

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of )  
 )  
First Student, Inc. ) WT Docket No. 99-87  
Request for Waiver of )  
January 1, 2013 VHF-UHF )  
Narrowbanding Deadline )  
  
To: Chief, Wireless Telecommunications Bureau

**COMMENTS  
OF THE  
ENTERPRISE WIRELESS ALLIANCE**

The Enterprise Wireless Alliance (“EWA” or “Alliance”), in accordance with Section 1.45 of the Federal Communications Commission (“FCC” or “Commission”) rules, respectfully submits its comments in response to the waiver request (“Waiver Request”) filed by First Student, Inc. (“First Student” or “Company”) seeking a one-year extension of the FCC’s VHF-UHF narrowbanding (“NB”) deadline.<sup>1</sup> The Public Notice asks for comments regarding whether First Student has satisfied the guidelines for narrowband deadline waiver requests announced by the Commission.<sup>2</sup> EWA believes that First Student has satisfied all elements of the Waiver Guidelines and should be granted the requested relief.

EWA is a national trade association representing business enterprises, wireless sales and service providers, hardware and software system vendors, and technology manufacturers. The Alliance also is a Federal Communications Commission (“FCC”)-certified frequency advisory

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<sup>1</sup> Wireless Telecommunications Bureau and Public Safety and Homeland Security Bureau Seek Comment on First Student, Inc. Request for Waiver of the January 1, 2013 VHF-UHF Narrowbanding Deadline, *Public Notice*, WT Docket 99-87, DA 12-959 (rel. June 19, 2012) (“Public Notice”).

<sup>2</sup> See Wireless Telecommunications Bureau, Public Safety and Homeland Security Bureau, and Office of Engineering and Technology Provide Reminders of the January 1, 2013 Deadline for Transition to Narrowband Operations in the 150-174 MHz and 421-512 MHz Bands and Guidance for Submission of Requests for Waiver and Other Matters, *Public Notice*, 26 FCC Rcd 9647 (WTB/PSHSB/OET 2011) (“NB Waiver Guidelines”).

committee (“FAC”) that facilitates in excess of 10,000 FCC licensing application preparation, frequency selection, and certification transactions annually. As a FAC and on behalf of its business, industrial and commercial members that operate in the VHF-UHF bands that are subject to the narrowbanding requirement, the Alliance has a direct interest in the timely implementation of the Commission’s NB deadline.

EWA has worked closely with the Commission and with members of the land mobile radio (“LMR”) community in assisting the industry as it prepares to meet that upcoming January 1, 2013 date. The Alliance has conducted numerous conference sessions, webinars, and licensee-specific meetings and calls regarding this very challenging obligation. In all cases, EWA has encouraged its members and others in the LMR industry to prepare for narrowbanding well in advance of the deadline and not to assume that the Commission will grant waivers to those who have been dilatory in their planning and/or implementation.

Nonetheless, EWA and the FCC both have recognized that there will be licensees who, despite their best efforts, are not able to fulfill the narrowbanding requirement precisely in accordance with the FCC’s schedule. Thus, the NB Waiver Guidelines require licensees to demonstrate that: (i) they have worked diligently and in good faith to narrowband their systems expeditiously; (ii) their specific circumstances warrant a temporary extension of the deadline; and (iii) the amount of time for which a waiver is requested is no more than is reasonably necessary to complete the rebanding process.<sup>3</sup> Since issuing those Guidelines, the FCC has requested comment on a variety of waiver requests, most of which remain pending, but the Commission recently granted waiver relief to Delta Air Lines, Inc. (“Delta”).<sup>4</sup> The Alliance

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<sup>3</sup> *Id.* at 3.

<sup>4</sup> In the Matter of Delta Air Lines, Inc., WT Docket 99-87, *Order*, 27 FCC Rcd 5311 (WTB 2012) (“Delta Order”).

supported the request submitted by Delta and finds that many of the same factors that warranted the FCC's approval in that matter are applicable to First Student as well.

As described in the Public Notice and in First Student's Waiver Request, as supplemented on June 9, 2012, First Student may be one of the nation's largest private land mobile radio ("PLMR") users with a fleet of approximately 50,000 school buses that are dispatched from more than 600 locations throughout the county. It is the nation's largest school bus transportation company, responsible for the safe movement of more than 6 million students every day. The radios in these vehicles play a vital role in the Company's ability to fulfill its responsibilities and are required by law in most jurisdictions.

First Student operates a variety of radios in both the VHF and UHF PLMR bands that are subject to the NB requirement.<sup>5</sup> It explained in the Waiver Request that the Company recently completed an audit of its radio equipment that is subject to narrowbanding and determined that approximately 12,000 units must be replaced and another 18,000 must be reprogrammed. In conjunction with this gargantuan effort, First Student intends to update many of its facilities to provide greater functionality in its communications capabilities.

The Company already has begun its rebanding work and requires an extension of the January 1, 2013 deadline for only a portion of its fleet. It is fully funded to narrowband 24 systems each month and to achieve compliance for the systems represented by 180 call signs by the end of 2012. Continuing at that pace, First Student anticipates achieving full NB compliance by December 31, 2013.

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<sup>5</sup> The Company's June 9, 2012 clarification of its waiver request was responsive, in part, to the Commission's waiver of the applicability of the NB deadline to systems operating in the 470-512 MHz band. *See, Order*, WT Docket No. 99-87, 27 FCC Rcd 4213 (WTB/PSHSB/OET 2012). First Student operates a number of systems in that band as well that no longer are subject to the NB requirement.

First Student's Waiver Request is consistent with the standard adopted by the FCC. The Company has (i) documented the steps it has taken already to complete its transition to narrowband operations; (ii) described the size of its extremely large, geographically dispersed operations; (iii) quantified the very substantial number of radios it will need to replace or reprogram to conform to the NB requirements; (iv) explained that the Company will make other system improvements in the process of satisfying the FCC's NB requirement; (v) confirmed that First Student has committed the necessary funds to meet its NB obligations; (vi) not predicated its own rebanding schedule on those of other licensees as it has no such interdependencies; (vii) volunteered that it will endeavor to minimize any negative impact of the requested extension on other systems by focusing its efforts first on higher population areas; and (viii) stated that it does not intend to migrate its operations to other bands or to relinquish its VHF and UHF spectrum at this time.

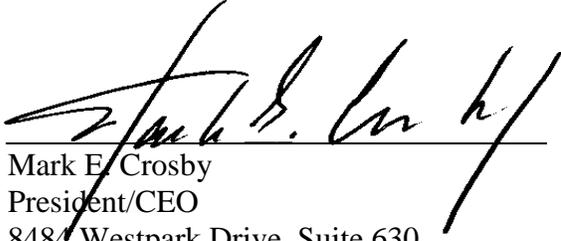
The complexities of the Company's rebanding project are similar to and, in terms of number of units and locations even greater than, those identified by Delta. Like Delta, First Student has undertaken a reasonable, responsible program for meeting the FCC requirements, but simply cannot complete all the work by the upcoming January 1, 2013 date. The same analysis that prompted the FCC to conclude that Delta had demonstrated the necessary "diligence in planning for and implementing its transition to narrowbanding"<sup>6</sup> applies with equal force to First Student and amply justifies the waiver relief requested.

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<sup>6</sup> Delta Order at ¶ 5.

For the reasons described herein, EWA recommends that the FCC grant First Student's Waiver Request for an extension until January 1, 2014 to complete the narrowbanding of this nationwide system.

ENTERPRISE WIRELESS ALLIANCE

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July 9, 2012

CERTIFICATE OF SERVICE

I, Linda J. Evans, with the law firm of Lukas, Nace Gutierrez and Sachs, LLP, hereby certify that I have, on this 9<sup>th</sup> day of July, 2012 caused to be e-mailed the foregoing Comments to the following:

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/s/ Linda J. Evans