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Federal Communications Commission
Office of the Secretary

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Federal Communications Commission
Bureau / Office

August 17, 2011

Via Hand Delivery

Rick Kaplan
Bureau Chief, Wireless Telecommunications Bureau
Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

Re: Harmful interference between 150 and 512 MHz

Dear Mr. Kaplan:

This office is counsel to Icom America, Inc. ("Icom"). Icom has requested clarification of the Commission's regulations regarding trunking in the 150-512 MHz bands, specifically 47 C.F.R. §90.187(b). That regulation states, "Trunked systems operating under this section must employ equipment that prevents transmission on a trunked frequency if a signal from another system is present on that frequency. The level of monitoring must be sufficient to avoid causing harmful interference to other systems."

Icom seeks guidance on what constitutes harmful interference under Commission regulations. Harmful interference is defined in 47 C.F.R §90.7 as "any emission, radiation, or induction which specifically degrades, obstructs, or interrupts the service provided by such stations." Would a 250 millisecond data burst from a control channel idle message represent harmful interference?

Given that its data burst would not impact the analog signal and would be barely discernible white noise, Icom hopes that the Commission will find that the data burst is not harmful interference. Icom notes that the Commission allowed GMRS transceivers to "transmit GPS location information using emission type F2D in a digital data burst of not more than one second." *In re Garmin International, Inc.*, Order 51 CR 986 at ¶3. Furthermore, the Commission has written that "One licensee may regard another licensee's communications as 'harmful interference' when, in

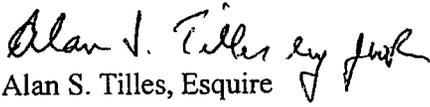
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reality, they are only the normal usage of a shared channel.” *In re Schroeder Manatee Ranch*, Memorandum Opinion and Order FCC 01-83 at ¶3.

If you require any additional information, please contact the undersigned.

Sincerely yours,


Alan S. Tilles, Esquire

Counsel to Icom America, Inc.