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April 6, 2012

VIA ELECTRONIC FILING
Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

Re: WT Docket No. 11-69/ET Docket No. 09-234

***Ex Parte* Presentation**

Dear Ms. Dortch:

On April 4, 2012, Michael Slack, Chief Information Officer, and Andrew Schwartz, Director, Radio Communications & Security Technologies, New Jersey Transit Corporation ("NJ Transit"); Jose M. Martin, Executive Vice President & Chief Operating Officer, PowerTrunk, Inc. ("PowerTrunk"), along with Patrick D. McPherson and William K. Keane, counsel for PowerTrunk; Jeffrey Marks, Senior Counsel – Director Regulatory Affairs, Public Affairs Americas, Alcatel-Lucent; and undersigned counsel for NJ Transit, met with the staff of the Office of Engineering & Technology and the Public Safety and Homeland Security Bureau listed below in connection with the above-identified proceedings.

The purpose of the meeting was to discuss NJ Transit's ability to deploy PowerTrunk's FCC-certified 20 kHz bandwidth 4-slot TDMA equipment on NJ Transit's 800 MHz channels, consistent with NJ Transit's award of a contract to Alcatel-Lucent whose proposal included the use of PowerTrunk equipment.[1] The following issues were discussed during the meeting:

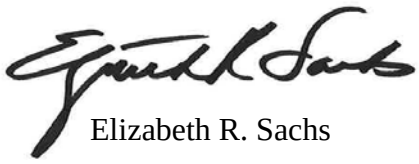
[1] The award was in response to NJ Transit RFP No. 11-018 – Design & Build a Statewide Land Mobile Radio Network ("RFP"). Specifically, the RFP called for a proposal for a Digital Land Mobile Radio ("D-LMR") system.

- NJ Transit described its statewide transit responsibilities and explained that the contract award addressed two critical, time-sensitive issues: (1) NJ Transit's need to replace the aged, increasingly fragile radio system used for transit-related communications between NJ Transit's control centers and its more than 3,000 buses; and (2) NJ Transit's need to complete the rebanding of the NPSPAC frequencies used in that system.
- NJ Transit discussed the business criteria that determined its vendor selection, including the data-centric nature of this operation and cost considerations.
- NJ Transit detailed the technical and regulatory due diligence it had conducted prior to making its vendor selection, including extensive on-air testing of equipment offered by multiple vendors, including PowerTrunk's D-LMR equipment. It noted that, as with other 800 MHz applications, a request for permanent authority would require prior approval from the appropriate Regional Planning Committee and frequency coordinator, both of which are charged with coordinating the use of frequencies to avoid interference among systems.
- NJ Transit confirmed to the FCC that this system historically has not been and will not be used for any public safety/first responder interoperable transmissions. The NJ Transit Police Department uses VHF and trunked 800 MHz P-25 capable radios for mutual aid, first responder activities and uses the NJ Transit 800 MHz system exclusively for internal communications With respect to its bus drivers, NJ Transit does not permit communications among buses or between public safety entities and individual buses except through control center dispatchers. This policy of having drivers receive uniform instructions only through a central dispatcher was chosen for smooth operation of the transit system and to protect the safety of drivers and passengers.
- PowerTrunk explained that it modified this equipment to achieve compliance with the FCC rules, including achieving a 20 kHz rather than 22 kHz bandwidth, by using a roll-off value of 0.2, rather than the European Technical Standards Institute ("ETSI") Terrestrial Trunked Radio ("TETRA") standard of 0.35, on the square raised cosine filter for audio filtering and spectrum conformance. (Contrary to the erroneously applied "low power" label, compliance with the Part 90 rules is achieved by spectrum compression technique.) For this reason, PowerTrunk confirmed that this equipment does not comply with the ETSI standard for TETRA equipment, but is capable of interoperability with TETRA standard equipment in accordance with the TETRA Interoperability Profile official tests as defined by the TETRA + Critical Communications Association ("TCCA"). It again confirmed that this equipment meets the B Mask in FCC Rule Section 90.210 through use of audio low pass filtering implemented in the analog and digital domains. PowerTrunk also described how its technology uses 20 kHz bandwidth to provide greater data throughput for more efficient spectrum use; a raw bit stream of 36 Kbit/s on a bandwidth of 20 kHz. A narrower bandwidth would require NJ Transit to use additional spectrum to achieve comparable utility.
- PowerTrunk described its view of the marketplace distinctions between data-oriented transit operations and voice-centric public safety systems. It informed the Commission that it actively promotes its P-25 technology for public safety users and that its equipment successfully passed CAP and Motorola Solutions testing, but that its D-LMR product with superior data rates was well-suited for NJ Transit's primarily data public transportation operation.

This letter is being filed electronically, in accordance with Section 1.1206(b) of the Commission's Rules, 47 C.F.R. § 1.1206(b), for inclusion in the record in these proceedings.

Kindly refer any questions or correspondence regarding this matter to the undersigned.

Very truly yours,



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