

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)
)
The 4.9 GHz Band Transferred From) WT Docket No. 00-32
Federal Government Use)

REQUEST FOR EXTENSION OF TIME TO FILE OPPOSITIONS AND REPLIES

Motorola, Inc. (Motorola) hereby requests an additional 30 days to file oppositions or comments to the *Petition for Reconsideration of the National Public Safety Telecommunications Council (NPSTC Petition)*¹ that was filed in response to the Commission's *Memorandum Opinion and Order and Third Report and Order* in the above-captioned proceeding.² The additional time will be used to facilitate technical discussions between Motorola and the principals involved in drafting the *NPSTC Petition* to develop a consensus opinion.

Since the earliest phases of this proceeding, Motorola has consistently argued that the 4940-4990 MHz (4.9 GHz) band should be allocated for public safety applications in large part because its close proximity to the Unlicensed National Information Infrastructure (U-NII) band at 5 GHz would allow public safety users to leverage the global development of commercial broadband wireless devices.³ Motorola has actively participated throughout this proceeding to

¹ The *NPSTC Recon Petition* was placed on public notice and published in the Federal Register on August 18, 2003. See 68 Fed Reg 49480 (2003).

² *In the Matter of The 4.9 GHz Band Transferred from Federal Government Use*, WT Docket No. 00-32, *Memorandum Opinion And Order And Third Report And Order*, FCC 03-99, released May 2, 2003 [*Third Report and Order*].

³ See e.g., Comments Of Motorola, WT Docket No. 00-32 (submitted April 26, 2000) at 1; see also, Reply Comments of Motorola, WT Docket NO. 00-32 (submitted May 17, 2000) at 3, 4.

provide technical information that would allow the FCC to develop a regulatory scheme suitable for supporting mission critical public safety communications.⁴ In its *Third Report and Order*, the FCC relied on Motorola's recommendations to develop final decisions on several technical parameters, including those that are, in part, the subject of the *NPSTC Petition*.

The *NPSTC Petition* is concerned that certain technical rules adopted in the *Third Report and Order* will prohibit any significant use of chipsets and technologies from the adjacent U-NII bands and thus undermine the ability of public safety to leverage "off-the-shelf" commercial technologies.⁵ On this point, Motorola and representatives from NPSTC have begun technical discussions on the impact of the FCC actions on equipment development as well as the efficient utilization of the 4.9 GHz band. The purpose of these discussions is to develop a broader consensus on how public safety can incorporate technologies developed for commercial applications in a mission critical operational environment. If successful, a broader consensus position would likely result in a timelier FCC decision and expedite the availability of the band for public safety.

Currently, oppositions to the *NPSTC Petition* are due on September 2, 2003 and replies to oppositions are due on September 12, 2003. The on-going discussions between NPSTC and Motorola have not yet concluded. In fact, the key technical representatives from NPSTC are scheduled to attend technical briefings at Motorola's headquarters in Schaumburg, IL. on September 11th. Because of the timing, the results of that meeting, and any subsequent discussions, would not be included in any timely filings made in accordance with the existing

⁴ See, e.g., 4.9 GHz Allocation to Public Safety: Motorola White Paper for Submission to FCC, WT Docket No. 00-32, (submitted July 31, 2001) at 3.

⁵ *NPSTC Petition* at 5.

deadlines. Motorola therefore asks that the FCC extend the current deadlines by 30 days so that oppositions would be due on October 2nd and replies to oppositions would be due on October 14th, accounting for holidays.

Grant of this request, which has been coordinated with NPSTC, will serve the public interest by providing a better and more complete record on public safety communications.

Respectfully Submitted,

/s/ Steve B. Sharkey
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