

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)	

REPLY OF MOTOROLA SOLUTIONS, INC.

Motorola Solutions, Inc. (“MSI”) hereby replies to the opposition submitted by the TETRA + Critical Communications Association (“TCCA”)¹ that addresses MSI’s Petition for Clarification and/or Reconsideration² of the recent Report and Order³ that was adopted by the Commission in the above-captioned proceeding. As further discussed below, the TCCA Opposition does not resolve the conflicts in the *Order* that were identified by MSI. Therefore, the Commission needs to clarify the *Order* as requested.

The MSI Petition raises two questions about the Commission’s new policies and rules to permit the authorization and use of TETRA radio equipment on certain Part 90 frequencies. First, MSI asks the Commission to clarify the frequencies that TETRA

¹ Opposition to Petition for Reconsideration of Motorola Solutions, Inc., TETRA + Critical Communications Association, WT Docket No. 11-69, submitted Jan. 2nd, 2013 (“TCCA Opposition”).

² Petition for Clarification and/or Reconsideration filed by Motorola Solutions, Inc., WT Docket No. 11-69, submitted Nov. 9th, 2012 (“MSI Petition”).

³ 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, 77 FR 61535 (“*Order*”).

equipment can use.⁴ More specifically, MSI asks whether TETRA equipment would be permitted on non-NPSPAC 800 MHz public safety pool channels, noting that in at least one instance, the text of the *Order* states that TETRA would be restricted to the 800 MHz business and industrial pool channels. The rules as adopted, however, do not contain such a restriction.

The Association for Public-Safety Communications Officials-International (“APCO”) filed in support of the MSI Petition and stated that “immediate and formal clarification is required” to determine if applications to use TETRA on non-NPSPAC 800 MHz band public safety channels are compliant with the Commission’s rules.⁵

TCCA disagrees with APCO and concludes that “no clarification is necessary; the restriction to TETRA applies to NPSPAC frequencies, but not to non-NPSPAC public safety pool channels.”⁶ However, in dismissing the need for clarification, TCCA does not reference the language in the *Order* that conflicts with its interpretation and which forms the basis of the MSI Petition.⁷ Thus, the TCCA Opposition does not resolve the conflict and does not eliminate the need for FCC clarification. Furthermore, TCCA fails to describe how any party could be disadvantaged by such clarification, especially with regard to a request to clarify the applicability of the *Order* to the 800 MHz public safety channels. As noted in the *Order*, the Commission relied on assurances from TCCA that it “*will not promote TETRA to the public safety sector.*”⁸

⁴ MSI Petition at 1, 2.

⁵ Comments of APCO in Response to Petition for Clarification and/or Reconsideration of Motorola Solutions, Inc., WT Docket No. 11-69, submitted Jan. 2nd, 2013.

⁶ TCCA Opposition at 2.

⁷ MSI Petition at 2.

⁸ *Order* at n. 33 (*emphasis added*).

Also, the question on whether TETRA would be permitted to operate on non-NPSPAC 800 MHz public safety channels is not so easily resolved as TCCA suggests. First, the *Order* did not specifically address the issue so its applicability is subject to interpretation. Second, for the public safety frequencies specifically referenced in the *Order*, the NPSPAC channels and the 700 MHz narrowband channels, the Commission prohibited the use of TETRA due to interoperability concerns.⁹ But there are interoperability concerns with regard to the 800 MHz non-NPSPAC channels as well. Currently, all other non-P25 digital technologies operating on the 800 MHz public safety interleaved channels maintain an analog mode. Allowing TETRA devices that lack the ability to operate in the analog mode on the 800 MHz non-NPSPAC public safety channels would encourage manufacturers of other non-P25 digital designs to similarly drop analog capabilities in order to remain cost competitive. Such a course of action would further complicate and reduce public safety interoperability in the 800 MHz band.

The second issue raised by the MSI Petition is whether newly adopted revisions to Section 90.210 regarding emissions limits designed to protect adjacent channel operations would apply to all relevant digital technology designs. MSI believes that this interpretation of the new rule would be correct given the plain language of the rule.¹⁰ In the event that the Commission unexpectedly concludes that the new rule revisions were intended to apply only to TETRA equipment, the MSI Petitions conditionally asks that the Commission reconsider that decision on the grounds that: 1) such a policy would be

⁹ *Id.* at ¶¶ 9, 10.

¹⁰ MSI Petition at 3.

contrary to the Commission’s goals of promoting technology-neutral rules, and, 2) the new rules do not define TETRA technology.¹¹

TCCA opposes this second request for clarification stating that “this could have been raised, but was not, and is an issue outside of this proceeding.”¹² MSI disagrees. Surely, a request to clarify the scope of a new rule cannot be “outside” of the proceeding in which it was adopted. And clarification is necessary. As drafted, the plain language of the rule – *equipment may alternatively meet the Adjacent Channel Power limits of § 90.221* – is written to be technology neutral and MSI believes that this was intentional. If that understanding is not correct, as implied by TCCA, then the Commission must define the limit of the rule’s applicability and describe what specific technologies are eligible to take advantage of the new provisions. The Commission would also need to explain why it decided against adopting a technology neutral rule and why other digital technologies are excluded from its scope. As adopted, neither the text of the *Order* nor the adopted rules do so.

Respectfully submitted,

/s/ Chuck Powers

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¹¹ *Id.*

¹² TCCA Opposition at 2.

Certificate of Service

On this day of January 14, 2013, I sent copies of the attached **REPLY OF
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