



**TELECOMMUNICATIONS  
INDUSTRY ASSOCIATION**

**HEADQUARTERS**

2500 Wilson Boulevard  
Suite 300  
Arlington, VA 22201-3834  
+1.703.907.7700

**D.C. OFFICE**

10 G Street, N.E., Suite  
550 Washington, DC 20002  
+1.202.346.3240 MAIN  
+1.202.346.3241 FAX

[tiaonline.org](http://tiaonline.org)

July 16, 2012

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

**Re: *Ex Parte* Submission – WT Docket No. 99-87; RM-9332**

Dear Ms. Dortch:

On Thursday, July 12, 2012, Mark Uncapher and Brian Scarpelli of the Telecommunications Industry Association (“TIA”), accompanied by Al Ittner, Motorola Solutions, Inc. (“MSI”); Chuck Powers, MSI; Robert Speidel, Harris Corporation; and Patrick Sullivan, Harris Corporation; along with, via teleconference, Doug Chapman, Etherstack; Chris Lougee, Icom America; and David Vanderstaay, Thales Communications, Inc., met with Scot Stone, Wireless Telecommunications Bureau (“WTB”); Melvin Spann, WTB; Brian Marenco, Public Safety and Homeland Security Bureau (“PSHSB”); along with, via teleconference, Rashmi Doshi, Office of Engineering and Technology (“OET”); and Roberto Mussenden, PSHSB; to discuss TIA’s concerns detailed in its Petition for Clarification<sup>1</sup> submitted in response to the Commission’s April 26, 2012-released Order waiving the January 1, 2013 deadline for private land mobile radio (“PLMR”) licensees in the 470-512 MHz band (“T-Band”) to migrate to narrowband (12.5 kHz or narrower) technology.<sup>2</sup>

TIA, reiterating its support of the Commission’s implementation of the Middle Class Tax Relief and Job Creation Act of 2012,<sup>3</sup> noted that T-Band Order’s statement allowing permissive changes to be allowed in some circumstances<sup>4</sup> does not appear to account for the possibility that “wideband,” i.e. 25 kHz technology radios, may not be

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<sup>1</sup> See Petition For Clarification And/Or Declaratory Ruling, WT Docket No. 99-87, filed by TIA, May 21, 2012 (“TIA Petition”).

<sup>2</sup> *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, FCC 12-624 (rel. Apr. 26, 2012) (“T-Band Order”).

<sup>3</sup> Pub. L. No. 112-96, 126 Stat. 156 (2012). Section 6103(a) of the Middle Class Tax Relief and Job Creation Act of 2012 directs that no later than nine years after the date of enactment (that date being February 22, 2021), the FCC must reallocate spectrum in the 470-512 MHz band used by public safety entities and begin a system of competitive bidding. Section 6103(c) of the Act further states that the relocation of public safety entities must be completed 2 years after the auction is complete.

<sup>4</sup> See T-Band Order at FN 19. This footnote states that “[m]anufacturers can submit requests for permissive changes to enable the wider band operation in the 470-512 MHz band if their current grant is limited and if the change is made through software.”

available in the interim time period. Unless the Commission explicitly states that it is waiving the prohibition on the use of 25 KHz technology for the T-Band, the potential remains that a T-Band licensee may find itself in need of newly-certified equipment during the transition period, yet unable to attain such equipment because it is banned based on the Commission's statement in the T-Band Order that may allow 25 KHz technology in "existing certifications" only.

TIA believes that if T-Band licensees are incapable of attaining equipment that require "new" certifications, these licensees are in jeopardy of facing reduced or non-existent equipment availability and capabilities required for continued protection of the public. In the case of Public Safety T-Band licensees reduced equipment availability and capability will negatively impact continued protection of the citizens, and that such a negative impact is clearly not in the public interest.

TIA noted that it has consulted with public safety licensees as well as numerous vendors, and has found this clarification to be needed, which the record in this matter also reflects.<sup>5</sup> We also noted that without this clarification, crucial T-Band users in several high-population areas may experience such negative consequences as being unable to benefit from product updates (such as improvements made to battery life). Because many public safety radios are multiband-enabled, TIA does not believe that issuing such clarification as requested would have any negative effect on the Commission's efforts to implement Section 6103 of the Middle Class Tax Relief and Job Creation Act of 2012, nor any negative impact to the achievement of the Commission's goals for Part 90 narrowbanding in the spectrum below 512 MHz.

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<sup>5</sup> See Comments of the Association of Public-Safety Communications Officials-International, Inc., WT Docket No. 99-87 (filed Jun. 27, 2012); Comments of Harris Corporation, WT Docket No. 99-87 (filed Jun. 27, 2012); Comments of the Land Mobile Communications Council, WT Docket No. 99-87 (filed Jun. 27, 2012); Comments of MSI, WT Docket No. 99-87 (filed Jun. 27, 2012); Comments of the National Public Safety Telecommunications Council (NPSTC), WT Docket No. 99-87 (filed Jun. 27, 2012).

Pursuant to Section 1.1206 of the Commission's rules,<sup>6</sup> this letter is being electronically filed via ECFS and a copy of this submission is being provided electronically to the meeting attendees.

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

cc: Scot Stone, WTB  
Melvin Spann, WTB  
Brian Marengo, PSHSB  
Rashmi Doshi, OET  
Roberto Mussenden, PSHSB

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<sup>6</sup> 47 C.F.R. § 1.1206.