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Re: **URGENT REQUEST FOR CLARIFICATION**, WT  
Docket 99-87, *Third Report and Order*, FCC 07-39,  
Released March 26, 2007.

Gentlemen:

This letter is written on behalf of our client, Kenwood USA Corporation, Communications Sector (Kenwood). Kenwood filed comments in response to the Third Further Notice of Proposed Rule Making that led to the above-referenced *Third Report*

and Order in WT Docket 99-87.<sup>1</sup> The purpose of the letter is to request that the Commission clarify in a public notice, or otherwise at the earliest opportunity, a single portion of the Third Report and Order. Absent such clarification, the Commission's longstanding policies with respect to narrowband conversion will inevitably be frustrated, and the intent of the Commission with respect to the spectrum economies offered by narrowband conversion in the land mobile allocations below 512 MHz will not be achieved.

Specifically, the *Third Report and Order* creates a significant disincentive to migrate from 25 kHz technology to 12.5 kHz technology in the short term. In the *Third Report and Order* the Commission strongly admonished licensees to consider migrating directly to 6.25 kHz from 25 kHz, rather than to initially convert to 12.5 kHz. Given that the 12.5 kHz conversion is now well underway, the Commission's admonition has in Kenwood's experience immediately raised concerns and confusion in large segments of the land mobile industry. Kenwood's sales organizations report that many entities with large and/or numerous 25 kHz systems deployed have frozen their 12.5 kHz migration plans indefinitely, as a direct result of the admonition in the *Third Report and Order*. This, in turn, has negatively affected the fiscal welfare of manufacturers.

Furthermore, in this Order, the Commission has placed additional undue burden on manufacturers by mandating, in short order, that all affected equipment be capable of a 6.25 kHz mode submitted for certification as of Jan. 1, 2011. This requires manufacturers to scrap old plans and drastically revise new plans in order to provide the 6.25 kHz mode-capable equipment in all market tiers for all Business and Industrial and Public Safety licensees. This will waste already expended resources and will further push out development of existing 6.25 kHz technologies and future TIA P25 Phase 2 (6.25 kHz-efficient) equipment. The "surprise" element of the *Third Report and Order* stands therefore to hinder the rollout of 6.25 kHz technology, not advance it.

In the *Third Report and Order*, the Commission declined to establish a fixed date for users to transition to 6.25 kHz technology. It noted at paragraph 8 of that Order that comments filed in response to the *Second Further Notice of Proposed Rule Making*<sup>2</sup> in this proceeding were "unanimously opposed" to a mandatory migration requirement to 6.25 kHz technology, because such mandatory migration would be "premature and inappropriate." Comments in response to the *Second Further Notice*, including those of APCO, LMCC and ITA,<sup>3</sup> noted that mandatory migration to 6.25 kHz would have significant technological hurdles, would add unnecessary confusion during the transition to 12.5 kHz, and would actually delay deployment of spectrum efficient technology.

In light of those findings, it would be contrary to the goals of the narrowband process to hold up conversion to 12.5 kHz technology pending future conversion to 6.25

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<sup>1</sup> The Third Report and Order, FCC 07-39 was published in the Federal Register April 18, 2007; 74 Fed. Reg. 19387, et seq.

<sup>2</sup> *Second Report and Order and Second Further Notice of Proposed Rule Making*, 18 FCC Rcd. 3034 (2003).

<sup>3</sup> See, the *Third Report and Order*, at paragraph 8, footnote 25.

kHz at a yet-uncertain date. Nevertheless, at paragraph 8 of the *Third Report and Order*, the Commission stated as follows:

Given that the Commission will adopt a date by which users must migrate to 6.25 kHz technology, we strongly urge licensees to consider the feasibility of migrating directly from 25 kHz technology to 6.25 kHz technology prior to January 1, 2013. Such a course could be more efficient and economical than first migrating to 12.5 kHz technology by 2013, and then further migrating to 6.25 kHz technology thereafter.

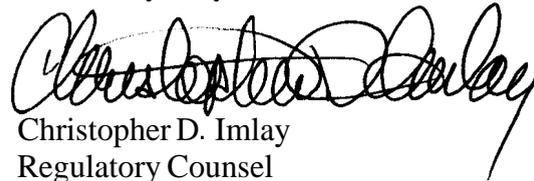
This admonition, and those following in the same Order to the effect that 12.5 kHz is merely transitional, leads the reader now using 25 kHz technology to a result that is contrary to the narrowband plan established many years ago. It is furthermore contrary to the process which is now well underway toward conversion to 12.5 kHz technology. Since this Order was released slightly more than a month ago, it has had in Kenwood's experience a pronounced chilling effect on conversion from 25 kHz technology to 12.5 kHz technology. Without citing specific examples, Kenwood's experience is that entities that were in the process of conversion from 25 kHz systems to 12.5 kHz systems have cancelled or suspended those plans, and instead are waiting for the Commission to drop the other shoe with respect to 6.25 kHz.

The reason for this hesitation is obvious: the life of current generation systems is approximately 20 years. The Commission's admonition to convert directly to 6.25 kHz, coupled with the determination not to specify a firm date for 6.25 kHz conversion by licensees, has caused those in the process of conversion to 12.5 kHz technology to stop and adopt a "wait and see" approach, on the theory that the 6.25 kHz deadline will be imminent. This is contrary to the plan. The Commission should have refrained from urging licensees not to convert to 12.5 kHz technology. The 12.5 kHz conversion remains an important, though not the ultimate, narrowband step, and the one that currently offers a path toward spectrum economy.

Therefore, it is respectfully requested that, without delay, the Commission issue a clarification, to the effect that it was not the Commission's intent to delay or discourage the narrowband conversion, and that 12.5 kHz remains an important and perfectly viable step in the narrowband process for the foreseeable future. It was not at all practical to urge affected licensees to convert directly to 6.25 kHz technology, and it remains impractical into the near future. Getting licensees away from 25 kHz spectrum inefficiencies should be the top priority, and that can be accomplished, and is being accomplished immediately, by the 12.5 kHz transition, which the Commission has recently encouraged in a positive, workable manner in the *Second Report and Order* in this proceeding. Since it is presumably the Commission's intent not to make 12.5 kHz equipment obsolete prior to its normal service life, the restating of the Commission's policy regarding 12.5 kHz is clearly necessary. And it must be restated soon, before more licensees decide to hold off on 12.5 kHz migration (which must occur by Jan. 1, 2013), in anticipation of an ordered 6.25 kHz migration before or shortly following Jan. 1, 2013.

We would like to meet with you about this at a convenient time, and my office will contact you for an appointment after you have had a chance to review this correspondence. Thank you in advance for your attention to it.

Yours very truly,

A handwritten signature in black ink, appearing to read "Christopher D. Imlay". The signature is fluid and cursive, with the first name "Christopher" being more prominent and larger than the last name "Imlay".

Christopher D. Imlay  
Regulatory Counsel  
Kenwood USA Corporation  
Communications Sector

Cc: All Commissioners