

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of:

Implementation of Sections 309(j) and 337 of)
the Communications Act of 1934 as Amended;) WT 99-87
Promotion of Spectrum Efficient Technologies)
on Certain Part 90 Frequencies)

**COMMENTS OF
THE NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS COUNCIL**

The National Public Safety Telecommunications Council (NPSTC) submits these Comments in response to the Commission Public Notice¹ in the above-captioned proceeding, asking for comments on the petition filed by the Telecommunications Industry Association (TIA) on May 21, 2012.² The Petition seeks clarification and/or declaratory ruling regarding the April 26, 2012 Order of the Wireless Telecommunications Bureau, Public Safety and Homeland Security Bureau and Office of Engineering and Technology that partially waived the Commission’s January 1, 2013 deadline requiring private land mobile radio licensees in the 150-174 MHz and 450-512 MHz bands to operate using channel bandwidth of no more than 12.5 kHz or equivalent efficiency.³ The Order waived the January 1, 2013 deadline for operation, and the manufacture or importation of equipment capable of operating with only one voice path per 25 kHz of spectrum efficiency in the 470-512 MHz (T-Band). In its petition, TIA asks whether the Order also waives the ban on 25 kHz (wideband) technologies in the T-Band for equipment authorizations filed on or after January 1, 2011. In these Comments, NPSTC strongly supports the TIA petition and urges the Commission to issue a timely clarification and/or declaratory ruling allowing the inclusion of 25 kHz (wideband) technologies in all applications for certification of T-Band equipment filed on or after January 1, 2011.

¹ Public Notice “Wireless Telecommunications Bureau, Public Safety and Homeland Security Bureau and Office of Engineering and Technology Seek Comment on Telecommunications Industry Association Petition for Clarification and/or Declaratory Ruling Regarding Order Waiving the January 1, 2013 VHF-UHF Narrowbanding Deadline, DA 12-926, released June 13, 2012.

² Telecommunications Industry Association (TIA) Petition for Clarification and/or Declaratory Ruling, filed May 21, 2012.

³ Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended; Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies, *Order*, WT Docket No. 99-87, RM-9332, DA 12-642 (WTB/PSHSB/OET rel. Apr. 26, 2012) (*April 26, 2012 Order*).

The National Public Safety Telecommunications Council

The National Public Safety Telecommunications Council is a federation of public safety organizations whose mission is to improve public safety communications and interoperability through collaborative leadership. NPSTC pursues the role of resource and advocate for public safety organizations in the United States on matters relating to public safety telecommunications. NPSTC has promoted implementation of the Public Safety Wireless Advisory Committee (PSWAC) and the 700 MHz Public Safety National Coordination Committee (NCC) recommendations. NPSTC explores technologies and public policy involving public safety telecommunications, analyzes the ramifications of particular issues and submits comments to governmental bodies with the objective of furthering public safety telecommunications worldwide. NPSTC serves as a standing forum for the exchange of ideas and information for effective public safety telecommunications.

The following 15 organizations participate in NPSTC:

- American Association of State Highway and Transportation Officials
- American Radio Relay League
- Association of Fish and Wildlife Agencies
- Association of Public-Safety Communications Officials-International
- Forestry Conservation Communications Association
- International Association of Chiefs of Police
- International Association of Emergency Managers
- International Association of Fire Chiefs
- International Municipal Signal Association
- National Association of State Chief Information Officers
- National Association of State Emergency Medical Services Officials
- National Association of State Foresters
- National Association of State Technology Directors
- National Emergency Number Association
- National Sheriffs' Association

Several federal agencies are liaison members of NPSTC. These include the Department of Homeland Security (the Federal Emergency Management Agency, the Office of Emergency Communications, the

Office of Interoperability and Compatibility, and the SAFECOM Program; Department of Commerce (National Telecommunications and Information Administration); Department of the Interior; and the Department of Justice (National Institute of Justice, CommTech Program). NPSTC has liaison relationships with associate members, the Telecommunications Industry Association, the Canadian Interoperability Technology Interest Group, the National Council of Statewide Interoperability Coordinators, the Utilities Telecom Council and the Public Safety Communications Europe.

NPSTC Comments

The April 26, 2012 Order waived the January 1, 2013 deadline for manufacture or importation of equipment capable of operating with only one voice path per 25 kHz of spectrum efficiency in the 470-512 MHz (T-Band). It also provided that the manufacturers could submit permissive change requests to permit the modification of existing 25 kHz (wideband) capable models to enable such wideband operation only in the 470-512 MHz band if the change is made through software. However, the Order does not specifically address whether manufacturers could submit, and the Commission will accept, permissive change requests to permit the modification of existing narrowband-only (12.5 kHz) equipment that has already been approved for certification, or whether new equipment authorization requests for equipment capable of wideband operation in the T-Band will be accepted. As a result, in TIA's view, as noted by the Commission in the Public Notice, the April 26, 2012 Order is ambiguous regarding the extent to which it waives the ban on the inclusion of 25 kHz technology for the T-Band in new equipment, and may lead to confusion.

NPSTC agrees that there will be a continued demand by T-Band licensees for equipment capable of operating in 25 kHz (wideband) efficiency, as the result of the Order waiving the deadline which banned such operation after the end of this year in the T-Band. Depending on the timetable developed by the Commission on the current Congressional requirement that public safety relocate their land mobile operations out of the T-Band, it is possible that this demand for 25 kHz technologies will continue through the next decade. Unless the Commission clarifies that it is also waiving the ban on the inclusion of 25 kHz efficiency in T-Band equipment authorization applications filed on or after January 1, 2011, the possibility not only exists but becomes increasingly likely in the near future that T-Band licensees will need newly-certified equipment during the interim period. Without such waiver clarification, manufacturers will not be able to introduce new equipment in the T-Band that includes 25 kHz efficiency. As manufacturers continue to introduce new T-Band equipment that replace authorized equipment

applications filed before January 1, 2011 over the coming years, the number of equipment choices for 25 kHz technology available to T-Band licensees will likely decrease with each subsequent year over the next decade. In addition, as equipment is more difficult to replace by licensees, they may try to extend the life of their existing 25 kHz equipment, a practice that normally increases such equipment maintenance and repair costs. Licensees continuing to operate in 25 kHz will thereby also not have access to improved features and functionality provided by new equipment introduced into the public safety market. NPSTC supports TIA's argument that it would not be in the public interest if licensees face a dangerous prospect of reduced equipment availability and capabilities. NPSTC also agrees with TIA that new equipment offerings may incorporate capabilities that will provide T-Band licensees greater migration capabilities to ease their transition to other spectrum bands and technologies.

A primary mission of NPSTC has always been to promote greater interoperability among public safety agencies at all levels of government. While not specifically referenced by TIA in its Petition, NPSTC believes that allowing 25 kHz technologies in all applications for equipment certification will help ensure greater interoperability among all T-Band licensees.

In conclusion, NPSTC strongly supports the TIA petition and urges the Commission to issue a timely clarification and/or declaratory ruling allowing the inclusion of 25 kHz (wideband) technologies in all applications for certification of T-Band equipment filed on or after January 1, 2011.

Respectfully submitted,



Ralph A. Haller, Chairman

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June 27, 2012