

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

In the Matter of)	
)	
Applications for Public Safety Pool)	File Nos. 0004366428 <i>et al.</i>
(Conventional) Licenses for Mobile Use of)	
ReconRobotics Video and Audio Surveillance)	
Systems)	

ORDER AND ORDER ON RECONSIDERATION

Adopted: November 13, 2012

Released: November 13, 2012

By the Chief, Public Safety and Homeland Security Bureau:

I. INTRODUCTION

1. In this *Order and Order on Reconsideration*, we take the following actions. In the *Order* portion, we grant James Edwin Whedbee's (Whedbee's) request to withdraw the petitions to deny, informal objections, and related pleadings that he filed against the 30 applications (Remaining Applications)¹ filed by the public safety agencies listed in the attached Appendix for authorizations to operate the "Recon Scout"² surveillance robot for public safety purposes.³ We also refer the Remaining Applications to the Policy and Licensing Division of the Public Safety and Homeland Security Bureau for processing subject to certain limitations outlined below. In the *Order on Reconsideration* portion, we dismiss the petition for reconsideration filed

¹ The Remaining Applications consist of a second group of pending applications that were filed by various public safety agencies and not addressed by the Bureau at the time it decided the first group of applications. The public safety entities in both groups sought similar types of authorizations. The Remaining Applications, along with the associated petitions and other submissions being addressed in this decision, are listed in Appendix A. A complete procedural history of the Remaining Applications is also included in Appendix A.

² The Recon Scout is a remote-controlled, maneuverable surveillance robot manufactured by ReconRobotics, Inc. (ReconRobotics), which transmits real-time video surveillance data. *See* ReconRobotics, Inc., Request for Waiver of Part 90 of the Commission's Rules, *Order*, 25 FCC Rcd 1782, 1783 ¶ 3 (WTB/PSHSB 2010) (*Waiver Order*); *see also* Robotics, Inc., Request for Waiver of Part 90 of the Commission's Rules, *Order on Reconsideration*, 26 FCC Rcd 5895 (WTB/PSHSB/OET 2011) (*Order on Reconsideration*).

³ *See* Application for Withdrawal and Withdrawal of Petition(s) for Reconsideration, Petition(s) to Deny, and Informal Objection(s) With Recommendations of James Edwin Whedbee (filed July 23, 2012) (Whedbee Request). Whedbee also filed a document in the Universal Licensing System styled "Request Pursuant to the Privacy Act and Freedom of Information Act." ULS is not the proper mechanism for filing requests pursuant to the Freedom of Information Act (FOIA), *see* 47 C.F.R. 0.461(d). Nonetheless we treat this submission as a FOIA request and are processing it separately from this order and pursuant to our FOIA rules. *See* FOIA Request No. 2012-231.

by the American Radio Relay League (ARRL),⁴ which asked us to reconsider the *Application Order*.⁵ We also grant Whedbee's request to withdraw his petition for reconsideration of the *Application Order*.⁶

II. BACKGROUND

2. On February 6, 2012, the Public Safety and Homeland Security Bureau (PSHSB) released an order granting multiple applications by public safety agencies for use of the Recon Scout.⁷ In the *Application Order*, the Bureau addressed petitions and other filings by ARRL and Whedbee opposing the applications on various procedural and substantive grounds.⁸ The Remaining Applications addressed in this Order were omitted from the *Application Order* but were subject to essentially the same petitions and other filings by ARRL and Whedbee opposing the applications on various procedural and substantive grounds.

3. The public safety entities listed in the Appendix filed the Remaining Applications. As noted above, the *Waiver Order* granted a waiver to permit licensing and operation of the Recon Scout pursuant to the Commission's Part 90 and other rules, subject to a number of conditions specified in that order.⁹ Among these conditions, applicants must reference the *Waiver Order* in their applications and must specify the proposed area of operation and the requested frequency segment.¹⁰

III. ORDER

4. Just as in the applications previously addressed in the *Application Order*, Whedbee filed a series of documents directed at the Remaining Applications, including petitions to deny.¹¹ On July 23, 2012, Whedbee filed a request to withdraw all of his petitions to deny and other informal objections.¹² In his Request, Whedbee stated that he submitted his pleadings based on his view that operation of the ReconRobotics devices would cause serious and severe interference to the equipment he uses in the amateur radio band.¹³ Whedbee stated that he is now withdrawing his

⁴ See Petition for Reconsideration of the American Radio Relay League (filed March 6, 2012) (ARRL Petition).

⁵ Applications for Public Safety Pool (Conventional) Licenses for Mobile Use of ReconRobotics Video and Audio Surveillance Systems, *Order*, 27 FCC Rcd 948 (PSHSB 2012) (*Application Order*).

⁶ See Whedbee Request; see also Petition for Reconsideration of the James Edwin Whedbee (filed March 6, 2012) (Whedbee Petition).

⁷ *Application Order*, 27 FCC Rcd at 948.

⁸ *Id.* The Bureau concluded that the *Waiver Order* and the *Order on Reconsideration* fully addressed and decided the arguments raised by Whedbee and ARRL in their petitions and that the applicants had complied with the terms of the *Waiver Order*.

⁹ *Waiver Order* at ¶ 11.

¹⁰ *Id.* at ¶ 13.

¹¹ See Appendix A below for the filings Whedbee made in each of the Remaining Application files on the Universal Licensing System.

¹² See Whedbee Request.

¹³ Whedbee Request at 1.

petitions to deny and informal objections because he has monitored the operation of ReconRobotics devices and has not received any interference.¹⁴ We hereby grant Whedbee's Request.¹⁵

5. The Remaining Applications are unopposed in light of the Whedbee Request and our decision to grant the relief sought therein. We thus refer the Remaining Applications to the Policy and Licensing Division of the Public Safety and Homeland Security Bureau for processing consistent with all relevant standards and subject to the conditions specified in this order and those imposed on the applications addressed in the *Application Order*.

IV. ORDER ON RECONSIDERATION

6. Both the ARRL and Whedbee filed petitions asking us to reconsider the *Application Order*. For the reasons set forth below, we deny the ARRL Petition and grant Whedbee's request to withdraw his petition.

A. ARRL Petition

7. In its Petition for Reconsideration, ARRL argues that we should reverse the *Application Order* and rescind all of the licenses granted by that order because, in ARRL's view, the signal emission designators¹⁶ in every one of the applications is incorrect. The license applications all specified an emission designator that represents a bandwidth of 100 kHz. According to ARRL, this is wrong because the necessary bandwidth, when measured in a manner proposed by ARRL, is approximately 5.75 MHz.¹⁷ ARRL bases its argument, in part, on its assertion that ReconRobotics is using a National Television Standards Committee (NTSC) format for its video signal and that these types of signals normally use 5.75 MHz of bandwidth.¹⁸

8. We do not agree with ARRL's arguments. First, the factual predicate for ARRL's claim is that the ReconRobotics device will conform to NTSC standards and thus will necessarily exceed 100 kHz. But according to ReconRobotics, their devices do not conform to NTSC standards and the necessary bandwidth for their operations is 100 kHz.¹⁹ We thus reject ARRL's argument on the basis that ReconRobotics is bound by its representation and the relevant licensees are limited to 100 kHz. If a licensee exceeds 100 kHz, it is in violation of the terms of its license.

¹⁴ *Id.*

¹⁵ Whedbee's Request also contained two recommendations that the Commission declines to adopt at this time. See Whedbee Request at 2 ¶¶ 4-5. Whedbee recommended that the Commission consider "widening the bandwidths" of the Recon Scout authorizations and requiring coordination between state amateur radio repeating councils and "public service" licensees. We reject the first recommendation as unnecessary and inconsistent with our reasoning in approving the applications. We are granting the Remaining Applications based on the bandwidth requested in those submissions. We further believe that requiring coordination between state amateur radio repeating councils and "public service" licensees is unnecessary. We conclude that the proposal creates an unnecessary regulatory burden and that adequate incentives remain for the applicants to make every effort to avoid harmful interference to other licensees.

¹⁶ A signal emission designator is a six-character code denoting a transmitter's authorized bandwidth, form of modulation, and nature of signal.

¹⁷ ARRL Petition at 3-4.

¹⁸ *Id.* at 3-4.

¹⁹ Recon Robotics' Opposition to Petitions for Reconsideration at 6-7.

9. Second, ARRL argues that ReconRobotics has not measured its emissions in a manner that complies with Commission rules.²⁰ According to ARRL, the Commission's rules distinguish between "necessary bandwidth" and "occupied bandwidth" and ReconRobotics incorrectly uses "occupied bandwidth."²¹ ReconRobotics disputes this and asserts that it uses a procedure for measuring "necessary bandwidth" appropriate for a non-NTSC signal.²² We conclude that ReconRobotics uses an appropriate methodology for measuring "necessary bandwidth" for Non-NTSC signals, and that ARRL's objection is based on the mistaken assumption that the Recon Scout uses an NTSC signal.

B. Whedbee Petition

10. In his Petition for Reconsideration, Whedbee argues that the Commission should rescind the *Application Order*. Like ARRL, Whedbee based his petition, *inter alia*, on the argument that the licenses granted by the *Application Order* all used incorrect signal emission designators because an NTSC video signal cannot be provided using only 100 kHz of bandwidth. As a result of the allegedly incorrect emissions designator, Whedbee argued that operation of the ReconRobotics devices would lead to interference.²³

11. As explained in response to the ARRL petition, ReconRobotics maintains that the emission designator is correct, and we have made clear that licensees are limited to 100 kHz. Moreover, as discussed above, Whedbee filed an application in July 2012 in which he withdrew his Petition for Reconsideration because he had not observed any interference.²⁴ We hereby grant Whedbee's Request and dismiss his Petition for Reconsideration accordingly.

V. CONCLUSIONS

12. For the reasons set out above in the *Order* portion of this item, we grant Whedbee's request to withdraw his petitions to deny. In the *Order on Reconsideration*, we deny ARRL's petition for reconsideration and grant Whedbee's request to withdraw his petition. Having removed these impediments to the applications, we now refer them to the Policy and Licensing Division of the Public Safety and Homeland Security Bureau for processing.

13. We also take this opportunity to again remind the applicants that, if they receive licenses and commence operations, they must record all Recon Scout use, including date of operation, start/stop times, location of operation, frequency segment of operation, reason for use, and a point of contact.²⁵ Licensees must provide this information to the Commission or to the National Telecommunications and Information Administration upon request of either agency.²⁶ Moreover, as we stated previously in the *Application Order*, licensees that operate the Recon Scout

²⁰ ARRL Petition 4-5.

²¹ ARRL Petition at 4-5.

²² Recon Robotics' Opposition to Petitions for Reconsideration at 7.

²³ See Whedbee Petition.

²⁴ Whedbee Request.

²⁵ *Application Order*, 27 FCC Rcd 955-56 at ¶ 20.

²⁶ *Id.*

in an unauthorized manner are subject to Commission enforcement action, including possible license revocation.²⁷

VI. ORDERING PARAGRAPHS

14. Accordingly, **IT IS ORDERED**, pursuant to Sections 4(i), 301, 308, and 309 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 301, 308, and 309, and Sections 1.41, 1.903, and 1.915 of the Commission's rules, 47 C.F.R. §§ 1.41, 1.903, and 1.915, that the Applications listed in the Appendix A **ARE REFERRED** to the Policy and Licensing Division of the Public Safety and Homeland Security Bureau for processing.

15. **IT IS FURTHER ORDERED** that the Policy and Licensing Division **SHALL PROCESS** the Remaining Applications listed in the Appendix A subject to the conditions and limitations described in this *Order* and the Commission's rules.

16. **IT IS FURTHER ORDERED** that the Request to Withdraw Petitions for Reconsideration, Petitions to Deny, Informal Objections, and related pleadings, filed by James Edwin Whedbee **IS GRANTED**.

17. **IT IS FURTHER ORDERED** that the Petition for Reconsideration filed by the ARRL **IS DISMISSED**.

18. We take this action under delegated authority pursuant to Sections 0.191 and 0.392 of the Commission's rules, 47 C.F.R. §§ 0.191, 0.392.

FEDERAL COMMUNICATIONS COMMISSION

David S. Turetsky
Chief, Public Safety and Homeland Security Bureau

²⁷ *Id.*

APPENDIX

File No.	Filing	Date	Filer
0004366428	Fresno Police Department (filed 8/25/2010)		
	Petition to Deny Application(s)	8/26/2010	Whedbee
	Reply to Opposition to Petition to Deny	9/1/2010	ARRL
	Opposition to Petitions to Deny	9/7/2010	ReconRobotics
	Consolidated Reply and Motion to Strike Opposition	9/8/2010	Whedbee
0004366450	City of Broken Arrow (filed 8/25/2010)		
	Petition to Deny Application(s)	8/25/2010	Whedbee
	Reply to Opposition to Petition to Deny	9/1/2010	ARRL
	Opposition to Petitions to Deny	9/7/2010	ReconRobotics
	Consolidated Reply and Motion to Strike Opposition	9/8/2010	Whedbee
0004366617	Eden Prairie Police Department (filed 8/25/2010)		
	Petition to Deny Application(s)	8/29/2010	Whedbee
	Opposition to Petitions to Deny	9/7/2010	ReconRobotics
	Consolidated Reply and Motion to Strike Opposition	9/8/2010	Whedbee
0004366471	Harris County Sheriff's Office (filed 8/25/2010)		
	Petition to Deny Application(s)	8/26/2010	Whedbee
	Reply to Opposition to Petition to Deny	9/1/2010	ARRL
	Opposition to Petition to Deny	9/7/2010	ReconRobotics
	Consolidated Reply and Motion to Strike Opposition	9/8/2010	Whedbee
0004368279	County of Pima (filed 8/27/2010)		
	Petition to Deny Application(s)	8/29/2010	Whedbee
	Opposition to Petitions to Deny	9/7/2010	ReconRobotics
	Consolidated Reply and Motion to Strike Opposition	9/8/2010	Whedbee
0004393707	Milford Police Department (filed 9/20/2010)		
	Informal Objection	9/21/2010	Whedbee
	Petition to Deny Application(s)	10/22/2010	Whedbee
	Opposition to Petitions to Deny	10/29/2010	ReconRobotics
	Reply	11/3/2010	Whedbee
0004393779	Las Vegas Police Department (filed 9/21/2010)		
	Informal Objection	9/22/2010	Whedbee
	Petition to Deny Application(s)	10/22/2010	Whedbee
	Opposition to Petition to Deny	10/29/2010	ReconRobotics
	Reply	11/3/2010	Whedbee
0004393790	Coral Gables Police Department (filed 9/20/2010)		
	Informal Objection	9/21/2010	Whedbee
	Petition to Deny Application(s)	10/22/2010	Whedbee
	Opposition to Petitions to Deny	10/29/2010	ReconRobotics

	Reply	11/3/2010	Whedbee
0004394033	Passaic County (filed 9/20/2010)		
	Informal Objection	9/21/2010	Whedbee
	Petition to Deny Application(s)	10/22/2010	Whedbee
	Opposition to Petitions to Deny	10/29/2010	ReconRobotics
	Reply	11/3/2010	Whedbee
0004405256	Tuscon Police Department (filed 9/29/2010)		
	Informal Objection	9/30/2010	Whedbee
	Petition to Deny Application(s)	10/22/2010	Whedbee
	Opposition to Petitions to Deny	10/29/2010	ReconRobotics
	Reply	11/3/2010	Whedbee
0004405304	Bellevue Police Department (filed 9/29/2010)		
	Informal Objection	9/30/2010	Whedbee
	Petition to Deny Application(s)	10/22/2010	Whedbee
	Opposition to Petitions to Deny	10/29/2010	ReconRobotics
	Reply	11/3/2010	Whedbee
0004412066	Lake Havasu Police Department (filed 10/6/2010)		
	Informal Objection	10/7/2010	Whedbee
	Petition to Deny Application(s)	10/22/2010	Whedbee
	Opposition to Petitions to Deny	10/29/2010	ReconRobotics
	Reply	11/3/2010	Whedbee
0004413732	Marion Police Department (filed 10/7/2010)		
	Informal Objection	10/8/2010	Whedbee
	Petition to Deny Application(s)	10/22/2010	Whedbee
	Opposition to Petitions to Deny	10/29/2010	ReconRobotics
	Reply	11/3/2010	Whedbee
0004413745	Albany Police Department (filed 10/7/2010)		
	Informal Objection	10/8/2010	Whedbee
	Petition to Deny Application(s)	10/22/2010	Whedbee
0004427103	Lewisville Police Department (filed 10/20/2010)		
	Informal Objection	10/21/2010	Whedbee
	Petition to Deny Application(s)	10/22/2010	Whedbee
	Opposition to Petitions to Deny	10/29/2010	ReconRobotics
	Reply	11/3/2010	Whedbee
0004429967	Seaford Police Department (filed 10/22/2010)		
	Petition to Deny Application(s)	10/23/2010	Whedbee

0004430598	Port of Seattle Police Dept. (filed 10/25/2010)		
	Informal Objection	10/26/2010	Whedbee
	Petition to Deny Application(s)	11/24/2010	Whedbee
	Opposition to Petition to Deny	12/1/2010	ReconRobotics
0004503423	County of San Diego (filed 11/19/2010)		
	Petition to Deny Application(s)	11/24/2010	Whedbee
	Opposition to Petition to Deny	12/1/2010	ReconRobotics
0004579464	DuPage County Sheriff (filed 1/19/2011)		
	Informal Objection	1/20/2011	Whedbee
0004577393	Grant Parish Sheriff's Office (filed 1/18/2011)		
	Informal Objection	1/19/2011	Whedbee
0004577473	Winter Springs Police Department (filed 1/18/2011)		
	Informal Objection	1/19/2011	Whedbee
0004577526	WV State Police (filed 1/18/2011; amended 10/13/2011)		
	Informal Objection	1/19/2011	Whedbee
	Informal Objection to Defective Amendment	10/24/2011	Whedbee
0004626867	Glynn County Police Department (filed 2/22/2011)		
	Informal Objection	2/26/2011	Whedbee
0004626902	St. Louis County Sheriff's Office (filed 2/22/2011)		
	Informal Objection	2/26/2011	Whedbee
0004626935	Jacksonville Police Department (filed 2/22/2011)		
	Informal Objection	2/26/2011	Whedbee
0004631447	City of Lake Charles (filed 2/25/2011)		
	Informal Objection	2/26/2011	Whedbee
0004631457	West Memphis Police Department (filed 2/25/2011)		
	Informal Objection	2/26/2011	Whedbee
0004631488	Albert Lea Police Department (filed 2/25/2011)		
	Informal Objection	2/26/2011	Whedbee
	Informal Request pursuant to § 1.41 of FCC rules	2/26/2011	Whedbee
0004631508	Moore County Sheriff's Office (filed 2/25/2011)		

	Informal Objection	2/26/2011	Whedbee
	Informal Request pursuant to § 1.41 of FCC rules	2/26/2011	Whedbee
0004639725	East Bay Regional Park Police (filed 3/3/1011) Informal Objection	3/4/2011	Whedbee
