

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Amendment of Part 90 of the Commission’s Rules to Permit Terrestrial Trunked Radio (TETRA) Technology)	WT Docket No. 11-69
)	
Request by the TETRA Association for Waiver of Sections 90.209, 90.210 and 2.1043 of the Commission’s Rules)	ET Docket No. 09-234
)	

To: The Commission

PETITION FOR CLARIFICATION AND/OR DECLARATORY RULING

The Telecommunications Industry Association (TIA), pursuant to 47 C.F.R. §§ 1.41 and 1.2, respectfully seeks clarification of the Commission’s Terrestrial Trunked Radio Technology Order (“TETRA Waiver Order”) granting in part the waiver requested by the TETRA Association.¹ TIA appreciates the Commission’s efforts taken in the TETRA Waiver Order to protect public safety uses, and requests that the Commission explicitly clarify that use of TETRA equipment will not be allowed in 800 MHz public safety ESMR frequencies.

¹ *In the Matter of Amendment of Part 90 of the Commission’s Rules to Permit Terrestrial Trunked Radio (TETRA) Technology, Request by the TETRA Association for Waiver of Sections 90.209, 90.210 and 2.1043 of the Commission’s Rules*, Notice of Proposed Rulemaking and Order, ET Docket No. 09-234, WT Docket No. 11-69, FCC 11-63 (rel. Apr. 26, 2011).

I. THE COMMISSION SHOULD CLARIFY THAT TETRA TECHNOLOGY APPLICATIONS WHICH IMPERIL PUBLIC SAFETY 800 MHZ ESMR USES ARE NOT PERMITTED

In the TETRA Waiver Order, the Commission, noting that the TETRA Association does not intend to market TETRA equipment to public safety licensees, limits use of TETRA equipment to the Industrial/Business Pool frequencies in the 450-470 MHz band, and Enhanced Specialized Mobile Radio (ESMR) frequencies in the 800 MHz band.² TIA supports the intentions of the Commission to protect public safety uses from interference, and agrees it is more appropriately dealt with in the rulemaking. Though the Commission notes that use within public safety bands will be addressed through the associated rulemaking, it does not state that, under the TETRA Waiver Order, TETRA equipment absolutely cannot be used within ESMR public safety frequencies.³

TIA is particularly concerned with the allowance of TETRA equipment in existing and scheduled National Public Safety Planning Advisor Committee (NPSPAC) uses in 821-824/866-869 MHz and 806-809/851-854 MHz, which are in the process of 800 MHz rebanding.⁴ As noted in comments submitted on the TETRA Association's petition, ESMR channels are shared by a number of uses, including public safety and utilities, and any deployment of TETRA in the 800 MHz band has the potential to negatively affect adjacent public safety operations.⁵ Any

² *Id.* at ¶ 22.

³ As noted by the National Public Safety Telecommunications Council (NPSTC), public safety systems are prevalent in the 806-824/851-869 MHz and the 450-470 MHz bands. Comments of NPSTC, ET Docket No. 09-234 (filed Jan. 15, 2010) at 3 (NPSTC Comments).

⁴ Improving Public Safety Communications in the 800 MHz Band, *Report and Order, Fifth Report and Order, Fourth Memorandum Opinion and Order, and Order*, 19 FCC Rcd 14969 (2004).

⁵ See NPSTC Comments at 3-4.

increased interference to these uses could have dire effects on services that protect health, life, and property, and any interference to these uses, current or proposed, must be avoided. It is apparent that, by noting that use of TETRA equipment for public safety purposes is being addressed in the NPRM portion of the item, the Commission may very well intend to prohibit the use of TETRA in ESMR bands that are currently employed by public safety uses, but TIA believes it is critical that this be explicitly stated. TIA respectfully requests that the Commission clarify that, under the Order, TETRA uses are not allowed within ESMR public safety frequencies.

VI. CONCLUSION

For the foregoing reasons, TIA urges the Commission to clarify that TETRA use in ESMR public safety frequencies will not be allowed under the TETRA Waiver Order.

Respectfully submitted,

TELECOMMUNICATIONS INDUSTRY ASSOCIATION

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