

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Icom America, Inc. Request for Clarification)	WT Docket No. 11-178
of Section 90.187(b) of the Commission’s)	
Rules as to Whether a Data Burst Constitutes)	
Harmful Interference)	
)	
Amendment of Part 90 of the Commission)	WT Docket No. 11-69
Rules to Permit Terrestrial Trunked Radio)	
(TETRA) Technology)	

**REPLY COMMENTS
OF THE
LAND MOBILE COMMUNICATIONS COUNCIL**

The Land Mobile Communications Council (“LMCC”), pursuant to Section 1.415 of the Commission’s Rules, 47 C.F.R. § 1.415, hereby respectfully submits its Reply Comments in the above-captioned proceeding.¹

I. INTRODUCTION

The 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. The 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)

¹ *Wireless Telecommunications Bureau Seeks Comment on Icom America, Inc. Request for Clarification of Section 90.187(B) of the Commission’s Rules as to Whether a Data Burst Constitutes Harmful Interference*, WT Docket No. 11-178, DA 11-1790, (rel. Oct. 26, 2011) (“Public Notice”).

- American Petroleum Institute (API)
- Association of American Railroads (AAR)
- Association of Fish and Wildlife Agencies (AFWA)
- Association of Public-Safety Communications Officials-International, Inc. (APCO)
- Aviation Spectrum Resources, Inc. (ASRI)
- Central Station Alarm Association (CSAA)
- Energy Telecommunications and Electrical Association (ENTELEC)
- 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)

In this proceeding, the Wireless Telecommunications Bureau (“Bureau”) of the Federal Communications Commission (“FCC” or “Commission”) has sought comment on a request (“Request”)² from Icom America, Inc. (“Icom”) seeking clarification that a 250 millisecond data burst from a control channel idle message does not constitute harmful interference as defined in FCC Rule Section 90.7. Specifically, the Request asks that this interpretation of non-interference be applied to the FCC’s Part 90 rules regarding trunking in the 150-512 MHz bands as set out in FCC Rule Section 90.187(b).

Two parties filed Comments in response to the Public Notice. Motorola Solutions, Inc. (“MSI”) did not oppose the Request, but suggested that the Commission should continue its decades-long practice of addressing instances of interference on a case-by-case basis “through

² See Letter dated August 17, 2011, from Alan S. Tilles to Rick Kaplan, Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission (“Initial Request”); Letter dated August 29, 2011, from Alan S. Tilles to Rick Kaplan, Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission (“Supplemental Request”).

established frequency coordination procedures and recognized industry best practices.”³ It cautioned against the FCC adopting generally applicable policy positions based on specific equipment from a single manufacturer.⁴

The Telecommunications Industry Association (“TIA”) also filed Comments in the proceeding. TIA supported FCC issuance of a blanket clarification that the 250 millisecond data burst described by Icom does not constitute harmful interference in the 150-512 MHz bands.⁵ However, TIA limited the scope of the clarification it endorsed by urging that it not apply to operations on Public Safety Pool frequencies without further input from the public safety community and manufacturers.

With due respect to TIA, LMCC knows of no technical basis for distinguishing between operations on Public Safety versus Industrial/Business Pool frequencies with regard to potential interference from such data bursts. FCC Rule Section 90.187 does not establish different criteria for trunking depending on whether the system involved uses Public Safety or Industrial/Business Pool frequencies. The rules are identical for both. If the data bursts are barely discernible white noise, as represented by Icom in its Initial Request, they presumably would not constitute harmful interference to either Public Safety or Industrial/Business users. If they do adversely impact the operations of other systems, thereby triggering the prior monitoring requirement in FCC Rule Section 90.187(b), they would do so irrespective of the Pool from which the affected

³ MSI Comments at 3. MSI referenced an Enterprise Wireless Alliance statement of best practices for trunked system monitoring as a useful guide for manufacturers and licensees.

⁴ *Id.*

⁵ TIA Comments at 3.

frequencies were assigned.⁶ Thus, in the LMCC's opinion, whatever action the FCC takes with respect to the Icom Request, it should do so for all systems governed by Rule Section 90.187(b).

The LMCC is not able at this time to take a position on the merits of Icom's Request because, in the LMCC's opinion, testing is needed to determine the potential impact of the transmissions described in the Request on other operations. The LMCC intends to coordinate with Icom and TIA in developing an appropriate test methodology that will enable the industry to make an informed decision on this issue. The LMCC urges the FCC to refrain from adopting any policy in this regard, either as to Industrial/Business Pool frequencies or Public Safety Pool frequencies, until the LMCC reports back to the Commission with regard to the outcome of those tests.⁷

Respectfully submitted,

By: _____ /s/
Douglas M. Aiken
President

Land Mobile Communications Council
8484 Westpark Drive, Suite 630
McLean, VA 22102
703-528-5115

December 12, 2011

⁶ The TIA Comments do not distinguish between public safety operations conducted on Public Safety Pool frequencies and those conducted on Industrial/Business Pool frequencies or address public safety systems that use a combination of both.

⁷ The LMCC does not agree with TIA that a decision on the Icom Request is dependent on the outcome of the ongoing rulemaking proceeding involving the potential impact of deploying Terrestrial Trunked Radio (TETRA) equipment in a variety of Part 90 bands including, but not limited to, spectrum classified as Public Safety Pool frequencies. *See Notice of Proposed Rule Making and Order*, WT Docket No. 11-69 and ET Docket No. 09-234, 26 FCC Rcd 6503 (2011). The technical issues involved are sufficiently distinguishable that the two matters should proceed on separate paths with each resolved on its own merits as expeditiously as possible.