

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

In the Matter of	)	
	)	
Revisions to Rules Authorizing the	)	
Operation of Low Power Auxiliary Stations	)	WT Docket No. 08-166
in the 698-806 MHz Band	)	
	)	
Public Interest Spectrum Coalition,	)	
Petition for Rulemaking Regarding	)	WT Docket No. 08-167
Low Power Auxiliary Stations, Including	)	
Wireless Microphones, and the	)	
Digital Television Transition	)	

**COMMENTS OF MOTOROLA, INC.**

Motorola, Inc. (“Motorola”) submits these comments in response to the Notice of Proposed Rule Making adopted in the above-captioned proceedings<sup>1</sup> concerning the operation of Low Power Auxiliary Service (“LPAS”) devices, including wireless microphones, on 700 MHz frequencies that have been allocated for public safety and commercial wireless services. As further discussed below, Motorola urges the FCC to move expeditiously to adopt policies that protect both critical public safety and commercial networks from harmful interference.

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<sup>1</sup> *Revisions to Rules Authorizing the Operation of Low Power Auxiliary Stations in the 698-806 MHz Band; Public Interest Spectrum Coalition, Petition for Rulemaking Regarding Low Power Auxiliary Stations, Including Wireless Microphones, and the Digital Television Transition*, WT Docket No. 08-166, WT Docket No. 08-167, Notice of Proposed Rulemaking and Order, FCC 08-188 (rel. Aug. 21, 2008) (“*Notice*” or “*Order*”).

Current FCC rules permit wireless microphones and other LPAS devices to operate on a secondary, non-interfering basis on essentially all frequencies allocated to the broadcast television service.<sup>2</sup> With the reallocation of the 698-806 MHz (“700 MHz”) band from broadcast to commercial and public safety wireless services, it is appropriate for the FCC to reevaluate the compatibility of LPAS devices with the new primary services. To this end, the FCC has released the subject *Notice* that tentatively concludes to adopt the following policies:<sup>3</sup>

- Prohibit the operation of low power auxiliary stations within the 700 MHz band after February 17, 2009;
- Prohibit the manufacture, import, sale, offer for sale, or shipment of devices that operate as low power auxiliary stations in the 700 MHz Band; and,
- Modify existing LPAS licenses to prohibit operations in the 700 MHz Band after February 17, 2009.

Concurrent with the release of the *Notice*, the FCC adopted an Order that freezes the filing of new license applications that seek to operate on any 700 MHz Band frequencies after February 17, 2009, and also, freezes the issuance of new equipment authorizations for LPAS devices that would operate in any of the 700 MHz Band frequencies.<sup>4</sup> The Order further stipulates that the FCC will hold in abeyance any pending license applications or requests for equipment authorization that involve the operation of LPAS devices in the 700 MHz band until the conclusion of this proceeding.

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<sup>2</sup> See 47 C.F.R. § 74.802.

<sup>3</sup> *Notice* at § 2.

<sup>4</sup> *Order* at ¶¶ 23-24.

Motorola supports the FCC's actions and recommends that it move quickly to adopt final rules that implement the *Notice's* tentative conclusions. The operation of uncoordinated, secondary LPAS devices such as wireless microphones is not compatible with wide area wireless networks and, therefore, their further deployment in the 700 MHz band should be prohibited. Motorola therefore supports the Commission's proposal that all LPAS use of the 700 MHz band end as of February 17, 2009. This action is long overdue given that approximately 45 public safety agencies have already deployed equipment in the upper 700 MHz band<sup>5</sup> and some portions of the commercial wireless allocation have been licensed since 2000.<sup>6</sup> All of these users are now subject to potential interference from nearby operation of uncoordinated wireless microphones.<sup>7</sup> While the immediate evacuation of LPAS devices from the 700 MHz band would be ideal to prevent interference, Motorola appreciates the fact that February 19, 2009 is less than 5 months away. Expedient adoption of final rules in this proceeding will clarify the obligation of LPAS users to cease operations should interference occur prior to that date.

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<sup>5</sup> Comments of Motorola, Inc., WT Docket No. 06-150, submitted June 20, 2008 at 18.

<sup>6</sup> Licenses for the 700 MHz Guard Bands and the lower 700 MHz C and D blocks were auctioned beginning in 2000 and there is some commercial deployment in these spectrum blocks.

<sup>7</sup> See e.g., Letter from the National Public Safety Telecommunications Council to the Honorable Kevin Martin, Chairman, Federal Communications Commission, June 30, 2008, available at <http://www.npstc.org/fccpositions.jsp>. (“Approximately 45 narrowband 700 MHz mission critical public safety systems have already been deployed . . . there is a potential risk of harmful interference to public safety from these secondary users. An entity with secondary status must resolve the interference it causes to primary users or discontinue operation. Public safety communications involve safety of life and therefore licensees cannot afford to wait until interference exists but must eliminate the potential for interference before it occurs”).

The *Notice* also seeks comment on issues raised by the Public Interest Spectrum Coalition (“PISC”) in an informal complaint and petition for rulemaking.<sup>8</sup> As summarized by the *Notice*, PISC asserts that the manufacturers of wireless microphones have marketed their products to the general public despite the limited eligibility provided by Part 94 of the FCC’s rules. PISC claims that such marketing activities have resulted in a high degree of unauthorized use of wireless microphones. In addition to requesting that the FCC investigate these alleged marketing violations, PISC also proposes rule changes to create a new General Wireless Microphone Service to operate on vacant broadcast television spectrum below channel 52 and in the 2020-2025 MHz band as well.

Motorola agrees that there appears to be a relatively high degree of wireless microphone use outside the broadcast arena that may be beneficial, but is nonetheless unauthorized. However, the lack of relevant enforcement activity in this area suggests this has not been a significant source of interference to primary broadcast service. Any near-term solutions for wireless microphones in vacant TV spectrum can be addressed separately and expeditiously in the proceeding already underway on the use of TV white spaces spectrum.<sup>9</sup> If spectrum in other bands presents a viable future alternative for wireless microphone operation, Motorola would support a further separate proceeding designed to address longer term spectrum alternatives outside the television band and

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<sup>8</sup> See Complaint of Public Interest Spectrum Coalition (PISC) Against Shure, Inc., Nady Systems, Inc., VocoPro, Audio2000, Sennheiser Electronic Corporation, Audix Microphones, Electro Voice, Hisonic International, Inc., Pyle Audio, *et al.*; Petition To Create a General Wireless Microphone Service (GWMS), *Informal Complaint and Petition for Rulemaking*, (filed July 16, 2008) (PISC Petition).

<sup>9</sup> Unlicensed Operation in the TV Broadcast Bands; Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band, ET Docket No. 04-186, ET Docket No. 02-380, Notice of Proposed Rule Making, FCC 04-113 (rel. May 25, 2004).

craft appropriate regulations that meet the need for wireless microphone operations by both broadcast and non-broadcast purposes.

Respectfully Submitted,

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