Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of:	)	
	)	
Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended	)	
	)	WT Docket No. 99-87
St. Louis County, Missouri; St. Charles County, Missouri; Jefferson County 9-1-1-Dispatch Board, Missouri; the East-West Gateway Council of Governments	)	

REQUEST FOR MANUFACTURING WAIVER
ST. LOUIS AREA COUNTIES
EXPEDITED ACTION REQUESTED

St. Louis County, Missouri (St. Louis County); St. Charles County, Missouri (St. Charles County); the Jefferson County 9-1-1 Dispatch Board, Missouri (Jefferson County); and the East-West Gateway Council of Governments (St. Louis Area counties, Petitioners), respectfully requests a waiver (herein referred to as manufacturing waiver request) of the prohibition in Section 90.203(j)(10) of Federal Communications Commission ("Commission" or "FCC") rules[1] on the manufacture and import of wideband (25 kHz) capable equipment. The Petitioners requested[2] and the Commission subsequently granted Petitioners a waiver until December 31, 2013, of the Commission's January 1, 2013 VHF/UHF narrowbanding deadline, which requires private land mobile radio licensees in the 150-174 MHz and 450-512 MHz bands to operate using channel

[1] *See* 47 C.F.R. §90.203(j)(10) (manufacture and import restrictions).

[2] *See* Request for Waiver of Commission Rules, filed September 3, 2010, updated June 17, 2011, by the County of St. Charles, Missouri and the East-West Gateway Council of Governments (St. Charles Waiver Request); Request for Waiver of Commission Rules, filed September 3, 2010, updated June 17, 2011, by the County of St. Louis, Missouri and the East-West Gateway Council of Governments (St. Louis Waiver Request); and Request for Waiver of Commission Rules, filed September 3, 2010, updated June 17, 2011, by 9-1-1 Dispatch Board of Jefferson County, Missouri and the East-West Gateway Council of Governments (Jefferson Waiver Request). The East-West Gateway Council of Governments (East-West Gateway Council), which has no FCC authorizations, is an umbrella agency responsible for implementing the Land Mobile Communications Plan of the St .Louis Urban Area. The East-West Gateway Council filed a status update on the Petitioners' progress on June 17, 2011.

bandwidth of no more than 12.5 kHz or equivalent efficiency by January 1, 2013.[3] Petitioners seek this manufacturing waiver in order to ensure a safe and orderly transition to a new 800 MHz multi-county system and implementation of multi-band radios to provide continued interoperability with adjacent agencies that are not participating with this Tri-County 800 MHz trunked network.[4] The Petitioners seek a waiver of the manufacturing prohibition in Section 90.203(j)(10) on behalf of all the Petitioners' manufacturers providing two-way radio equipment to the 150-174 MHz and 450-470 MHz bands, to allow them to continue manufacturing multi-mode (25 kHz and 12.5 kHz) radios between the January 1, 2013 and December 31, 2013 FCC granted operating deadline.

1. Background

As detailed in the above footnote 2, Petitioners filed requests of waiver of the January 1, 2013 narrowband deadline pursuant to the Public Notice[5] released by the Commission. On February 21, 2012, the Commission granted Petitioners a waiver until December 31, 2013, of the Commission's January 1, 2013 VHF/UHF narrowbanding deadline, subject to the following conditions: (1) within ninety days of the release of this Order, any licensee in the St. Louis Urban Area seeking to have the waiver apply to its facilities must file a letter in ULS confirming that it consents to the terms of this Order and agrees to be bound by them; and (2) within six months of the release of this Order, Petitioners must file with the Commission a list of VHF/UHF frequencies and/or licenses that will be relinquished. St. Charles County and the Jefferson County 9-1-1 Dispatch Board, on behalf of the St. Louis area counties, filed the required data in a subsequent Request for Modification, posted by the Commission to its Electronic Comment Filing System (ECFS) website on December 4, 2012 and November 5, 2012 respectively. Both included Appendix A which detailed the 150-174 MHz and 450-512 MHz frequencies to be retained for special operations and interoperability.

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[3] *See* Order in the Matter of St. Louis County, Missouri; St. Charles County, Missouri; Dispatch Board of Jefferson County, Missouri, and the East-West Gateway Council of Governments, DA 12-245, released February 21, 2012, waiving 47 C.F.R § 90.209(b) until December 31, 2013.

[4] St. Louis County, St. Charles County, Jefferson County 9-1-1 Dispatch Board, and the independent City of St. Louis

[5] *See* Wireless Telecommunications Bureau, Public Safety and Homeland Security Bureau, and Office of Engineering Technology Provide Reminder of 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, DA 11-1189 (July 13, 2011) ("Public Notice").

The Commission waiver granted on February 21, 2012 allows Petitioners to continue operating equipment in 25 kHz mode through December 31, 2013, but it does not enable Petitioners to order new multi-mode (25 kHz and 12.5 kHz) radio equipment that is capable of operating in 25 kHz as well as 12.5 kHz, which is critical to continued 25 kHz interoperability and the build out of the new system during the waiver time extension. These radios are multi- band (VHF and 800 MHz or UHF and 800 MHz) to allow seamless transition to the new 800 MHz Tri-County system being installed and continued interoperability with those agencies retaining use of the VHF and UHF frequencies that the Petitioners will complete narrowbanding to 12.5 kHz operation by the December 31, 2013 extended operating waiver grant. This migration plan was detailed in the waiver requests and updated waiver requests filed by the Petitioners.[6]

The prohibition in Section 90.203(j)(10) of FCC rules on the manufacture and import of wideband (25 kHz) capable equipment after the January 1, 2013 deadline resulted in manufacturing and shipment by Motorola Solutions, Inc. (Motorola Solutions, MSI) in 2013 to date that were 12.5 kHz-only capable because MSI complied with the Section 90.203(j)(10) rules. MSI implemented 12.5 kHz mode as the automatic default mode in all Part 90 VHF/UHF radio equipment manufactured after the start of this year.

Jefferson County 9-1-1 Dispatch Board ordered 25 kHz/12.5 kHz multi-mode/multi-band (VHF/800 MHz) radios from February, 2012 through November 10, 2012. They received some 25 kHz/12.5 kHz multi-mode/multi-band radios built prior to January 1. However, they then received the remainder of the order as 12.5 kHz-only multi-band radios because they were manufactured after 1/1/13. The County deployed them on their existing 25 kHz system to test effect of such mixed mode system. They reported that although they anticipated some degradation, the impact has turned out to be far worse than expected. This mixed mode 25 kHz and 12.5 kHz emissions operation resulted in frequent encounters of certain conditions under which the audio is dropped completely and only every 5th word is received.

Similarly, St. Louis County ordered 25 kHz/12.5 kHz multi-mode/multi-band (VHF/800 MHz) radios November through December, 2012. They received some 25 kHz/12.5 kHz multi-mode/multi-band radios built prior to January 1, 2013, and then received the remainder of the order as 12.5 kHz-only multi-band radios because they were manufactured after 1/1/13. The impact on reliability and interoperability caused by mixed mode 25 kHz and 12.5 kHz emissions operation on

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[6] *See Footnote 2 above.*

mission critical communications is not acceptable to the St. Louis area counties, and will require the counties to remove all such 12.5 kHz-only radios from service unless the Commission allows us to software upgrade these radios to enable 25 kHz operation.

Below are the detailed county contracted radio quantities, order and shipped to date quantities and the remaining total quantity of radios yet to be manufactured and shipped with 25 kHz capability, pending Commission waiver grant of this 25 kHz capable manufacturing restriction.

Contracted and Shipped To Date Radios by County

	St. Louis County	St. Charles County	Jefferson County
800 MHz System	25 Site, P25	15 Site, P25	18 Site P25
Contract Date	December 2011	December 2011	October 2011
Contract Quantity (All types)	9519	2507	1444
Contract Quantity (25 kHz / 12.5 kHz)	4025	1387	1444
Ordered and Shipped To Date*	2514	813	1118
Remaining to be Delivered **	1511	574	326

*Ordered 25 kHz/12.5 kHz multi-mode, multi-band radios; but received partial order (those manufactured in 2013) as 12.5 kHz-only, multi-band. Software needs to be replaced to enable 25 kHz operation.

**Need to be manufactured with 25 kHz capability.

Motorola Solutions filed a Request for Limited Waiver[7] of Section 90.203(j)(10) of the Commission's rules on behalf of all manufacturers urging that Commission grant of that waiver will serve the public interest by ensuring that licensees (that have been granted a waiver to continue operation in 25 kHz) can maintain essential interoperability and system reliability during their narrowband transition within the timeline extended specifically by the Commission for each waiver grantee. The Petitioners agree with MSI that such a manufacturing waiver will guarantee that licensees, like the St. Louis area counties, which have been granted an operating waiver will retain the ability to purchase equipment to keep their current 25 kHz systems fully functional and

[7] *See* Request for Limited Waiver by Motorola Solutions, Inc., dated November 29, 2013.

interoperable, while migrating to new narrowband 12.5 kHz systems; in our case, to the new 800 MHz trunked system. We need to continue implementing newly-manufactured radios that are both multi-mode (25 kHz and 12.5 kHz) and multi-band (VHF and 800 MHz or UHF and 800 MHz). This allows the St. Louis area counties, via a cost-effective single purchase of radio equipment, to continue to ensure system reliability and interoperability in the 25 kHz mode on the existing VHF and UHF systems, then transition to 12.5 kHz operation on the Tri-County 800 MHz trunked system or switch to narrowband 12.5 kHz operation for those agencies retaining use of the VHF/UHF systems.

2. Conclusion

The Petitioners strongly argue that the impact on reliability and interoperability caused by mixed mode 25 kHz and 12.5 kHz emissions operation on mission critical communications is not acceptable to us, can affect the safety of our first responders and the citizens they serve, and as a result will require us to remove all such 12.5 kHz-only radios from service unless the Commission allows us to software upgrade these radios to enable 25kHz operation.

. The primary concern of the Petitioners is that without the Commission's grant of this manufacturing waiver, we cannot reconfigure these multi-band radios to include 25 kHz capability, and does not allow the St. Louis area counties to order the remaining radios as 25 kHz/12.5 kHz multi-mode/multi-band radios. This prevents our continued migration of the VHF/UHF systems to the Tri-County 800 MHz trunked network, as well as orderly narrowbanding of the VHF/UHF systems for those agencies retaining use of these systems. In lieu of the Commission not granting a blanket waiver to all manufacturers and waiver holder licensees per the MSI request for limited waiver, the Petitioners urge the Commission to grant the St. Louis area counties this specific manufacturing waiver request on an expedited basis to allow us to continue the new system implementation.

Respectfully Submitted,

Travis Williams, Chief
Jefferson County 9-1-1 Dispatch
57475 Buckeye Valley Rd
House Springs, Mo 63051