

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

In the Matter of:)

Petition for Declaratory Ruling of Sprint) WT Docket No. 11-110
Nextel to Allow Wideband Operations in)
800 MHz Enhanced Specialized Mobile)
Radio Service Bands)

COMMENTS OF MOTOROLA SOLUTIONS, INC.

Motorola Solutions, Inc. (“MSI”) hereby responds to the FCC’s Public Notice seeking comment on the petition for declaratory ruling filed by Sprint Nextel Corporation (“Sprint Nextel”) concerning the use of wideband emissions on Enhanced Specialized Mobile Radio (“ESMR”) channels in the 817-824/862-869 MHz bands.¹

In its petition, Sprint Nextel asks the FCC to resolve an apparent conflict in its rules. Sprint Nextel states that Section 90.691 of the Commission’s Rules allows 800 MHz EA-based licensees to aggregate contiguous 25 kHz channels in the frequency bands at issue provided that the out-of-band emissions requirements are met outside the aggregated spectrum.² Sprint Nextel notes, however, that this flexibility is in apparent conflict with the provisions of Section 90.209, which restricts 800 MHz operations to 25 kHz bandwidths.³ Sprint Nextel requires authority to aggregate 25 kHz-wide ESMR channels so that it can transition spectrum in the 817-824/862-

¹ See Wireless Telecommunications Bureau Seeks Comment On Petition From Sprint Nextel To Allow Wideband Operations In 800 MHz Enhanced Specialized Mobile Radio Service Bands, *Public Notice*, DA 11-1152, June 30, 2011. See also, Request for Declaratory Ruling that the Commission's Rules Authorize Greater than 25 kHz Bandwidth Operations in the 817-824/862-869 MHz Band, Sprint Nextel Corporation, June 3, 2011 (“Sprint Nextel Petition”).

² Sprint Nextel Petition at 4.

³ *Id.*

869 MHz to wider bandwidth technologies, such as CDMA, that require bandwidths of at least 1.25 MHz.⁴

Sprint Nextel has fashioned its request as a petition for declaratory ruling but asks that it be treated as a petition for rulemaking if necessary.⁵ MSI believes that the latter option is the better course of action and therefore urges the Commission to proceed first with the issuance of a notice of proposed rulemaking. While the provisions of Section 90.691 can arguably be read as providing a path for aggregating 800 MHz channels into 1.25 MHz bandwidths or greater, it is not clear that the Commission fully considered the potential impact of allowing wideband or broadband transmissions into a band now intermingled with narrowband (*i.e.*, 25 kHz wide) systems. Both Sprint Nextel and the Commission are well aware that public safety systems using 25 kHz wide Project 25 technology will continue to populate the 821-824/866-869 MHz bands in most areas of the country until 800 MHz band reconfiguration is completed. A rulemaking proceeding will ensure that such systems, and those operated by other affected licensees in adjacent bands, are adequately protected during Sprint Nextel's transition to wider bandwidth technologies.

Respectfully submitted,

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August 1, 2011

⁴ *Id.*

⁵ *Id.* at n. 1.