

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 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 Sections	)	ET Docket No. 09-234
90.209, 90.210 and 2.1043 of	)	
the Commission's Rules	)	
	)	

**OPPOSITION TO PETITION FOR RECONSIDERATION OF  
MOTOROLA SOLUTIONS, INC.**

The TETRA + Critical Communications Association (“TCCA”), formerly The TETRA Association, through counsel, hereby responds to the Petition for Clarification and/or Reconsideration filed by Motorola Solutions, Inc. (“Motorola”) in the above-captioned proceeding.<sup>1</sup> The Motorola Petition raises no new issues, unnecessarily delays the implementation of rules allowing access to TETRA in this country, and should be dismissed immediately.

On September 21, 2012, the Federal Communications Commission (“FCC”) issued a Report and Order adopting rules to allow the certification and use of equipment meeting the ETSI TETRA standard.<sup>2</sup> Motorola now seeks clarification or reconsideration of two issues: 1) whether the rules preclude the use of TETRA on non-NPSPAC public safety pool frequencies in

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<sup>1</sup> *In the Matter of Amendment of Part 90 of the Commission's Rules to Permit Terrestrial Trunked Radio (TETRA) Technology; Request by the TETRA Association for Waiver of Sections 90.209, 90.210 and 2.1043 of the Commission's Rules*, Petition for Clarification and/or Reconsideration of Motorola Solutions, Inc., WT Docket No. 11-69, ET Docket No. 09-234 (filed Nov. 9, 2012) (“*Motorola Petition*”).

<sup>2</sup> *In the Matter of Amendment of Part 90 of the Commission's Rules to Permit Terrestrial Trunked Radio (TETRA) Technology; Request by the TETRA Association for Waiver of Sections 90.209, 90.210 and 2.1043 of the Commission's Rules*, Report and Order, 27 FCC Rcd 11569 (2012) (“*TETRA Order*”).

the 800 MHz band; and 2) whether footnote 5 to Section 90.210 of the Commission's rules is technologically neutral.<sup>3</sup> There is no basis for the grant of reconsideration on either issue.

## DISCUSSION

There is a high bar for granting a Request for Reconsideration, one that is not met here as the Petition relies on previously made arguments and otherwise provides no basis for the FCC to reverse its position.<sup>4</sup> Motorola has participated in all stages of this and the preceding waiver proceeding, where it consistently has raised the matter of what frequencies on which TETRA should be allowed.<sup>5</sup> More importantly, however, the issues raised lack merit and should be dismissed immediately so that U.S. consumers have regulatory clarity regarding the availability of TETRA equipment.

With regard to the use of TETRA on public safety frequencies, the FCC determined not to allow TETRA on NPSPAC 800 MHz frequencies due to technical factors, namely the narrower channel spacing requirements for these frequencies. As the FCC explained, “[t]he NPSPAC 25 kHz channels are spaced only 12.5 kilohertz apart and are therefore more susceptible to adjacent channel interference than the channels in the rest of the 800 MHz band, which are spaced 25 kilohertz apart.”<sup>6</sup> However, the Commission expressly limited this restriction to the “public safety NPSPAC channels.”<sup>7</sup> Thus, no clarification is necessary; the restriction on TETRA applies to NPSPAC frequencies, but not to non-NPSPAC public safety pool frequencies that have a 25 kilohertz separation requirement.

As for Motorola's query regarding the application of footnote 5 of Section 90.221 to non-TETRA technologies,<sup>8</sup> this could have been raised, but was not, and is an issue outside of this proceeding.

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<sup>3</sup> *Motorola Petition* at 1 and 2.

<sup>4</sup> 47 C.F.R. § 1.106.

<sup>5</sup> See TETRA Order at ¶¶ 8-9; Motorola Solutions, Inc. Request for Clarification, ET Docket No. 09-234, WT Docket No. 11-69 (filed May 26, 2011) (“*MSI Request*”).

<sup>6</sup> TETRA Order at ¶ 9.

<sup>7</sup> TETRA Order at ¶ 5 and ¶ 9.

<sup>8</sup> 47 C.F.R. ¶ 90.221 footnote 5.

**CONCLUSION**

There is no need for FCC reconsideration of the issues raised in the Motorola Petition, which the Commission should dismiss without delay.

Respectfully submitted,

The TETRA + Critical Communications Association

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