



PUBLIC NOTICE

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

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 09-2633

Released: December 24, 2009

**OFFICE OF ENGINEERING AND TECHNOLOGY DECLARES THE TETRA ASSOCIATION'S REQUEST
FOR A WAIVER OF PARTS 90.209, 90.210 AND 2.1043 TO BE A "PERMIT-BUT-DISCLOSE"
PROCEEDING FOR *EX PARTE* PURPOSES AND REQUESTS COMMENT**

ET Docket No. 09-234

Comment Date: January 15, 2010

Reply Comment Date: January 29, 2010

The TETRA Association (the "Association") has filed a request for waiver of Parts 2 and 90 of the Commission's rules to allow Terrestrial Trunked Radio (TETRA) technology to be used in the United States.¹ TETRA is a digital, trunked radio technology that operates with Time Division Multiple Access (TDMA) in four slot channels with 25 kHz channel spacing. The Association states that the TETRA standard, which was developed by the European Technical Standards Institute (ETSI), is used around the world, and that manufacturers are ready to produce the TETRA device for use in the United States on several frequency bands, including 450-470 MHz, 806-849 MHz and 851-894 MHz.

The Association states that the TETRA standard meets all Part 90 requirements except for those pertaining to occupied bandwidth and emission masks. It seeks a waiver of Section 90.209(b)(5) which authorizes operations at an occupied bandwidth of up to 20 kHz, noting that the occupied bandwidth of TETRA equipment is 21.5 ± 0.5 kHz. The Association also seeks a waiver of Section 90.210(b)(c) and (g) of the Commission's rules governing emission masks B, C, and G to allow for up to 5dB excursions around 10 kHz offset from the center frequency. The Association states that the ETSI standard relies on a measure of adjacent channel coupled power, rather than an occupied bandwidth limit and an emission mask, and that TETRA devices outperform the FCC emission masks.

¹ See TETRA Association's request for waiver of Sections 2.1043, 90.209 and 90.210 of the Commission's rules, filed November 20, 2009. The TETRA Association is comprised of 150 organizations from 37 countries and promotes the use of TETRA technology around the world.

The Association notes that certain TETRA manufacturers are seeking FCC certification of TETRA radios using reduced power that will permit compliance with existing Part 90 rules, because of the immediate demand for TETRA-style radios while the waiver request is being processed. It seeks a waiver of Section 2.1043 of the Commission's permissive change rules to allow TETRA manufacturers who have received interim equipment authorizations using reduced power to upgrade to the TETRA standard without requiring a new FCC ID.

The Commission's Office of Engineering and Technology ("OET") is reviewing the waiver request. OET has concluded that in order to develop a complete record on the complex issues presented by this request, this proceeding will be treated, for *ex parte* purposes, as a "permit-but-disclose" proceeding, in accordance with Section 1.1200(a) of the Commission's rules, and is subject to the requirements under Section 1.1206(b) of the rules.

Pursuant to Sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on or before **January 15, 2010**, and reply comments on or before **January 29, 2010**. All filings should refer to **ET Docket No. 09-234**. Comments may be filed using: (1) the Commission's Electronic Comment Filing System ("ECFS"), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the ECFS at <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal at <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
 - For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers 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, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.
- **Paper Filers:** 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, filers must submit two additional copies for each additional docket or rulemaking number.

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

- Effective December 28, 2009, the Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 445 12th Street, S.W., Washington, D.C. 20554. 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, Express, and Priority mail must be addressed to 445 12th Street SW, Washington, D.C. 20554.

All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554. Parties should also send a copy of their filings to Jamison Prime, Office of Engineering and Technology, Federal Communications Commission, Room 7-A260, 445 12th Street, S.W., Washington, D.C. 20554, or by e-mail to Jamison.Prime@fcc.gov. Parties must also serve one copy with the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, (202) 488-5300, or via e-mail to fcc@bcpiweb.com.

Documents in **ET Docket No. 09-234** are available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. The documents may also be purchased from BCPI, telephone (202) 488-5300, facsimile (202) 488-5563, TTY (202) 488-5562, e-mail fcc@bcpiweb.com.

People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

Office of Engineering and Technology contact: Jamison Prime at (202) 418-7474.

By the Chief, Office of Engineering and Technology.