

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

In the Matter of)
)
Request for Partial Waiver by the)
International Association of Auto)
Theft Investigators of)
Section 90.20(e)(6)(ii))
Of the Commission's Rules)

ACCEPTED/FILED

NOV 27 2013

Federal Communications Commission
Office of the Secretary

**REQUEST FOR PARTIAL WAIVER BY THE
INTERNATIONAL ASSOCIATION OF AUTO THEFT INVESTIGATORS**

The International Association of Auto Theft Investigators ("IAATI") hereby requests a limited waiver of Section 90.20(e)(6)(ii) of the Federal Communications Commission's ("FCC" or "Commission") rules, which requires Stolen Vehicle Recovery Systems ("SVRS") operating on the 173.075 MHz frequency to move to a 12.5 kHz narrowband channel by May 27, 2019.¹ A waiver would refer specifically to mobile units only, not any infrastructure base stations, and hence will enhance the ability of law enforcement and other members of the public safety pool to track vehicles at high risk for theft for as long as they are in use.

In particular, IAATI seeks a waiver to allow the remaining legacy wideband Vehicle Locator Units ("VLUs") to emit wideband (20 kHz) tracking messages while being tracked and recovered by law enforcement entities, and in all other instances when the Commission's rules allow VLUs to emit signals.

I. Introduction

The International Association of Auto Theft Investigators ("IAATI") was formed in 1952 in order to improve communication and coordination among the growing family of professional auto theft investigators. It has grown to 3,604 members

¹ 47 C.F.R. § 90.20(e)(6)(ii).

representing over 35 countries and includes representatives of law enforcement agencies, as well as many others with a legitimate interest in auto theft investigation, prevention and escalation. Our most effective weapon to combat the crime of auto theft is cooperation. IAATI has actively pursued this by providing its members with an unsurpassed array of experience, training, and resources in areas such as technical developments, trends, intelligence information and investigative assistance.

IAATI Mission Statement

- To unite for mutual benefit those public officials and private persons engaged in the prevention and investigation of vehicle theft and its kindred crime.
- To provide for the exchange of technical information and developments.
- To cooperate with any other individual, agency or association to further vehicle theft prevention and suppression.
- To encourage high professional standards of conduct among members and other vehicle theft investigators and to continually strive to eliminate all factors which interfere with the administration of justice.

IAATI is dedicated to developing and encouraging the highest professional standards of conduct among auto theft investigators, and strives to eliminate all factors interfering with the administration of the auto theft suppression effort (including technological and regulatory limitations where possible).

A. *Background*

In 2004, the Commission initiated a proceeding to transition certain frequency bands, specifically certain bands allocated primarily to federal use, from wideband to narrowband channels.² The Notice of Proposed Rulemaking (“NPRM”) specifically sought comment on whether to provide for a plan to transition 173.75 MHz, the frequency allocated by the Commission for use by SVRS, to 12.5 kHz narrowband channels.³ LoJack, the only provider of SVRS systems to law enforcement in the United States, filed a response to the Commission’s NPRM. LoJack agreed that a transition plan should be set, and requested a fourteen year transition period to move to a narrowband channel, to include four years to develop a new system and “ten years for police departments and consumers relying on the installed base of wideband equipment to continue to receive service once the narrowband system is deployed.”⁴ The Commission granted LoJack’s request, providing for a fourteen year transition period, or until May 27, 2019, for wideband SVRS systems to continue to receive service.⁵

B. *Request for Waiver*

IAATI supports the Commission’s decision to transition the SVRS frequency to a narrowband channel, but believes that additional transition time would be fruitful for law enforcement relying on SVRS to track and recover the installed base of vehicles

² *In the Matter of Amendment to Parts 2 and 90 of the Commission’s Rules to Provide for Narrowband Private Land Mobile Radio Channels in the 150.05-150.8 MHz, 162-174 MHz, and 406.1-420 MHz Bands that are Allocated for Federal Government Use*, Notice of Proposed Rulemaking, ET Docket No. 04-243, 19 FCC Rcd 12690 (2004).

³ *Id.* at ¶ 45.

⁴ *In the Matter of Amendment to Parts 2 and 90 of the Commission’s Rules to Provide for Narrowband Private Land Mobile Radio Channels in the 150.05-150.8 MHz, 162-174 MHz, and 406.1-420 MHz Bands that are Allocated for Federal Government Use*, Comments of LoJack Corporation, ET Docket No. 04-243 at 3 (filed Sept. 2, 2004).

⁵ *In the Matter of Amendment to Parts 2 and 90 of the Commission’s Rules to Provide for Narrowband Private Land Mobile Radio Channels in the 150.05-150.8 MHz, 162-174 MHz, and 406.1-420 MHz Bands that are Allocated for Federal Government Use*, Report and Order, 20 FCC Rcd 5793 at ¶ 50 (2005).

equipped with the LoJack wideband equipment. In particular, IAATI seeks a waiver to allow public safety pool entities to activate and track any vehicle equipped with a wideband device for an indefinite period of time. There are two reasons for this request. First, statistically, vehicles that are 15-20 years old are more likely to be stolen due to the demand for used auto parts, which often manufacturers cease to produce after ten years, and due to the fact that they are easier to steal. Second, recovery of these stolen vehicles often leads law enforcement to chop shops and other locations where additional criminal activity takes place. Thus, there is a strong law enforcement interest in being able to track and recover these older vehicles. Absent a waiver, however, they would not be able to do so.

IAATI has been informed that LoJack has ceased marketing its wideband equipment. Thus, grant of this waiver would not financially benefit LoJack. The request's sole aim is to provide law enforcement entities in the United States with the continued ability to track stolen vehicles through their useful life, for whatever length that may be. Based on typical law enforcement SVRS activation rates, only a small number of wideband units per day would be activated nationwide in 2019, and by 2025 that activation rate would fall even further. Moreover, most of these activations would occur within five states that have the highest rates of auto theft. Over time this legacy base of VLUs will erode naturally through attrition.

The LoJack system operates by having police base stations, upon receipt of a theft report, send a message to that vehicle's VLU to begin emitting tracking messages, which law enforcement may then track.⁶ IAATI understands that police base stations would be able to activate LoJack Vehicle Locator Units ("VLUs") using narrowband signals from the base stations. Thus, the only wideband signals sent on the SVRS frequency after the May 27, 2019 transition date would be from the VLUs responding back to the base station and then sending brief tracking messages during the course of police tracking, which the majority of time will be completed in a matter of hours. The

⁶ See *In the Matter of Amendment of Section 90.20(e)(6) of the Commission's Rules*, Report and Order, 23 FCC Rcd 12601 at ¶ 4 (2008).

Commission has found previously that these VLU signals are so low in power and duty cycle as to make any interference from them *de minimis*.⁷ The VLU power emitted is below 2 watts for Wideband. For this reason, grant of the waiver should not have an impact on any other user.

II. The Requested Waiver is Supported by Good Cause and Would Serve the Public Interest.

The Commission may waive its rules if the underlying purpose of the rule would not be served or would be frustrated by application of the rule, and waiver of the rule is in the public interest.⁸ Such considerations exist in this instance, as the underlying purpose of Section 90.20(e)(6) is to provide law enforcement with a means of finding stolen vehicles. Application of the rule would frustrate this goal, as it would be highly useful for law enforcement to continue to search for stolen vehicles for as long as they are in use. Indeed, as discussed above, the theft of older vehicles is of great concern to law enforcement. Grant of this waiver, on the other hand, would serve the purpose of the rule by allowing law enforcement to fulfill its duty of finding missing vehicles at high risk for theft, which additionally reduces other crime by leading law enforcement to other criminal activities.

In sum, grant of the waiver will facilitate more efficient and enhanced public safety performance. Continued application of the rules, on the other hand, would frustrate the underlying purpose of Section 90.20(e)(6) by depriving the public of these benefits.

III. Conclusion

For the reasons set forth herein, IAATI seeks a limited waiver of Section 90.20(e)(6)(ii) of the Commission's rules to allow for the tracking of vehicles equipped with wideband mobile units which would send wideband tracking messages upon

⁷ *Id.* at ¶ 14 and ¶ 16.

⁸ 47 C.F.R. § 1.925(b)(3).

activation. Grant of the waiver will serve the public interest as it will provide law enforcement with the ability to continue to locate stolen vehicles for as long as they are in use.

Respectfully submitted,



Henry Goldberg

Laura Stefani

GOLDBERG, GODLES, WIENER & WRIGHT LLP

1229 19th Street, N.W.

Washington, D.C. 20036

(202) 429-4900

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John P. O'BYRNE
President, I.A.A.T.I. 2012/2013