

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Amendment of Part 90 of the)	
Commission's Rules to Permit)	WT Docket No. 11-69
Terrestrial Trunked Radio (TETRA))	
Technology)	
)	
Request by the TETRA Association for)	
Waiver of Section 90.209, 90.210, and)	ET Docket No. 09-234
2.1043 of the Commission's Rules)	

**PETITION FOR CLARIFICATION AND/OR RECONSIDERATION OF
MOTOROLA SOLUTIONS, INC.**

Motorola Solutions, Inc. ("MSI") hereby requests clarification and, to the extent necessary, reconsideration of the Report and Order in the above-captioned proceeding concerning the certification and use of Terrestrial Trunked Radio ("TETRA") technology on certain Part 90 land mobile radio frequencies.¹

First, MSI seeks clarification on the specific frequencies that are affected by the Commission's actions in the *Order*. Paragraph 1 of the *Order* describes the Commission's actions as follows:²

We conclude that modifying the Part 90 rules to permit the certification and use of TETRA equipment in two bands – the 450-470 MHz portion of the UHF band (421-512 MHz) and Business/Industrial Land Transportation 800 MHz band channels (809-824/854-869 MHz) that are not in the National Public Safety Planning Advisory Committee (NPSPAC) portion of the band – will give private land mobile radio (PLMR) licensees additional equipment alternatives without increasing the potential for interference or other adverse effects on other licensees.

¹ Amendment of Part 90 of the Commission's Rules to Permit Terrestrial Trunked Radio (TETRA) Technology and Request by the TETRA Association for Waiver of Section 90.209, 90.210, and 2.1043 of the Commission's Rules, *Report and Order*, WT Docket No. 11-69, ET Docket No. 09-234, 27 FCC Rcd 11569 ("*Order*").

² *Id.* at 1.

With regard to the 800 MHz band, this paragraph describes the Commission's intention as limiting the use of TETRA technology to Business/Industrial and Land Transportation channels. The adopted rules, however, do not impose such a limitation.

The *Order* affects three sections of the Commission's Rules – Section 90.209 (Bandwidth limitations) and Section 90.210 (Emissions limitations) are modified, while new Section 90.221 (Adjacent Channel Power limits) is added to implement the Commission's actions. These rule changes are summarized as follows:

- Section 90.209(b)(5) is modified to allow operations in the 406-512 MHz band and the 809-824/854-869 MHz bands to be authorized with up to a 22 kHz bandwidth if the equipment meets the Adjacent Channel Power limits of § 90.221.
- Section 90.210 is modified to allow equipment in the 421-512 MHz band and the 809-824/854-869 MHz band to meet the Adjacent Channel Power limits of § 90.221 instead of the limits contained in Section 90.210.
- New Section 90.221 is added to describe Adjacent Channel Power limits for frequencies in the 450-470 MHz band and the 809-824/854-869 MHz band.

As drafted, these revised rules would apply to all channels within the 809-824/854-869 MHz band, including non-NPSPAC public safety channels that are available under Section 90.617(a) and Section 90.619 of the Commission's Rules. Thus, the adopted rules would appear to be in conflict with the text of the *Order* stating that the applicability is limited to Business/Industrial Land Transportation 800 MHz channels. MSI asks the Commission to clarify whether it intended to include the 800 MHz non-NPSPAC public safety pool channels under the scope of the new rules. MSI notes that there is no discussion or analysis in the *Order* to indicate that the Commission distinguished between the NPSPAC and non-NPSPAC 800 MHz public safety channels in making its decision in this proceeding.³

³ See *Order* at ¶¶ 8-10.

Second, MSI seeks further clarification of the scope of the *Order*. In particular, Section 90.210 was amended to add the following footnote:

(5) Equipment may alternatively meet the Adjacent Channel Power limits of § 90.221.

This footnote applies to equipment designed to operate in the 421-512 MHz and 809-824/854-869 MHz bands. As drafted, neither Section 90.210 nor Section 90.221 restricts the scope of these rules to equipment designed to conform with any particular technology standard. Rather, these rules are technology neutral and would permit any equipment designed to operate in the relevant frequency bands to show compliance with the adjacent channel power limits of Section 90.221 instead of the emissions masks contained in Section 90.210.

MSI believes that this is the best interpretation of the *Order* as it is consistent with the Commission's long-standing policy objective to adopt rules that are technology neutral. If the Commission determines that MSI has incorrectly interpreted this issue, then MSI would respectfully request that the Commission reconsider its decisions taken in the *Order*. Applying out-of-band emissions limits for only one type of technology, which is not even defined in the rules, would run afoul of the Commission's policy to adopt technology neutral rules.

Respectfully submitted,

/s/ Chuck Powers

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