



# PUBLIC NOTICE

**Federal Communications Commission**  
**445 12th St., S.W.**  
**Washington, D.C. 20554**

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**DA 09-2364**

**Released: November 2, 2009**

**WIRELESS TELECOMMUNICATIONS BUREAU AND PUBLIC SAFETY AND HOMELAND  
SECURITY BUREAU SEEK COMMENT ON NATIONAL PUBLIC SAFETY  
TELECOMMUNICATIONS COUNCIL PETITION FOR STAY OF INTERIM NARROWBAND  
IMPLEMENTATION DATES**

**WT Docket No. 99-87**

**Comment Date: November 23, 2009**

**Reply Date: December 3, 2009**

On September 29, 2009, the National Public Safety Telecommunications Council (NPSTC) filed a petition for stay<sup>1</sup> of the Commission's interim deadlines for private land mobile radio (PLMR) services in the 150-174 MHz and 421-512 MHz bands to migrate to narrowband (12.5 kHz or narrower) technology.<sup>2</sup> Beginning January 1, 2013, Industrial/Business and Public Safety Radio Pool licensees in the 150-174 MHz and 421-512 MHz bands must either migrate to 12.5 kHz technology, or utilize a technology that achieves equivalent efficiency.<sup>3</sup> In order to facilitate this transition, the Commission's rules provide that, beginning January 1, 2011, 1) the Commission will no longer accept applications for new wideband 25 kHz operations, or modification applications that expand the authorized contour of an existing 25 kHz station; 2) the manufacture, import, or certification of any 150-174 MHz or 421-512 MHz band equipment capable of operating with only one voice path per 25 kHz of spectrum, *i.e.*, equipment that includes a 25 kHz mode, will be prohibited; and 3) applications for equipment authorization must specify 6.25 kHz capability or equivalent efficiency.<sup>4</sup>

NPSTC states that it fully supports the 2013 deadline for licensees to transition to narrowband technology, but it requests a stay of the three 2011 deadlines. It argues that enforcement of the first two interim deadlines will hamper public safety interoperability during the final two years of the transition, and requests that they be stayed until January 1, 2013. NPSTC also contends that enforcement of the third

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<sup>1</sup> The National Public Safety Telecommunications Council Petition for Stay of Interim Narrowband Implementation Dates of Section 90.209(b)(6), 90.203(j)(4) and (5), and 90.203(j)(10) (filed Sept. 29, 2009).

<sup>2</sup> See Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended; Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies, *Second Report and Order and Second Further Notice of Proposed Rulemaking*, WT Docket No. 99-87, RM-9332, 18 FCC Rcd 3034 (2003); Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended; Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies, *Third Memorandum Opinion and Order, Third Further Notice of Proposed Rule Making and Order*, WT Docket No. 99-87, RM-9332, 19 FCC Rcd 25045 (2004).

<sup>3</sup> See 47 C.F.R. § 90.209(b)(5).

<sup>4</sup> See 47 C.F.R. §§ 90.203(j)(4), (5), (10), 90.209(b)(6).

interim deadline will unnecessarily raise equipment costs, and should be stayed until January 1, 2015. NPSTC emphasizes that the Commission's stay of these deadlines would not prevent or deter licensee implementation of narrowband technology prior to January 1, 2013, or prevent manufacturers from voluntarily including 6.25 kHz efficiency in single mode or multi-mode equipment today or in the future.

We seek comment on the stay request. Commenters should address whether a stay of each of the three interim deadlines is warranted. They also should address whether a stay of the deadline for applications for new or modified 25 kHz operations should apply only to Public Safety licensees or to all PLMR licensees; and whether relief from that deadline would more appropriately be granted by way of individual waivers to licensees demonstrating a specific need, rather than a blanket stay. With respect to the phase-out of equipment that includes a 25 kHz mode, they should address whether the certification of such equipment, as well as its manufacture and import, should be permitted past January 1, 2011. Commenters also should discuss whether any stay should extend for the full length requested, or for shorter periods.

### **Procedural Matters**

Comments on the request are due no later than **November 23, 2009**. Reply comments are due no later than **December 3, 2009**. All filings should reference the docket number of this proceeding, WT 99-87.

This proceeding has been designated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.<sup>5</sup> Parties making oral *ex parte* presentations in this proceeding are reminded that memoranda summarizing the presentation must contain the presentation's substance and not merely list the subjects discussed.<sup>6</sup> More than a one- or two-sentence description of the views and arguments presented is generally required.<sup>7</sup>

The request is available for public inspection and copying in the Commission's Reference Center, Room CY-A257, 445 12th Street, S.W., Washington, D.C. 20554. Copies of the request also may be obtained via the Commission's Electronic Comment Filing System (ECFS) by entering the docket number, WT 99-87. Copies of the request are also available from Best Copy and Printing, Inc., telephone (800) 378-3160, facsimile (301) 816-0169, e-mail [FCC@BCPIWEB.com](mailto:FCC@BCPIWEB.com).

Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See* Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and should include the following words in the body of the message, "get form." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number.

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<sup>5</sup> *See* 47 C.F.R. §§ 1.1200(a), 1.1206.

<sup>6</sup> *See* Commission Emphasizes the Public's Responsibilities in Permit-But-Disclose Proceedings, *Public Notice*, 15 FCC Rcd 19945 (2000).

<sup>7</sup> *See* 47 C.F.R. § 1.1206(b)(2). Other rules pertaining to oral and written presentations are also set forth in Section 1.1206(b). *See* 47 C.F.R. § 1.1206(b).

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002.

-The filing hours at this location are 8:00 a.m. to 7:00 p.m.

-All hand deliveries must be held together with rubber bands or fasteners.

-Any envelopes must be disposed of before entering the building.

-Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

-U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554.

-All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

Parties shall send one copy of their comments and reply comments to Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, (800) 378-3160, e-mail [FCC@BCPIWEB.com](mailto:FCC@BCPIWEB.com).

Comments filed in response to this *Public Notice* will be available for public inspection and copying during business hours in the FCC Reference Information Center, Portals II, 445 12th Street S.W., Room CY-A257, Washington, D.C. 20554, and via the Commission's Electronic Comment Filing System (ECFS) by entering the docket number, WT 99-87. The comments may also be purchased from Best Copy and Printing, Inc., telephone (800) 378-3160, facsimile (301) 816-0169, e-mail [FCC@BCPIWEB.com](mailto:FCC@BCPIWEB.com).

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For further information, contact Mr. Melvin Spann of the Wireless Telecommunications Bureau, Mobility Division, at (202) 418-1333, [melvin.spann@fcc.gov](mailto:melvin.spann@fcc.gov), or Mr. Zenji Nakazawa of the Public Safety and Homeland Security Bureau, Policy Division, at (202) 418-7949, [zenji.nakazawa@fcc.gov](mailto:zenji.nakazawa@fcc.gov).

Action by the Chiefs, Mobility Division, Wireless Telecommunications Bureau, and Policy Division, Public Safety and Homeland Security Bureau.

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