

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

| | | |
|--|---|----------------------|
| In the Matter of |) | |
| |) | |
| Wireless Telecommunications Bureau Seeks |) | WT Docket No. 11-178 |
| Comment on Icom America, Inc. Request for |) | |
| Clarification of Section 90.187(B) of the |) | |
| Commission’s Rules as to Whether a Data |) | |
| Burst Constitutes Harmful Interference |) | |
| |) | |
| Amendment of Part 90 of the Commission’s |) | WT Docket No. 11-69 |
| Rules to Permit Terrestrial Trunked Radio |) | |
| (TETRA) Technology |) | |
| |) | |
| Request by the TETRA Association for Waiver |) | ET Docket No. 09-234 |
| of Sections 90.209, 90.210 and 2.1043 of the |) | |
| Commission’s Rules |) | |

To: The Commission

COMMENTS OF THE TELECOMMUNICATIONS INDUSTRY ASSOCIATION

The Telecommunications Industry Association (TIA) hereby submits comment in response to the above-referenced Public Notice.¹ TIA is supportive of the Icom America, Inc. (Icom) proposal on what constitutes “harmful interference” for trunking systems in the 150-512 MHz bands.² However, in regard to the Commission’s request on whether such a determination should be made for all Public Safety Pool frequencies, TIA urges that the Commission refrain

¹ *Wireless Telecommunications Bureau Seeks Comment on Icom America, Inc. Request for Clarification of Section 90.187(B) of the Commission’s Rules as to Whether a Data Burst Constitutes Harmful Interference*, WT Docket No. 11-178, DA 11-1790, (rel. Oct. 26, 2011) (PN).

² Letter dated August 17, 2011 from Alan S. Tilles to Rick Kaplan, Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission (Request); Letter dated August 29, 2011 from Alan S. Tilles to Rick Kaplan, Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission (Icom Request).

from making the same determination without further input from the manufacturer and public safety communities.

TIA represents the global information and communications technology (ICT) industry through standards development, advocacy, tradeshow, business opportunities, market intelligence and world-wide environmental regulatory analysis. For over eighty years, TIA has enhanced the business environments for broadband, mobile wireless, information technology, networks, cable, satellite, and unified communications. TIA's 500 member companies' products and services empower communications in every industry and market, including healthcare, education, security, public safety, transportation, government, the military, the environment, and entertainment. TIA is accredited by the American National Standards Institute (ANSI). A number of TIA members produce public safety narrow band devices and are involved in Project 25, the initiative that continues to develop standards for narrowband operability.³

TIA has long held the position that the protection from harmful interference for primary licensees should be prioritized by the Commission, and that this focus is consistent with the statutory requirement that the Commission's spectrum management policies, among other

³ TIA's TR-8 has created a series of technical documents known as the TIA-102 suite of standard. This consensus-based standard describes and/or defines a number of the interfaces associated with The Project 25 Standard digital land mobile radio system. Law enforcement and other public safety entities may or may not utilize wireless communications systems and equipment which include the TIA-102 standard, in whole or in part. Additionally, in cases where public safety utilizes TIA-102-based equipment, such equipment may also include features and functions that are not defined by the standard, but which features and functions a public safety agency requires for addressing that agency's operational needs. *See* <http://www.tiaonline.org/standards/committees/committee.cfm?comm=tr-8>.

An overview of the most recent TR-8 activity is provided in TIA's annually released report on its standards activity. *See* TIA, 2010-2011 Standards & Technology Annual Report (rel. Apr. 2011) at 8-11, available at http://tiaonline.org/standards/about/documents/StarReport_10-11.pdf.

effects, encourage new technologies and services, ensure efficient use of spectrum, and protect primary licensees from harmful interference.⁴ The use of concentrated assessments of spectrum on matters such as the questions raised by Icom are consistent with the National Broadband Plan,⁵ and can positively influence competition by providing regulatory clarity for vendors and operators. With this in mind, TIA submits this filing to communicate its support for the proposal that the Commission issue a blanket clarification that a 250 millisecond data burst from a control channel idle message does not constitute “harmful interference,” limited to frequencies in the 150-512 MHz bands. Such a determination, appropriate under the circumstances addressed by Icom, would provide certainty in regulatory compliance for devices operating within the 150-512 MHz bands.

However, aside from soliciting input on the request from Icom, the Commission additionally requests input on “whether such operations should be permitted on Public Safety Pool frequencies.”⁶ TIA, noting that Icom’s communications with the Commission in this matter do not request such a determination, urges the Commission not to make this decision without further input from the manufacturer and public safety community. In matters such as a determination of what constitutes “harmful interference,” TIA believes that both the characteristics and use requirements of all public safety pool frequencies should be carefully considered by the Commission. Further, as referenced in the PN, the use of Terrestrial Trunked Radio (TETRA) equipment was permitted by the Commission in certain Industrial/Business Pool

⁴ 47 U.S.C. § 303(f)-(g)

⁵ *Connecting America: The National Broadband Plan*, Federal Communications Commission, March 2010 at 29 (recommending that “tools to influence competition... are best applied on a fact-driven, case-by-case basis.”).

⁶ PN at 2.

spectrum, but not on Public Safety Pool frequencies due to increased concerns about interference.⁷ The TETRA matter is ongoing⁸ and TIA believes that it should be concluded before any blanket determination is made regarding what constitutes “harmful interference” for the Public Safety Pool frequencies.

For the above reasons, TIA supports the Icom request that the Commission determine that a 250 millisecond data burst from a control channel idle message does not constitute “harmful interference” under 47 C.F.R. §90.187(b), but requests that the Commission withhold from making such a determination for the whole of the Public Safety Pool frequencies without further study, as well as input from Public Safety Pool frequency stakeholders.

⁷ Amendment of Part 90 of the Commission’s Rules to Permit Terrestrial Trunked Radio (TETRA) Technology, *Notice of Proposed Rule Making and Order*, WT Docket No. 11-69, 26 FCC Rcd 6503, 6510-11 ¶ 22 (2011).

⁸ *See* Request for Further Clarification filed by Enterprise Wireless Alliance, WT Docket No. 11-69 (filed Oct. 26, 2011).

Respectfully submitted,

TELECOMMUNICATIONS INDUSTRY ASSOCIATION

By: /s/ Mark Uncapher

Mark Uncapher
Director, Regulatory and Government Affairs

Brian Scarpelli
Manager, Government Affairs

TELECOMMUNICATIONS INDUSTRY ASSOCIATION
10 G Street N.E.
Suite 550
Washington, D.C. 20002
(202) 346-3240

November 25, 2011