

**Before the
Federal Communications Commission
Washington, DC 20554**

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

COMMENTS OF APCO

The Association of Public-Safety Communications Officials-International, Inc. (“APCO”) hereby submits the following brief comments in response to the Commission’s *Public Notice*, DA 12-1977 (December 7, 2012), seeking comment on a “Request for Limited Waiver” filed by Motorola Solutions, Inc. (Motorola) on November 29, 2012.

Founded in 1935, APCO is the nation’s oldest and largest public safety communications organization. Most APCO members are state or local government employees who manage and operate communications systems for police, fire, emergency medical, forestry conservation, highway maintenance, disaster relief, and other public safety agencies. APCO is the largest FCC-certified frequency coordinator for Public Safety Pool frequencies and appears regularly before the Commission on a wide range of public safety communications issues.

Motorola seeks a limited waiver of Section 90.203(j)(10) of the Commission’s Rules, which, pursuant to a prior waiver, provides that, after January 1, 2013, Part 90 equipment in the 150-174 MHz and 421-512 MHz band that operates with a maximum channel bandwidth greater than 12.5 kHz shall not be manufactured in, or imported into, the United States. The newly requested waiver would apply only for those licensees that otherwise receive waiver/extensions of the narrowbanding deadline.

Motorola's request has a very limited application and would not inhibit the overall migration to narrowband (12.5 kHz) equipment. A number of licensees have received narrowbanding waivers beyond the January 1, 2013 deadline, often because they are still in the process of replacing aging wideband (25 kHz) systems with entirely new narrowband-compliant radio systems. However, during the construction and deployment of their new systems, such licensees may need to replace parts or radios on their existing systems to maintain critical public safety communications capabilities. Therefore, APCO supports the Motorola petition for waiver as it would allow for the continued manufacture and importation of 25 kHz-capable equipment, but only for licensees that have received waiver/extensions of the narrowbanding deadline.¹ APCO also supports the waiver conditions proposed by Motorola.

Respectfully submitted,

/s/

Robert M. Gurss
Senior Regulatory Counsel
APCO International
(202) 236-1743
gurssr@apcomail.org

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¹ In the alternative, the Commission should indicate that it will entertain case-by-case waiver requests from licensees that have received narrowbanding waivers.