

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

In the Matter of)
)
Implementation of Sections 309(j) and 337 of) WT Docket No. 99-87
the Communications Act of 1934, as Amended)
)
_____)

COMMENTS OF MOTOROLA, INC.

Motorola, Inc. (“Motorola”) submits these comments in response to the petition filed by the National Public Safety Telecommunications Council (“NPSTC”) requesting a stay of the interim narrowband implementation deadlines contained in Sections 90.203(j)(4) and (5), 90.203(j)(10), and 90.209(b)(6) of the Commission’s rules.¹ Motorola strongly agrees with NPSTC that a stay of these interim deadlines is necessary to promote interoperability during the final two years of the narrowbanding transition and to minimize unnecessary costs that will be incurred by public safety and other Part 90 licensees as a result of the transition. Therefore, Motorola urges the Commission to grant the stay as requested by NPSTC.

In 2003 and 2004, the Commission required all Industrial/Business and Public Safety Radio Pool licensees in the 150-174 MHz and 421-512 MHz bands to transition to 12.5 kHz or equivalent efficiency technology by January 1, 2013.² To facilitate this transition, the

¹ The National Public Safety Telecommunications Council Petition for Stay of Interim Narrowband Implementation Dates of Section 90.209(b)(6), 90.203(j)(4) and (5), and 90.203(j)(10), WT Docket No. 99-87 (filed Sept. 29, 2009) (“NPSTC Petition”).

² *Implementation of Section s309(j) and 337 of the Communications Act of 1934, as Amended; Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies*, WT Docket No. 99-87, RM-9332, *Second Report and Order and Second Further Notice of Proposed*

Commission also indicated that after January 1, 2011, it would not (1) accept applications for new or modified 25 kHz operations, (2) permit the manufacture, import, or certification of 150-174 MHz or 421-512 MHz band equipment capable of operating with only one voice path per 25 kHz of spectrum, or (3) grant applications for equipment authorization that did not specify 6.25 kHz or equivalent efficiency capability.³ In setting these interim deadlines, the Commission found that “it is in the public interest to avoid the difficulties that could be caused to licensees’ current and future operations,” but that its rules should nevertheless “encourage licensees to begin planning and implementing migration to narrowband technology well before January 1, 2013.”⁴

Motorola supports the overarching goal of promoting more efficient use of the 150-174 MHz and 421-512 MHz bands through the timely transition to 12.5 kHz equivalent efficiency technologies. As the Commission noted in initially adopting a deadline for transitioning to 12.5 kHz or equivalent efficiency technology, “the public interest [is] best served [by] establish[ing] a date certain by which PLMRS licensees . . . must migrate to narrowband technology.”⁵ Motorola believes that the current January 1, 2013, deadline “strike[s] the appropriate balance ‘between the budgetary exigencies surrounding equipment costs and [the Commission’s] goal of

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Rulemaking, 18 FCC Rcd 3034 (2003) (“*Second Report and Order*”); *Implementation of Sections 309(j) and 337 of the Communications Act of 1934, as Amended, Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies*, WT Docket No. 99-87, RM-9332, *Third Memorandum Opinion and Order, Third Further Notice of Proposed Rulemaking and Order*, 19 FCC Rcd 25045 (2004) (“*Third Memorandum Opinion and Order*”).

³ *Third Memorandum Opinion and Order* at ¶ 23.

⁴ *Id.* at ¶ 22.

⁵ *Second Report and Order* at ¶ 17.

promoting spectral efficiency in a fairly expeditious manner.”⁶ Accordingly, Motorola agrees with NPSTC that the January 1, 2013 deadline by which existing Part 90 licensees operating in the VHF and UHF bands must convert to 12.5 kHz technology should not be extended at this time.

The Commission, however, should extend the date on which it will cease accepting applications for new 25 kHz operations and the manufacture, importation, and certification of equipment utilizing 25 kHz or equivalent efficiency technology must terminate.⁷ As NPSTC notes, and the Commission has repeatedly found,⁸ “[i]nteroperability is critical for public safety communications, ranging from the ability of all radio users within an agency to communicate, to multiple agencies being able to communicate across jurisdictions and disciplines on both a day-to-day as well as a mutual aid basis.”⁹ The current prohibition on manufacturing and importing radios utilizing 12.5 kHz or equivalent efficiency after January 1, 2011, however, effectively prohibits licensees from maintaining interoperability within their own networks and with neighboring networks during the final two years of the transition. Indeed, if licensees want to maintain interoperability during this timeframe, they could not replace or add any radios to their existing systems unless their entire system has already been transitioned, a process that takes significant time and money as licensees’ existing infrastructure and radios will need to be replaced, reprogrammed, and/or retuned. The prohibition on modification applications after

⁶ *Third Memorandum Opinion and Order* at ¶ 12 (citing *Second Report and Order* at ¶ 18).

⁷ *See* 47 C.F.R. §§ 90.203(j)(10), 90.209(b)(6).

⁸ *See Third Memorandum Opinion and Order* at ¶ 22 (noting that avoiding problems that could inhibit “efforts to establish public safety interoperability” are of particularly importance to the public interest).

⁹ NPSTC Petition at 4.

January 1, 2011, similarly requires licensees to stall all changes to their networks until the entire transition is complete and they have been able to upgrade their entire networks. Such a result effectively stagnates the development of public safety and enterprise licensees' networks (and the services they provide to the public) until all licensees' networks can be upgraded to use 12.5 kHz or equivalent efficiency technology. Accordingly, the Commission should grant NPSTC's request and stay these deadlines until January 1, 2013, concurrent with the requirement that all operations to 12.5 kHz or equivalent efficiency technologies.

The Commission also should extend the date by which Part 90 transmitters in the VHF and UHF bands that are seeking certification must include 6.25 kHz or equivalent efficiency technology.¹⁰ While Motorola and other manufacturers are currently marketing 6.25 kHz equivalent efficiency technologies, widespread acceptance of this technology will not occur – especially by public safety users – until Project 25 Phase 2 standards development is completed. Although the Phase 2 trunking standard is targeted for publication in 2010, a similar effort is just beginning for conventional systems, which remain the predominant mode in the UHF and VHF bands. As such, it is unlikely that equipment based on a finalized P25 Phase 2 conventional standard will be available for application to the UHF and VHF bands by January 1, 2013.¹¹ Accordingly, Motorola urges the Commission to adopt NPSTC's proposal to delay this deadline until January 1, 2015.

These actions requested by NPSTC will not result in a delay of the final 2013 transition deadline. However, these actions do facilitate Part 90 licensees' transition to 12.5 kHz or equivalent efficiency technology by promoting continued interoperability and effective use of

¹⁰ See 47 C.F.R. § 90.203(j)(4)-(5).

¹¹ Normally, manufacturers estimate a twelve to eighteen month time requirement to develop and ship equipment once the standard has been completed.

funding throughout the entire transition. For these reasons, Motorola supports NPSTC's Petition to Stay the interim January 1, 2011, deadlines contained in Sections 90.203(j)(4)-(5), 90.203(j)(10), and 90.209(b)(6) of the Commission's rules.

Respectfully submitted,

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