing decisions if given the opportunity — the *Fifth Report and Order* therefore imposes a ban to prevent public safety entities from taking actions inconsistent with their financial interests. Motorola disagrees with the Commission’s assessment that public safety organizations will make inappropriate purchasing decisions absent the ban. Public safety entities have a direct economic interest in minimizing their migration costs, consistent with their operational needs, and Motorola believes that these entities will make rational purchasing decisions that further their best interests. These decisions must be left in the hands of public safety users. Motorola notes that the Commission’s establishment of a clear, final migration deadline of December 31, 2016 will aid public safety organizations in making appropriate purchasing decisions. An interim ban is an unnecessary government mandate.

Instead, the Commission should allow market forces to shape the phase-out of 12.5 kHz equipment. The firm December 31, 2016 deadline adopted in the *Fifth Report and Order* provides a backstop that ensures that market forces will direct public safety entities to make

user, this approach tends to lead to efficient and highly-valued spectrum uses.” *Report*, ET Docket No. 02-135 at 16.

²⁵ *Id.*

²⁶ *Id.*

appropriate purchasing decisions between dual mode and 12.5 kHz equipment.²⁷ Motorola agrees with APCO that, if the ban is eliminated, most equipment purchases after 2006 will probably be for dual mode equipment,²⁸ and sales of 12.5 kHz equipment would decline as the December 31, 2016 deadline approaches. Therefore, a ban is unnecessary to ensure successful completion of the migration. If, however, the Commission declines to eliminate the ban, Motorola urges the Commission to defer commencement of the ban until December 31, 2011. This later commencement date would enable a phased rollout of 6.25 kHz or equivalent equipment that provides adequate time to validate systems in operation prior to a ban on 12.5 kHz equipment sales.

III. THE COMMISSION SHOULD RECONSIDER ITS DECISION TO PROHIBIT APPLICATIONS FOR NEW SYSTEMS TO USE 12.5 KHZ EQUIPMENT THAT ARE FILED AFTER DECEMBER 31, 2006

The *Fifth Report and Order* established a cut-off date of December 31, 2006, for applicants requesting to operate 12.5 kHz technologies. Any potential 700 MHz public safety user submitting an application after that date would be required to deploy 6.25 kHz or equivalent efficiency technologies. The Commission rationalized that “a uniform nationwide, predictable

²⁷ In contrast, the Commission’s “refarming” rules for private land mobile radio systems operating below 512 MHz do not include such a backstop. In that proceeding, the Commission has proposed adopting a ban on the manufacture or importation of equipment that does not meet heightened efficiency standards after certain dates. *See* Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies, RM-9332, Report and Order and Further Notice of Proposed Rule Making, 15 FCC Rcd 22709, ¶ 142 (2000). The Commission explicitly noted, however, that the proposed ban would respond to its concern that users otherwise may “remain on spectrally efficient systems indefinitely.” *Id.* The existence of a firm December 31, 2016 migration deadline for 700 MHz public safety systems obviates any need for a ban on marketing, manufacture and importation in the current proceeding.

²⁸ *See* APCO Comments at 5.

migration to 6.25 kHz offers economies of scale and other incentives that promote a competitive equipment market by encouraging new entrants.”²⁹

Such a provision was not a component of the APCO/IACP plan. Rather, the public safety recommended that the Commission establish a date-certain for requiring that all newly type-accepted radios for use in the 700 MHz public safety band must have the capability to provide one voice channel per 6.25 kHz. Within 10 years of that date, users in the top 50 markets would be required to convert any existing 12.5 kHz operations to 6.25 kHz (or equivalent) technologies.

In Motorola’s opinion, APCO and IACP did not propose to restrict user flexibility in this regard because they correctly recognized that the introduction of new technologies into the marketplace is a graduated activity, not an overnight event. Public safety communications needs vary by market, geographic area and user. Individual public safety organizations have differing needs within their department that require multiple solutions. While manufacturers are expected to be capable of marketing some products compliant with the 6.25 kHz mandate by the existing December 31, 2006 deadline, a full portfolio may not be available to meet all of the public safety community’s divergent needs.

With respect to the 700 MHz band, equipment manufacturers will need to develop and produce products capable of: (1) serving mission-critical operations in a trunked environment; (2) administrative communications in a conventional mode; (3) intrinsically safe radios designed

²⁹ *Fifth Report and Order* ¶ 16. Motorola notes that the decision to not tie the technology transition date to the completion of the DTV transition is most unfortunate particularly since 2002 ended without any sign of an end date for the clearance of the 700 MHz band. To this end, Chairman Powell recently commented that December 31, 2006 was never a realistic goal for the recovery of the broadcast spectrum and that it is unclear how long it will take to conclude the DTV transition. *See Communications Daily*, Jan. 13, 2003, at 2. Facilitating the timely clearing of the 746-806 MHz band will do far more to promote the effective and efficient use of the public safety that Congress allocated more than 5 years ago. Motorola urges the Commission to work with Congress to achieve this critical goal.

for hazardous and other specialized applications; and (4) data-only radios designed for both fixed and mobile deployment.

In addition, from an operational standpoint, the 700 MHz band is an extension of the 800 MHz band rather than totally virgin spectrum. In fact, part of the rationale for allocating the 764-776 MHz and the 794-806 MHz bands for public safety was the immediate proximity of the 794-806 MHz band to the existing public safety allocations in the 800 MHz band.³⁰ This allows manufacturers to develop dual band 700/800 MHz products that help respond to historical interoperability problems that public safety users have faced in the past. With previous spectrum allocations, the new band was often too far removed from current spectrum to allow the design of both bands into the same portable radio. For 700 MHz, however, dual band 700/800 MHz portables have already been FCC certified and are available in the market.

In some instances, it may continue to be more efficient and timely for public safety users to address some of their needs with 12.5 kHz even if the technology must be shut down by the end of 2016. Provided that public safety users are on notice that such operations must be converted to 6.25 kHz operations by the end of 2016, Motorola believes that public safety users should have the ability to decide whether it is more efficient and suitable for their own needs to retire 12.5 kHz equipment in less than 10 years as opposed to buying first generation, 6.25 kHz compliant technologies that may not have had to be validated in the market.

In some cases, retiring 12.5 kHz equipment in less than 10 years may be a less costly option for public safety users than buying multi-mode equipment offering unnecessary features and capabilities. For example, as discussed in the previous section, multi-slot TDMA equipment

³⁰ See Reallocation of Television Channels 60-69, the 746-806 MHz Band, ET Docket No. 97-157, Report and Order, 12 FCC Rcd 22953, ¶ 8 (1998) (noting that the 794-806 MHz band “holds the best potential for expansion of and interoperability with existing systems” and “could also reduce the difficulty and cost of designing equipment”).

may be cost prohibitive for public safety users that require only single channel conventional solution. If a public safety user needs to construct a conventional system after 2007, Motorola believes that the public safety user should have the flexibility to decide whether it would be less expensive to purchase a 12.5 kHz system that would be retired in less than 10 years or, instead, purchase a dual-mode system with expensive features not needed for its specific application.

Removing the December 31, 2006, deadline for license applications to deploy 12.5 kHz technologies will ensure that public safety users will have access to communications products capable of serving their specific and divergent needs. Clearly, as the final deadline approaches, fewer and fewer public safety users would consider 12.5 kHz technologies as the market reacts rationally to the goal of completing the narrowband transition by the end of 2016. Also, the requirement that all applications for equipment authorization submitted after December 31, 2006, specify equipment capable of 6.25 kHz (or equivalent) operation ensures that adequate product planning and development will occur to accomplish the transition.

Like the original APCO and IACP recommendations, Motorola believes that a cut-off date for the purchase of 12.5 kHz technology is not necessary, provided that public safety users are clear on the obligation to convert such technology to 6.25 kHz operations. The Commission's December 31, 2016 deadline makes that obligation clear. As discussed above, Motorola believes that the market will react appropriately to that 2016 deadline without interim government mandates.

If the Commission, however, retains an interim deadline for applications for new systems using 12.5 kHz equipment, Motorola asks the Commission to adopt a later deadline of December 31, 2011. This later interim date would ensure that manufacturers have adequate time to design and build a full line of public safety communications devices compliant with the 6.25 kHz

mandate and that those products are validated before users are prohibited from licensing or purchasing technology already proven in the rigorous public safety environment.

IV. CONCLUSION

For the foregoing reasons, Motorola respectfully asks the Commission to reconsider the ban on marketing, manufacture and importation of 12.5 kHz equipment after December 31, 2006 and the prohibition on filing applications for new systems to use 12.5 kHz equipment after December 31, 2006.

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