



the Petitioners' December 29, 2011 waiver request, which was subsequently amended on September 21, 2012. 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 June 30, 2014 FCC granted operating deadline.

## **1. Background**

As detailed in the above footnote 2, Petitioners filed a request for a waiver of the January 1, 2013 narrowband deadline pursuant to the 2011 Public Notice<sup>4</sup> released by the Commission. On December 10, 2012, the Commission granted Petitioners a waiver until June 30, 2014, of the Commission's January 1, 2013 VHF/UHF narrowband deadline.

The waiver granted to the Petitioners by the Commission allows Petitioners to continue operating equipment in 25 kHz mode through June 30, 2014, 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 maintain continued 25 kHz interoperability during the build out of the new system during the duration of the waiver period. These new radios are multi-band devices (VHF and 800 MHz or UHF and 800 MHz), which will allow a seamless transition to the new county-wide 800 MHz P25 system being installed. The Petitioner's VHF/UHF to 800 MHz P25 network migration plan was detailed in the original waiver request filed by the Petitioners.<sup>5</sup>

In the second quarter of 2010, the Spokane Regional Emergency Communications System agencies ordered approximately 3200 dual-mode, dual-band mobile radios from our contracted system provider, Motorola Solutions, Inc. (Motorola Solutions, MSI). Motorola Solutions manufactured and delivered approximately 600 of those radios before the end of 2012, all capable of operating in both 25 kHz and 12.5 kHz mode in the VHF or UHF bands, as well as 12.5 kHz in the 800 MHz band. However, due to 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, all equipment manufactured and shipped to the Petitioners by MSI after January 1, 2013 has been limited to 12.5 kHz operation in all bands, due to MSI implementing 12.5 kHz mode as the

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<sup>4</sup> 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").

<sup>5</sup> See Footnote 2 above.

automatic default mode in all Part 90 VHF/UHF radio equipment manufactured after the start of this year. Therefore we have determined that, due to this interoperability issue, we cannot take delivery of the remaining 2600 units unless they are capable of dual-mode 12.5/25 kHz operation.

Our intent is to initially use these new radios on the legacy 25 kHz VHF/UHF system and then transition them for 12.5 kHz operation on the new county-wide 800 MHz P25 system. As operation is phased over to the 800 MHz P25 system by the June 30, 2014 waiver grant date, the 25 kHz mode will be disabled in all radios. At that point, all of these devices will be operating in 12.5 kHz mode, which will then also be the interoperability mode across the new 800 MHz P25 network, as well as the limited number of retained VHF/UHF channels that will be narrowbanded and used for mutual aid. Lack of 25 kHz capability in these radios prevents a safe and orderly transition to our new P25 public safety radio system operating in the 800 MHz frequency band.

As other jurisdictions have determined, because of space limitations in many public safety vehicles we cannot install more than one mobile radio (the existing 25 kHz VHF radio plus the new dual-band 800 MHz/VHF radio) into these vehicles to achieve interoperability with the legacy networks. In addition to vehicular space limitations, a two radio approach would be a very costly and time consuming transition, requiring the vehicles to be out of service to not only install the new radio but then to remove the old radio.

In late 2012, Motorola Solutions filed a Request for Limited Waiver<sup>6</sup> of Section 90.203(j)(10) of the Commission's rules on behalf of all manufacturers arguing that a Commission grant of that blanket waiver would serve the public interest by ensuring that all 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, whether granted as a blanket waiver to all narrowband waiver recipients and their suppliers, or only to those specifically requesting such relief, will guarantee that licensees such as those in the Spokane Regional Emergency Communication System which have been granted an operating waiver will retain the ability to purchase equipment to keep their current 25 kHz systems fully functional and interoperable, while they migrate to new narrowband 12.5 kHz systems; in our case, to the new 800 MHz P25 system. This relief is critical, to allow us to continue to deploy newly-manufactured radios that are both multi-mode (25 kHz and 12.5 kHz) and multi-band (VHF and 800

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<sup>6</sup> See Request for Limited Waiver by Motorola Solutions, Inc., dated November 29, 2013.

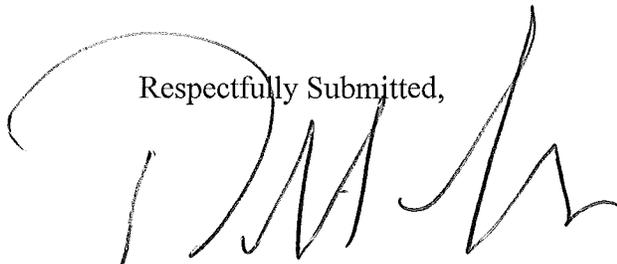
MHz or UHF and 800 MHz). This will allow the Petitioners, via a cost-effective single purchase of radio equipment, to continue to ensure system reliability and interoperability in the 25 kHz mode on the existing VHF and UHF systems, then transition to 12.5 kHz operation on the county-wide 800 MHz P25 system.

## 2. Conclusion

The Petitioners cannot stress enough that the impact on reliability and interoperability caused by mixed mode 25 kHz and 12.5 kHz emissions operation on mission critical communications is unacceptable, due to the potential impact it can have to the safety of our first responders and the citizens they serve. As a result of this potential impact, the Petitioners will need to remove all such 12.5 kHz-only radios from service, and to accept no additional 12.5 kHz-only radios, unless the Commission allows us to software upgrade these radios to enable 25 kHz operation.

The primary concern of the Petitioners is that, without the Commission's grant of this manufacturing waiver, we will be unable to reconfigure our existing 12.5 kHz-only radios to include 25 kHz capability, or to take delivery of the remaining radios that have been previously ordered as 25 kHz/12.5 kHz multi-mode/multi-band radios. This prevents our continued migration of the existing disparate VHF/UHF systems to the county-wide 800 MHz P25 network. 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 Spokane Regional Emergency Communications System and all its interoperable agencies this specific manufacturing waiver request on an expedited basis to allow us to continue the new system implementation.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'R. Lincoln', written over the typed name.

Robert Lincoln, Director

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