

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

In the Matter of)	
)	
Implementation of Sections 309(j) and 337)	WT Docket No. 99-87
of the Communications Act of 1934, as Amended)	
)	
Promotion of Spectrum Efficient)	RM-9332
Technologies on Certain Part 90)	
Frequencies)	

To: The Commission

COMMENTS OF ICOM AMERICA, INC.

Icom America, Inc. (“Icom”), through counsel and pursuant to Section 1.405 of the Commission’s Rules, 47 C.F.R. §1.405, hereby submits its Comments in response to the Public Notice issued by the Commission on November 30, 2012.¹

Icom America’s parent company, Icom, Inc., was founded in 1954 by Tokuzo Inoue in Osaka, Japan. Icom, Inc. is a publicly held Japanese corporation; its stock is traded on the Tokyo and Osaka Stock Exchange. Icom, Inc. began as an engineering and manufacturing company in the business of designing, engineering, and manufacturing highly advanced, compact solid-state radio equipment for use in the Amateur radio industry. The company’s product line has since expanded to include communications equipment and products based in the Marine, Avionics and Land Mobile industries.

Icom Inc. has sales offices and branch offices all over the world including Australia, Germany, France, the United Kingdom, Spain, Canada and of course the U.S. Icom America is Icom Inc.’s largest subsidiary company and is the U.S. distributor for Icom, Inc. products. Icom

¹ DA 12-1913, released November 30, 2012.

America was incorporated in October of 1979 and has continued to gain market share in each of its five major divisions: Land Mobile, Amateur, Aviation, Marine and Receivers.

In this portion of the proceeding, the Commission has requested Comments on a Petition filed by Ritron, Inc. (“Ritron”) on September 21, 2012.² Ritron has requested that the Commission indefinitely delay the implementation of Section 90.203(j)(5) of the Commission’s Rules. The section provides that, as of January 1, 2013, the Commission will no longer accept applications for certification for Part 90 equipment in the 150-174 MHz and 450-512 MHz bands that cannot operate in a 6.25 kHz mode or with equivalent efficiency.

The basis for Ritron’s request is that it claims that no one standard for 6.25 kHz operation exist. Ritron does not advocate the creation of such a single standard by the Commission, but rather advocates that the marketplace be allowed to create such a single standard.

While it may be true that there is no single standard for land mobile operation in the band, the reality is that the marketplace has already decided that it wants a variety of types of equipment to address a variety of spectrum and service needs. Over the past several years, the land mobile industry has implemented several different 6.25 kHz technological solutions, including NXDN, MotoTRBO and TETRA. Each of these solutions have been adopted by users to meet each user’s specific needs, depending upon factors such as availability of spectrum, available budget and the need to interoperate with other users.

To suggest that all but one of these technologies will die off anytime soon with such massive imbedded new customer bases and with such significant manufacturer support is simply not credible. Given that these radio systems have only recently been implemented, the “solution” that Ritron seeks will not happen for many years, even decades, if ever. Strangely,

² Icom notes that the Ritron Petition, filed by a “Chief Engineer” for Ritron, fails to comply with Section 1.52 of the Commission’s Rules, in that document does not include a verification statement or an address. On this basis alone, the Commission should not consider the Petition.

Ritron betrays its own request by stating that "... a consolidated standard many never exist" for business and industrial users. Therefore, there is no reason to delay the implementation of Section 90.203(j)(5) when every manufacturer (except apparently, Ritron) has long ago begun the inclusion of 6.25 kHz (or equivalent) mode in new equipment.³

Ritron claims that "manufacturers and users are reluctant enough to spend valuable resources and capital on what promises to be relatively expensive 6.25 kHz equipment." However, Ritron provides no evidence of such "reluctance." In fact, adoption of 6.25 kHz (or equivalent) is widespread, particularly because NXDN equipment (for example) is comparably priced to mid-tier analog 12.5 kHz equipment. In short, Ritron makes a series of bold claims about equipment and the marketplace, with absolutely no evidence to support those claims.

Ritron's claim that 6.25 kHz equipment is not cost effective is similarly unsupported. As discussed above, Ritron's assertion that DSP-based equipment is expensive for "any but large manufacturers" is simply false. Similarly, the most reliable vocoder is not expensive in this configuration. Icom certainly wouldn't be considered a "large manufacturer," yet Icom is one of the original proponents of NXDN technology, and continues to manufacture and sell the technology at reasonable prices in a robust and competitive marketplace.

In parts of its Petition, it appears that Ritron is referring to the creation of equipment that supports all of the existing technologies. However, the Commission has never stated its intention that there should be a single operational technology mandated by the Commission or by industry. Rather, it was the Commission's intention that *standards* be developed for such 6.25 kHz equipment, and in fact that development has occurred. Several technologies have been

³ While Ritron claims that there are efforts in the public safety community to establish a 6.25 kHz standard, in fact no such effort is underway, and would take years to occur if it were to take place. Further, it is unclear as to what "proposed alternative systems" Ritron refers, and certainly such vague information presents no valid basis for a change in the Commission's Rules which all manufacturers have been aware of for years.

developed, are competing in the marketplace, and have been adopted by tens of thousands of end users.

It should be noted that NXDN technology is open source. In fact, over twenty-seven manufacturers have joined the NXDN Forum and are manufacturing compliant equipment.⁴ These manufacturers have found no “encumbrance” to meeting the Commission’s mandate. Combined with manufacturers creating equipment with other technologies, there has been no shortage of manufacturers readily able to timely meet the Commission’s deadline.

Adoption of Ritron’s Petition would penalize those manufacturers (the overwhelming majority of the industry) who have taken the Commission’s intentions to heart and spent the research and development time and expenses to develop 6.25 kHz compliant equipment that have been welcomed and embraced by the marketplace. Ritron offers no valid rationale for extending a mandate which was years in the making, and mandated years ago, which has not been difficult to meet for other manufacturers.

⁴ <http://www.nxdn-forum.com/our-members/who-are-members>.

WHEREFORE, the premises considered, it is respectfully requested that the Commission DENY the request by Ritron, Inc. to delay the implementation of Section 90.203(j)(5) of the Commission's Rules.

Respectfully submitted,

ICOM AMERICA, INC.

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