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May 23, 2012

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Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Notice of Oral *Ex Parte* Presentation
PS Docket No. 12-94

Dear Ms. Dortch:

On May 21, 2012, representatives from Motorola Solutions, Inc. (“MSI”) met with Louis Peraertz, Legal Advisor to Commissioner Clyburn, to discuss the implementation of the Middle Class Tax Relief and Job Creation Act of 2012 (“Spectrum Act”). Participating in the meeting were Cathy Seidel and Rishi Bhaskar from MSI as well as Bennett Ross and myself from Wiley Rein, LLP.

During this meeting, MSI reiterated the positions contained in its recently filed comments in PS Docket No. 12-94.¹ In general, MSI expressed the fundamental view that the Spectrum Act does not disturb the FCC’s broad authority over spectrum, including the 700 MHz Public Safety Broadband and D Block spectrum. This authority includes the full range of typical FCC powers and responsibility for licensing spectrum, such as adopting service rules, imposing licensing conditions, and granting waivers. This authority allows the FCC to extend the existing waivers that it has issued to various state and local jurisdictions to deploy broadband networks on the 700 MHz public safety broadband spectrum and to also consider granting additional waiver requests that are now pending.

In addition, MSI noted that Section 6201 of Spectrum Act directs the FCC to “take all actions necessary to facilitate the transition of the existing public safety broadband spectrum” to the newly created First Responder Network Authority (“FirstNet”) that the Spectrum Act establishes as an independent organization under the National Telecommunications and Information Administration (“NTIA”). MSI believes this Congressional mandate is sufficiently broad that it permits the Commission to continue its current waiver policies while FirstNet becomes fully operational and is able to fulfill its role to oversee the development and construction

¹ Comments of Motorola Solutions Inc., PS Docket No. 12-94, submitted April 20, 2012.



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the nationwide communications system for public safety. MSI also expressed its view that the early deployment networks will be interoperable with the FirstNet nationwide system given their reliance and utilization of technology consistent with commercial standards developed by 3GPP.

MSI discussed NTIA's recent filing that provides its perspective on the transition of the 700 MHz public safety broadband spectrum given the adoption of the Middle Class Tax Relief and Jobs Creation Act of 2012.² MSI disagreed with NTIA's conclusion that this new law "requires" the FCC to dismiss the pending applications for public safety broadband waiver and to terminate existing leases to use the public safety spectrum block. To the contrary, MSI stated that the FCC has ample authority to maintain the waivers and that it should do so because of the significant benefits that will accrue to affected public safety users and the FirstNet nationwide system.

This notification is submitted in accordance with Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206. Please let me know if there are any questions about this submission.

Sincerely,

/s/ Michael A. Lewis
Michael A. Lewis
Engineering Consultant
Wiley Rein LLP
Counsel for Motorola Solutions, Inc.

Electronic CC: Mr. Peraertz

² Comments of the National Telecommunications and Information Administration, PS Docket No. 12-94, submitted May 17, 2012.