

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

In the Matter of)	
)	
Promoting Expanded Opportunities for)	
Radio Experimentation and Market Trials)	ET Docket No. 10-236
Under Part 15 of the Commission’s Rules)	
And Streamlining Other Related Rules)	
)	
2006 Biennial Review of Telecommunications)	
Regulations – Part 2 Administered by the)	ET Docket No. 06-105
Office of Engineering and Technology (OET))	

COMMENTS OF MOTOROLA SOLUTIONS, INC.

Motorola Solutions, Inc. (“MSI”) submits these comments in response to the Commission’s Notice of Proposed Rulemaking in the above-captioned proceeding.¹

As recognized in the *Notice*, the Commission’s experimental licensing process is a necessary and critical component for promoting innovation and advancing the state-of-the-art in radio design. The process has developed well over the years and is now a model of efficiency among FCC licensing programs. MSI and its corporate predecessor has been one of the Commission’s “best customers” for experimental licenses and is well acquainted with how the process is used to spur innovation.

While the current process works very well today, modest changes in certain policies could enhance the experimental licensing program. In MSI’s opinion, there are

¹ See Promoting Expanded Opportunities for Promoting Expanded Opportunities for Radio Experimentation and Market Trials Under Part 15 of the Commission’s Rules And Streamlining Other Related Rules; 2006 Biennial Review of Telecommunications Regulations – Part 2 Administered by the Office of Engineering and Technology (OET), ET Docket No. 10-236. ET Docket No. 06-105, *Notice of Proposed Rulemaking*, 25 FCC Rcd 16544 (2010) (“*Notice*”).

three main principles to safeguard: 1) maintaining flexibility to accommodate unique circumstances that are always a part of innovation, 2) ensuring that licenses are issued quickly so that regulatory process do not impede fast moving technology advances, and 3) protecting licensees from interference.

The proposals contained in the *Notice* focus on these three areas. Noting that the existing rules are generally written to support discrete research projects, the *Notice* expresses concern that the current arrangement is “an ill fit for the culture of inquiry and exploration at academic and research institutions, and that it is not nimble enough to account for the rapid changes and modifications typical of today’s technological research.”² The *Notice* therefore proposes to establish a “program experimental license” where qualified institutions will be permitted to use a broad range of frequencies for research and experimentation without having to obtain prior authorization for the use of specific frequencies.³ According to the *Notice*, holders of a research program experimental radio license will be given broad authority to conduct any experiments that further the goals of innovation and efficiency in spectrum use, subject to certain limitations and reporting requirements.⁴

MSI supports the concept of a research program experimental radio license but disagrees with the proposal to limit eligibility to colleges, universities and non-profit research organizations. The *Notice* bases this restriction on the statement that “[t]hese institutions typically have a record of generating the types of innovation and

² *Id.* ¶ 16.

³ *Id.* ¶ 19.

⁴ *Id.*

technological breakthroughs we seek to foster.”⁵ This statement, and the proposed restriction on for-profit organizations and corporations from receiving such licenses, discredits the efforts and successes that MSI and other technology companies have achieved during this era of technological growth. Especially during these times of austere budget constraints on all economic sectors, the U.S. Government should be working to promote private investment in research and development rather than erecting barriers to innovation. MSI urges the Commission to reconsider this proposed restriction and expand the eligibility for the research program experimental license to include all eligible institutions, both for-profit and not-for profit.

The Commission also proposes to provide holders of program research experimental licenses greater flexibility to design and implement tests without acquiring prior approval from potentially affected licensees.⁶ The Commission bases this proposal on its view that universities and research institutions “act as trusted stewards of the radio resource.”⁷ Again, the *Notice* contains no rationalization to distinguish universities and research institutions from for-profit entities in reaching this tentative conclusion.

While MSI supports a more encompassing relaxation of Commission requirements to acquire pre-approval from potentially affected primary licensees, it does not agree with the corollary proposal to post experimental information on a publicly available web site.⁸ That approach would unreasonably shift the oversight obligation to potentially affected licensees and raises potential confidentiality issues for the innovator.

⁵ *Id.* at ¶ 20.

⁶ *Id.* at ¶ 23.

⁷ *Id.*

⁸ *Id.* ¶ 27.

MSI believes that the Commission should maintain its current policies that, among other things: (1) impose upon experimental licensees an independent obligation to: (1) research and assess the potential for interference to primary licensees before they conduct any experiment, (2) coordinate directly with primary users only when necessary to ensure against possible interference, (3) submit such analyses or concurrences to the FCC, when required, in their requests for an experimental license or special temporary authority. Such an approach is good engineering practice that MSI has followed for years.

More importantly, the Commission's current policy does not unreasonably shift the oversight obligation to primary licensees that may not have the expertise to evaluate the potential for interference. Indeed, experimental licensees are not only better equipped to ensure against interference, but they also better acquainted with accessing the Commission's resources (such as the Universal Licensing System and other databases). The availability of these tools creates a relatively low burden and cost on experimental licensees, including academic institutions, to analyze the potential for interference in order to take appropriate steps to avoid such interference. Accordingly, MSI urges the Commission not to adopt a website-based notification requirement that would unreasonably burden primary licensees and, instead, simply re-affirm the obligation of all innovators to comply with the Commission's existing policies and requirements to ensure against interference to primary licensees.

In conclusion, MSI commends the Commission and its staff for their efforts to promote innovation in the telecommunications sector. The experimental radio service licensing program is integral to the success of new technologies and products that benefit

American consumers. With appropriate modifications, the proposals in the *Notice* will further promote these goals.

Respectfully submitted,

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