

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

In the Matter of)
)
Mobile Relay Associates) WT Docket No. 99-87
Request for Temporary Waiver of)
The Deadline for Narrowbanding of)
Part 90 Channels in the Private Mobile)
Radio Services)

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 support of the waiver request (“Waiver Request”)¹ filed by Mobile Relay Associates (“MRA”) seeking a temporary waiver of the January 1, 2013 narrowbanding deadline² for certain of MRA’s frequencies. MRA has requested an extension, not to exceed one year, to complete the rebanding of a small percentage of its facilities. EWA believes that MRA has demonstrated compliance with the standard established by the FCC with regard to narrowbanding waiver requests and urges that the requested relief be granted.³

¹ See Mobile Relay Associates, *Amended and Restated Request for Temporary Waiver of January 1, 2013 Narrowbanding Deadline* (filed December 7, 2012) (“Waiver Request”).

² *Wireless Telecommunications Bureau Seeks Comment on Delta Air Lines, Inc. Request for Waiver of the January 1, 2013 VHF-UHF Narrowbanding Deadline*, Public Notice, WT Docket No. 99-87, DA 12-256 (rel. Feb. 23, 2012) (“Public Notice”).

³ 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”).

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 an FCC-certified frequency advisory committee (“FAC”) that facilitates in excess of 10,000 FCC licensing application preparation, frequency selection, and certification transactions annually. As an 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 matters herein.

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 the upcoming January 1, 2013 narrowbanding deadline. 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.

However, EWA also has 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. The FCC too has acknowledged that waiver relief might be appropriate for licensees who are able 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.⁴ MRA has shown in its Waiver Request that it satisfies this three-pronged analysis.

⁴ *Id.* at 3.

The Waiver Request states that MRA holds 36 Part 90 licenses that are subject to the narrowbanding requirement, which licenses encompass 347 base station transmitters at 23 transmitter locations.⁵ MRA has completed or will complete by January 1, 2013 the narrowbanding of all but 25 transmitters at seven locations, or over 92% of its affected facilities.⁶ Clearly, MRA has exhibited due diligence in meeting the FCC's requirements.

As explained in the Waiver Request, MTA would have achieved 100% compliance but for an unanticipated site lease renewal issue at one location and a recent influx of demands from its customers that MRA technicians narrowband those customers' facilities before its own. Like other radio sales and service organizations, MRA has been educating its customers and urging them to fulfill their narrowbanding obligations for quite some time. However, as the FCC itself has experienced, a substantial number of licensees delayed taking action until quite recently. Faced with their requests for assistance, along with an injury to one technician and contractual obligations assumed before these third-party narrowbanding requests were received, MRA simply does not have the human resources needed to complete its own rebanding work prior to January 1, 2013, even though it has taken delivery of all equipment needed to do so.

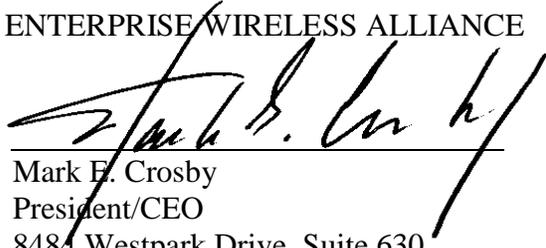
⁵ Waiver Request at 2.

⁶ *Id.*

MRA has demonstrated a committed effort to narrowband a very substantial number of its own facilities before the deadline and is assisting in the overall rebanding initiative by handling the narrowbanding of other licensees' systems. Given the progress already made, EWA recommends that the FCC grant MRA's Waiver Request for a limited extension of the January 1, 2013 narrowbanding deadline.

ENTERPRISE/WIRELESS ALLIANCE

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December 19, 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 19th day of December, 2012 caused to be forwarded via electronic mail, a copy of the foregoing Comments to the following:

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