

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

In the Matter of)	
)	
Amendment of the Commission's Rules)	WT Docket No. 04-344
Regarding Maritime Automatic)	
Identification Systems)	

**OPPOSITION OF MOTOROLA, INC., TO
PETITION FOR RECONSIDERATION**

Motorola, Inc. (“Motorola”), respectfully submits this opposition to PacifiCorp’s Petition for Reconsideration in the above-referenced docket.¹ PacifiCorp raises issues that undermine the certainty required by incumbent and existing licensees to realize full use of their communications systems and to transition responsibly to new channels. PacifiCorp also seeks a change to the agency’s channelization plan for the 156/162 MHz VHF Public Coast (“VPC”) spectrum that should be addressed more appropriately in the context of a new or separate rulemaking proceeding.

Motorola is in the business of designing, manufacturing, and installing wireless communications equipment and systems to meet the needs of, among others, entities responsible for public safety and homeland security, including first responders. It is also a licensee of VPC spectrum that it is making available for such use.

¹ See PacifiCorp Petition for Reconsideration, Mar. 2, 2009 (“PacifiCorp Petition”).

Motorola opposes PacifiCorp's petition to the extent it seeks to reduce the transition period afforded to incumbent public safety licensees on Channels 84 or 85, including the State of Wyoming.² PacifiCorp has not adequately explained how its proposed use of, or its actual need for, spectrum is in fact affected by the transition period adopted by the agency. Nor does it justify how such use outweighs the current and immediate needs of public safety entities, such as those described by Wyoming in its various pleadings.

Last year, Motorola assisted the State of Wyoming in obtaining licenses needed to construct the WyoLink system with 57 mountain-top and 23 low-level repeater sites, and Wyoming began implementing the system immediately thereafter.³ As described in its filings, which are incorporated by reference herein as permitted under Section 1.923(b) of the Commission's rules,⁴ Wyoming previously relied on significantly limited and outdated radio facilities to meet its public safety-related communications requirements, and the new licenses were critical to the implementation of its new system to improve safety, security and interoperability.

Moreover, recent and extensive expenditures by public safety entities, such as Wyoming, to address the public safety needs of their citizens and visitors should not be jeopardized now by a reduction in the transition period afforded by the FCC. Indeed, Motorola notes that while VPC licensees received replacement spectrum, existing and

² PacifiCorp highlights the site-based authorizations held by the State of Wyoming on Channels 84 and 85 as precluding PacifiCorp's operating on replacement Channel 85 anywhere within VPCSA 27 and on replacement Channel 84 in a major portion of VPCSA 31 until March 4, 2024.

³ *See generally* State of Wyoming, 23 FCC Rcd 10310 (June 30, 2008); *see also* State of Wyoming, ULS File No. 0002947551, et al.

⁴ 47 C.F.R. § 1.923(b) (2007).

incumbent public safety licensees did not.⁵ The transition period is therefore critical to public safety licensees to achieve the full use of their systems.

Motorola also opposes PacifiCorp's request to alter the channelization plan for the VPC spectrum through this proceeding. The FCC exchanged 25 kHz of spectrum (*i.e.*, the coast channel 87B) for two 25 kHz channels (a different coast channel and its corresponding ship channel) for a total of 50 kHz of spectrum. Thus, the loss of the interstitial channels discussed by PacifiCorp has arguably already been recognized and accommodated.

Motorola acknowledges that even if there are certain advantages to the plan outlined by PacifiCorp, the Commission should issue a public notice and seek comment on the plan through a separate or further rulemaking rather than through this reconsideration proceeding. In fact, PacifiCorp's channelization plan was not directly raised or discussed in the underlying proceeding. By initiating a new rulemaking, the FCC would allow interested parties adequate opportunity to address related issues associated with PacificCorp's plan, including without limitation determining: (1) whether the channelization plan may also be used by maritime VPC licensees, (2) how maritime adjacent geographic area licensees will be protected, (3) how licensees that continue to operate on 25 kHz or 12.5 kHz interstitial channels would be affected, and (4) whether the FCC should relax restrictions on the use of the ship/mobile side of the channels for coast/base station use.

⁵ In this regard, Motorola notes that if any additional action by the Commission results in a reduction in spectrum available to public safety licensees (including interstitial channels), then affected public safety licensees should also be made whole with equivalent replacement spectrum.

For the foregoing reasons, Motorola respectfully submits that PacifiCorp's
Petition for Reconsideration should be denied.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing “Opposition of Motorola, Inc., to Petition for Reconsideration,” was deposited in the United States mail, first class postage prepaid, on this 20th day of April, addressed to the following:

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