

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

In the Matter of)
)
Amendment of Part 90 of the Commission's Rules)
to Permit Terrestrial Trunked Radio (TETRA)) WT Docket No. 11-69
Technology)
)
Request by the TETRA Association for) ET Docket No. 09-234
Waiver of Sections 90.209, 90.210 and)
2.1043 of the Commission's Rules)

To: The Commission

**REQUEST FOR FURTHER CLARIFICATION
FILED BY
ENTERPRISE WIRELESS ALLIANCE**

The Enterprise Wireless Alliance (“EWA” or “Alliance”) respectfully requests further clarification of the Federal Communications Commission’s (“FCC” or “Commission”) Order on Clarification in the above-entitled proceeding.¹ The Clarification Order, among other matters, addressed an issue raised by the Alliance with regard to the requirement for prior frequency coordination when converting an existing system to Terrestrial Trunked Radio (“TETRA”) technology. The original Notice of Proposed Rule Making and Order in this proceeding² stated that coordination would not be required for such a license modification and indicated that this exemption would be consistent with the Commission’s waiver of the coordination requirement for Part 90 systems converting to narrowband technology pursuant to the FCC’s directive.³

¹ *Order on Clarification*, WT Docket No. 11-69 and ET Docket No. 09-234, 26 FCC Rcd 13360 (rel. Sept. 28, 2011) (“Clarification Order”).

² *Notice of Proposed Rule Making and Order*, WT Docket No. 11-69 and ET Docket No. 09-234, 26 FCC Rcd 6503 (rel. Apr. 26, 2011).

³ See Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended, *Third Memorandum Opinion and Order, Third Further Notice of Proposed Rule Making and Order*, WT Docket No. 99-

EWA disagreed. It noted that the narrowbanding coordination exemption was limited to only one specific situation:

As a result [of the Commission mandate that most Part 90 licensees below 512 MHz will be required to migrate from 25 kHz operation to 12.5 kHz or narrower operation on their existing frequencies by January 1, 2013], **we amend our rules to provide an exemption from the frequency coordination requirement for modification applications that only reduce authorized bandwidth while remaining on the original center frequencies, and do not seek any other changes in technical parameters.**⁴

In the Clarification Order, the FCC stated that it did not intend to adopt a broader exception for modifications to implement TETRA technology than it had for applications implementing narrowband technology.⁵ Had the explanation ended with that statement, it would have been understood clearly. However, the Clarification Order went on to state the following:

Consequently, we clarify that frequency coordination is not required for TETRA modification applications only if the only proposed change to the station's technical parameters is the emission bandwidth. For example, a change from emission designator 20k0D1W to a TETRA emission designator of 21k0D1W would not require coordination.⁶

The Commission may believe that the emission designator change in the example provided would not have any meaningful impact on adjacent channel licensees. However, because it would constitute an increase in the authorized bandwidth, exempting this change from the coordination requirement is not consistent with the narrowbanding exception, which is limited specifically to proposals to reduce authorized bandwidths. To avoid any confusion this apparent inconsistency might create with regard to the scope of either the narrowbanding exemption or the Clarification Order, the Alliance requests the FCC clarify that applications involving TETRA technology are subject to all applicable Part 90 frequency coordination

87, 19 FCC Rcd 25045, 25051-52 ¶¶ 12-13 (2004) (requiring most PLMR licensees in the 150-174 MHz and 421-512 MHz bands to migrate to 12.5 kHz technology by January 1, 2013); *see also* 47 C.F.R. § 90.209(b)(5).

⁴ Amendment of Part 90 of the Commission's Rules, *Second Report and Order and Second Further Notice of Proposed Rulemaking*, WP Docket No. 07-100, 25 FCC Rcd 2479 at ¶ 7 (2010) (citations deleted; emphasis added).

⁵ Clarification Order at ¶ 10.

⁶ *Id.*

requirements, including the narrowbanding exemption; that is, that they are to be treated identically with all other applications, a position with which the TETRA Association has concurred.⁷

Finally, the Alliance urges the FCC to take this opportunity to confirm another position endorsed by the TETRA Association. In its Comments in the TETRA rulemaking proceeding, EWA asked the FCC to state explicitly that TETRA may be deployed only in systems that are exempt from the normal Part 90 monitoring requirements, either because they have satisfied the requirements of FCC Rule Section 90.187 for trunked operation, or because they have been assigned exclusive trunked channels in accordance with the Subpart S rules. The Reply Comments of the TETRA Association agreed with the Alliance that “TETRA is not suitable for operating in shared channels.”⁸ In other words, a licensee that is currently operating a system utilizing 25 kHz channel bandwidth channels below 512 MHz in a shared spectrum environment, e.g., the system is licensed for station classes FB2, FB4, or FB6, must not only amend the emission designator to indicate TETRA use, but, in accordance with FCC Rule Section 90.187, must secure frequency advisory committee certification to operate exclusive use channels, e.g., an FB8 channel classification, for all 25 kHz channels used within the centralized trunked TETRA system. Similarly, only systems authorized for exclusive use of their 800/900 MHz channels would qualify to deploy TETRA technology. While the TETRA Association presumes that this fact is understood by all prospective Part 90 users and all frequency advisory committees, EWA does not have that same level of confidence. A clear statement to that effect from the FCC would provide necessary guidance to the Part 90 community about the conditions under which TETRA might be the optimal choice for potential licensees.

⁷ See Consolidated Response of the TETRA Association at p. 5 filed on June 8, 2011.

⁸ See Reply Comments of the TETRA Association at p. 12, filed on Aug. 9, 2011.

For the reasons described herein, EWA again respectfully requests the FCC clarify that applications to deploy TETRA technology are subject to all applicable frequency coordination requirements and that TETRA technology may only be deployed in systems to which the typical Part 90 monitoring requirement does not apply.

Respectfully submitted,

ENTERPRISE WIRELESS ALLIANCE

By: _____ /s/

Mark E. Crosby
President/CEO
8484 Westpark Drive, Suite 630
McLean, Virginia 22102
(703) 528-5115

Counsel:

Elizabeth R. Sachs
Lukas, Nace, Gutierrez & Sachs, LLP
8300 Greensboro Drive, Ste. 1200
McLean, VA 22102
(703) 584-8678

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CERTIFICATE OF SERVICE

I, Linda J. Evans, with the law firm of Lukas, Nace Gutierrez and Sachs, LLP, hereby certify that I have, on this October 26, 2011 caused to be mailed, first-class, postage prepaid, a copy of the foregoing to the following:

Henry Goldberg
Laura Stefani
Goldberg, Godles, Wiener & Wright
1229 19th St., N.W.
Washington, DC 20036
Counsel for the TETRA Association

/s/ Linda J. Evans