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May 2, 2003

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VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: WT Docket No. 96-86
WT Docket No. 99-87

Dear Ms. Dortch:

On April 30, 2003, I accompanied Stu Overby and Steve Sharkey of Motorola, Inc., to a meeting with D'Wana Terry, Herb Zeiler and Scot Stone from the Public Safety and Private Wireless Division of the Wireless Telecommunications Bureau. At this meeting, Motorola discussed the technical standards applicable to public safety and private wireless licensees operating in the 150-174 MHz, 421-512 MHz and 700 MHz bands that are the subject of the two proceedings referenced above.

Motorola sought staff clarification of some of the provisions contained in the Second Report and Order in WT Docket No. 99-87.¹ Motorola also discussed the existing deadlines for the introduction of 6.25 kHz equipment in the VHF and UHF frequency bands which will be the subject of the Second Further Notice of Proposed Rule Making in this same proceeding.²

¹ 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, Second Report and Order and Second Further Notice of Proposed Rule Making, FCC 03-34 (rel. Feb. 25, 2003)

² *Id.*

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During this meeting, Motorola also reiterated its positions expressed in its recently filed petition for reconsideration in WT Docket No. 96-86.³ The attached document, which compares and contrasts the issues raised in these two proceedings, was distributed to the staff and should therefore be associated with these two dockets.

Pursuant to Section 1.1206(b)(2) of the Commission's rules, 47 C.F.R. §1.1206(b)(2), one copy of this letter is being filed electronically for inclusion in the public record for both of these proceedings. If you have any questions regarding this filing, please contact me at the above number.

Sincerely,

/S/ Michael A. Lewis

Michael A. Lewis

Engineering Consultant

Wiley Rein & Fielding

Counsel for Motorola, Inc.

cc: D'Wana Terry
Herb Zeiler
Scot Stone

³ Motorola Petition for Reconsideration, WT Docket No. 96-98 (filed Jan. 13, 2003).

FCC Refarming in VHF, UHF and 700 MHz Bands

FCC Refarming

- **Two separate FCC proceedings, one for VHF/UHF, the other for 700 MHz. Each affects:**
 - What users can license
 - What manufacturers can sell
 - Whether compatibility and interoperability are enhanced or undercut
 - What manufacturers design for the future
 - Whether investment is properly timed or wasted
- **Overall drive is similar but specifics for each band are different.**
- **Environment at VHF/UHF different than at 700 MHz.**

Refarming Involves More than Technology

Technology/Products

- Can it be done ?
- Inventions needed ?
- Are standards locked down ?
- If yes, level of development resources needed
- Cost
- Proper Timing to recoup investment ?

User Migration

- Does the new technology meet user needs ?
- Is the migration path graceful or disruptive ?
- What extra costs will users incur
- Is the technology sufficiently mature ?
- Can users maintain compatibility/interoperability?

Spectrum/Standards Environment

- Does the specific band support deployment ?
- Shared vs Exclusive
- Level of Congestion
- Status of relevant standards

700 MHz Spectrum Refarming Timeline

1/1/07

1/1/12

1/1/17

Must have 12.5 kHz or better to certify new products

Must Have 6.25e to be certified (dual mode 6.25e/12.5 kHz OK)

- 2/03: Motorola Petition for Recon.
- 3/03: FCC PN
- 4/01/03: IACP, APCO, EFJ, others supported. M/A-COM opposed
- 4/11/03: Replies
- FCC decision timing: TBD

New applicants cannot license or buy 12.5 kHz

Legacy Licensees cannot buy 12.5 kHz only

Cannot manufacture/market 12.5 kHz only (must be 6.25e or dual mode)

All fully at 6.25e kHz

Motorola Petition: Eliminate or move out these interim dates 5 years and let users decide what to purchase. Maintain the 1/1/07 certification date and 1/1/17 migration end date.

VHF/UHF FCC Spectrum Refarming Timeline



Must have 12.5kHz or better to certify new products

Users cannot license 25 kHz for NEW and some system modifications

Cannot certify new products with 25 kHz

Cannot manufacture with 25 kHz

Non-PS fully operating at 12.5 kHz

PS fully at 12.5 kHz

Must have 6.25e to be certified (dual mode 6.25e/12.5 kHz OK)

6.25 implementation dates TBD through FNPRM

Proposal: Move to 1/1/07

- Leverages manufacturer investment
- Minimizes unnecessary user costs

• **Issue:** Rules eliminate option for dual mode 25/12.5 kHz equipment, undercutting backward compatibility during the transition

- **Issues:** Clarify that 2 slot in 12.5 kHz meets requirement.
- Phase II -2 slot/12.5 standard not yet done
- Technology not yet proven
- Premature to require for certification or use
- 6.25 discrete licenses undercut future 12.5/2 slot efficiency