

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

In the Matter of: )  
 )  
TETRA Association's Request for Waiver of ) ET Docket No. 09-234  
Parts 90.209, 90.210 and 2.1043 )

**COMMENTS OF THE  
LAND MOBILE COMMUNICATIONS COUNCIL**

The Land Mobile Communications Council (LMCC), pursuant to Section 1.415 of the Federal Communications Commission (FCC or Commission) Rules and Regulations, 47 C.F.R. § 1.1415, hereby respectfully submits its Comments in response to the above-captioned proceeding.<sup>1</sup> LMCC expresses concern that a blanket waiver of the Commission's authorized bandwidth limitation and emission mask rules in Sections 90.209 and 90.210 respectively will increase the potential for interference to incumbent licensees operating land mobile systems. Given the complexity of these technologies and the time limitations of this Public Notice, LMCC is not able to determine the extent of interference increase which can be potentially caused by the Commission's approval of this broad waiver request. To allow full review and consideration of the requested changes, LMCC urges the Commission to open a rule making proceeding if it believes the TETRA Association request is warranted.

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<sup>1</sup> Public Notice, ET Docket No. 09-234, released December 24, 2009

## INTRODUCTION

LMCC is a non-profit association of organizations representing virtually all users of land mobile radio systems, providers of land mobile services, and manufacturers of land mobile radio equipment. LMCC acts with the consensus, and on behalf, of the vast majority of public safety, business, industrial, transportation and private commercial radio users, as well as a diversity of land mobile service providers and equipment manufacturers. Membership includes the following organizations:

- American Association of State Highway and Transportation Officials (AASHTO)
- American Automobile Association (AAA)
- American Petroleum Institute (API)
- Association of American Railroads (AAR)
- Association of Fish and Wildlife Agencies (AFWA)
- Association of Public-Safety Communications Officials-Int'l, Inc. (APCO)
- Aviation Spectrum Resources, Inc. (ASRI)
- Central Station Alarm Association (CSAA)
- Enterprise Wireless Alliance (EWA)
- Forest Industries Telecommunications (FIT)
- Forestry-Conservation Communications Association (FCCA)
- Intelligent Transportation Society of America, Inc. (ITSA)
- International Association of Fire Chiefs (IAFC)
- International Municipal Signal Association (IMSA)
- MRFAC, Inc. (MRFAC)
- National Association of State Foresters (NASF)
- PCIA – The Wireless Infrastructure Association (PCIA)
- Telecommunications Industry Association (TIA)
- Utilities Telecom Council (UTC)

The individual members of these constituent organizations collectively represent a very significant portion of the Commission's Part 90 licensees.

## COMMENTS

Every active FCC-certified Part 90 Frequency Advisory Committee (FAC) is a member of LMCC, and as such, both LMCC and the individual FACs strive to ensure that all licensees of Part 90 land mobile systems can operate with minimal interference, whether they are operating existing systems or installing new systems. As an organization, LMCC has a long history of working with the Commission to promote greater spectrum efficiency, facilitate frequency coordination and minimize the interference potential among various technologies in the LMR frequency bands. One recent example of such LMCC efforts is the coordination guidelines that LMCC and the FACs developed to protect existing 12.5 kHz and 25 kHz LMR systems and concurrently provide opportunities for licensing new 6.25 kHz and 6.25 kHz equivalent efficiency technologies.<sup>2</sup>

LMCC also supports the introduction of new and additional technologies to serve the communications needs of our membership and their constituents. Just last month, LMCC filed comments in support of the Commission's effort to provide additional broadband spectrum and urged the Commission to consider the broadband technology needs of the public safety, critical infrastructure and business/industrial community in its initiative.<sup>3</sup>

However, LMCC and the FACs must be able to ensure both existing licensees and new licensees are protected from any interference that may be caused as the result of additional technologies introduced into these shared LMR frequency bands. Relaxing the authorized

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<sup>2</sup> LMCC letter to Scot Stone, Deputy Chief of Mobility Division, re: Frequency Coordination Procedures for 6.25 kHz Bandwidth Equipment, dated August 4, 2008; also LMCC Further Supplemental Comments, dated March 13, 2009, to Amendment of Part 90 of the Commission's Rules, WP Docket No. 07-100.

<sup>3</sup> LMCC Comments, dated December 21, 2009, to Public Notice No. 26, A National Broadband Plan for Our Future, GN Docket Nos. 09-47, 09-51, and 09-137.

bandwidth and/or emission masks puts more energy in adjacent channels and thereby increases the potential for interference. LMCC is concerned that the Commission's authorization of a blanket waiver request of the 47 C.F.R. §90.209 and 90.210 rules will increase the potential for interference to incumbent licensees operating land mobile systems and to new licensees implementing current or additional technologies.

### **CONCLUSION**

We strongly agree with the Commission, as noted in the Public Notice, that this waiver request presents complex issues. Because of this complexity, LMCC is not able to determine the extent of potential interference increase that a blanket waiver of the rules may trigger. If the Commission believes that the TETRA Association request is warranted, LMCC urges the Commission to open a Notice of Proposed Rule Making to allow full consideration and review of the requested changes. LMCC believes that a rule making proceeding will permit all interested parties to properly address the interference and other implications of proposed changes to authorized bandwidth limitation and emission mask rules. The Commission must continue to ensure that public safety, critical infrastructure, business, industrial, transportation and private commercial radio licensees of legacy as well as new systems will continue to be protected from interference in the LMR frequency bands.

Respectfully submitted,

By: /s/ Donald J. Vasek

Donald J. Vasek  
Secretary/Treasurer

Land Mobile Communications Council  
8484 Westpark Drive, Suite 630  
McLean, Virginia 22102

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