



September 26, 2013

Mr. Roger Noel
Chief, Mobility Division
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Ascend Performance Materials LLC
WT Docket No. 99-87
File No. 0005646120

Dear Mr. Noel:

On August 29, 2013, the FCC issued an *Order* denying a waiver request from Ascend Performance Materials LLC (“Ascend” or “Company”) for a permanent waiver of FCC Rule Section 90.209(b).¹ Grant of the waiver would have exempted Ascend’s low-power data system, call sign KD28206, from the FCC’s narrowbanding requirement for Part 90 systems operating below 470 MHz and allowed the Company to continue using 25 kHz bandwidth equipment. According to Ascend, its two-watt transmitters permit driverless operation of approximately twelve (12) radio-controlled Automated Guided Vehicles (“AGVs”) used to transport materials within Ascend’s plant in Pensacola, Florida. The Company’s waiver request stated that complying with the requirement to upgrade its equipment to a minimum data rate of 4800 bits per second per 6.25 kHz of channel bandwidth could take as long as a year and cost as much as \$400,000.00.

The Commission denied the request, concluding that Ascend’s showing had not met the standard for permanent waiver relief. The Order stated that an assertion that continued wideband operation would not affect any existing users was not adequate justification, since the purpose of the rule is to increase spectrum opportunities for additional licensees. The Order also disagreed that Ascend’s situation was unique, stating that other licensees operating AGV systems appeared to have complied with the narrowbanding deadline.

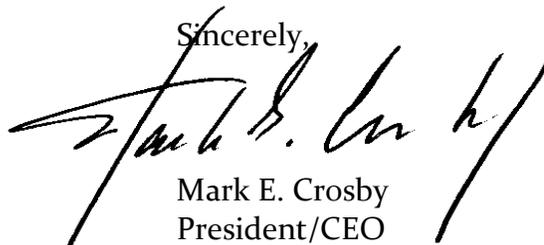
¹ In the Matter of Ascend Performance Materials LLC, *Order*, WT Docket No. 99-87, DA 13-1836 (rel. Aug. 29, 2013) (“Order”).

As the Commission is aware, EWA is a strong proponent of the objectives of the narrowbanding requirements and an equally firm advocate for enforcement of those rules. Its many members that have undertaken the cost and disruption involved in narrowbanding their systems would be disserved if the FCC were to be other than rigorous in its enforcement efforts. The Alliance intends to work with the Commission to identify non-compliant licensees on a case-by-case basis and would welcome an FCC audit of systems that do not appear to have met their obligations. The Alliance does not recommend a waiver policy in which cost to the licensee and/or the lack of impact on the existing spectrum environment would be sufficient to justify relief.

Nonetheless, EWA respectfully suggests that there are limited, distinguishable instances where the narrowbanding objectives would not be compromised by allowing licensees to continue operating wideband equipment. The Alliance takes no position on Ascend's particular request. It does believe, however, that the use of a small number of low-power transmitters within the confines of a large, enclosed facility such as a manufacturing plant might be one situation where continued wideband operation could be permitted, although not necessarily the only one. Such a licensee might present a technical showing that its transmissions are contained entirely within the facility without any potential for interference to other licensees. It also might be appropriate for waiver relief to be conditioned on the licensee accepting secondary status, since it is more likely to experience than cause interference. Continued wideband operation should not be permitted in instances where it could reduce the spectrum available for narrowband-compliant licensees. Additionally, the cost of compliance and the current spectrum environment might be elements for the FCC to weigh but, in EWA's opinion, those factors would not be sufficient by themselves to support waiver relief.

EWA intends to raise this issue at the October 16, 2013 meeting of the Land Mobile Communications Council Board of Directions. If the Board endorses waiver guidelines that the FCC might consider when evaluating future requests for permanent narrowbanding waivers, that information will be provided to the Commission.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark E. Crosby". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mark E. Crosby
President/CEO

cc: Scot Stone, Deputy Chief, Mobility Division
Greg Kunkle, Esq.