

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

In the Matter of )  
 )  
City of New York ) WT Docket No. 99-87  
Request for Waiver of ) DA 12-1345  
Narrowbanding Deadline )

To: Chiefs, Wireless Telecommunications Bureau  
and Public Safety and Homeland Security Bureau

**COMMENTS  
OF THE  
ENTERPRISE WIRELESS ALLIANCE**

The Enterprise Wireless Alliance (“EWA” or “Alliance”), in accordance with Section 1.45 of the Federal Communications Commission (“FCC” or “Commission”) rules, respectfully submits its comments in response to the waiver request<sup>1</sup> filed by the City of New York (“City”) on behalf of the City’s Police Department (“NYPD”), Fire Department (“FDNY”), Department of Corrections (“DOC”), Department of Environmental Protection (“DEP”), and Department of Information Technology and Telecommunications (“DoITT”).<sup>2</sup> The City has requested until December 31, 2014 to complete the rebanding of certain VHF and UHF channels authorized pursuant to identified call signs that are used to support a variety of City activities. The City also has requested that the narrowbanding requirement for several UHF channels whose use is operationally integrated with 470-512 MHz (“T-Band”) channels operated by the City be

---

<sup>1</sup> See Request for Waiver of Commission Rules (filed June 13, 2012) (“Waiver Request”).

<sup>2</sup> Wireless Telecommunications Bureau and Public Safety and Homeland Security Bureau Seek Comment on the City of New York’s Request for Waiver of the January 1, 2013 VHF-UHF Narrowbanding Deadline (rel. Aug. 17, 2012) (“Public Notice”).

deferred until two years after completion of the auction expected to be held for reallocated T-Band spectrum in accordance with the 2012 Spectrum Act.<sup>3</sup>

EWA supports the City's Waiver Request as having demonstrated compliance with the criteria established by the FCC to warrant narrowbanding waiver relief.<sup>4</sup> As described in the Waiver Request, the City has undertaken a substantial effort to comply with the January 1, 2013 date at a cost to the City that will reach more than Eighty-eight Million Five Hundred Thousand Dollars (\$88,500,000.00) by that long-standing narrowbanding deadline.<sup>5</sup> This effort has included replacing substantial numbers of subscriber radios and fixed infrastructure, including T-Band radios that the FCC recently determined would be exempt from the narrowband requirement in light of the reallocation of this public safety spectrum dictated by the Spectrum Act.<sup>6</sup> The City states that if it is required to convert its UHF frequencies to 12.5 kHz now, while the T-Band facilities with which those UHF frequencies are operationally integrated remain at 25 kHz bandwidth, "it would create a confusing mix of tactical channels with disparate coverage characteristics within the same user device,"<sup>7</sup> a result contrary to the public interest, particularly as the Waiver Request notes that some fifty thousand (50,000) portable radios would be affected.<sup>8</sup>

---

<sup>3</sup> Pub. L. No. 112-96, 126 Stat. 156 (2012).

<sup>4</sup> See Wireless Telecommunications Bureau, Public Safety and Homeland Security Bureau, and Office of Engineering and Technology Provide Reminders of the 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*, 26 FCC Rcd 9647 (WTB/PSHSB/OET 2011) ("NB Waiver Guidelines").

<sup>5</sup> Waiver Request at 7-8.

<sup>6</sup> See Wireless Telecommunications Bureau and Public Safety and Homeland Security Bureau Suspend the Acceptance and Processing of Certain Part 22 and 90 Applications for 470-512 MHz ("T-Band") Spectrum, *Public Notice*, DA 12-643 (rel. Apr. 26, 2012) ("Freeze PN"); see also Wireless Telecommunications Bureau and Public Safety and Homeland Security Bureau Clarify Suspension of the Acceptance and Processing of Certain Part 22 and 90 Applications for 470-512 MHz ("T-Band") Spectrum, *Public Notice*, DA 12-892 (rel. June 7, 2012) ("Clarification PN").

<sup>7</sup> Waiver Request at 11.

<sup>8</sup> *Id.*

The Alliance agrees that a more sensible approach would be to defer narrowbanding this relatively limited amount of 450 MHz spectrum until it is known to what comparable exclusive spectrum T-Band licensees such as the City could possibly relocate, and, therefore, what the technical parameters of that spectrum might be. At that point, the City, in consultation with the FCC, can determine whether narrowbanding those units is a cost-effective and spectrally efficient means of meeting the City's specific communications requirements. The City has proposed a deadline that is two years after the competitive bidding for this spectrum has been completed, which is consistent with the statutory mandate that public safety systems be relocated off T-Band spectrum by that date.<sup>9</sup> EWA believes the City's proposal is reasonable and urges the FCC to grant the requested waiver relief.

The Alliance also agrees with the City's request for much more limited relief for the VHF spectrum identified in the Waiver Request. The City's request that it be granted until December 31, 2014 to complete its VHF narrowbanding work is supported by the very significant investment made already in both infrastructure and subscriber equipment, as well as in labor costs associated with narrowbanding. There can be no question but that the City takes this obligation seriously. It has a plan and a funding source to carry out its responsibilities, but the scope of the undertaking in a fleet the size of the City's justifies the two-year extension proposed to complete this project. Absent a compelling showing from some other public safety entity(s) that this delay will cause them undue hardship, the Alliance supports the City's VHF narrowbanding extension.

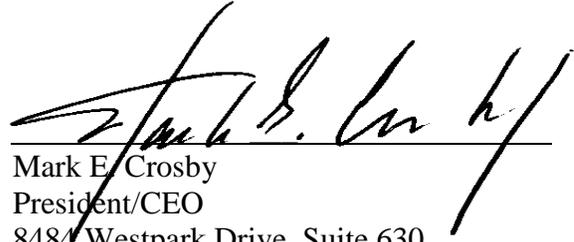
---

<sup>9</sup> Spectrum Act at § 6103(e).

For the reasons described herein, EWA recommends that the FCC grant both elements of the City's narrowbanding extension request.

ENTERPRISE WIRELESS ALLIANCE

By:



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

September 7, 2012