



# PUBLIC NOTICE

Federal Communications Commission  
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DA 12-1913

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**WIRELESS TELECOMMUNICATIONS BUREAU, PUBLIC SAFETY AND HOMELAND  
SECURITY BUREAU AND OFFICE OF ENGINEERING AND TECHNOLOGY SEEK  
COMMENT ON PETITION TO DELAY INDEFINITELY IMPLEMENTATION OF SECTION  
90.203(J)(5) OF THE COMMISSION'S RULES**

**WT Docket No. 99-87**

**Comment Date: December 10, 2012**

**Reply Comment Date: December 17, 2012**

By this *Public Notice*, comment is sought on the Petition to Delay Indefinitely Implementation of Section 90.203(j)(5) of the Commission's Rules filed by Ritron, Inc. (Ritron) on September 21, 2012.<sup>1</sup> Section 90.203(j)(5) of the Commission's Rules provides that, after January 1, 2011, the Commission will no longer accept applications for certification of Part 90 equipment in the 150-174 MHz and 450-512 MHz bands that cannot operate in a 6.25 kHz mode or with equivalent efficiency.<sup>2</sup> In 2010, the Commission temporarily waived this requirement until January 1, 2013 in order to avoid any impediment to 150-174 MHz and 421-512 MHz licensees' migration to 12.5 kHz technology by January 1, 2013.<sup>3</sup> The proponents of the temporary waiver argued that requiring 6.25 kHz capability by January 1, 2011 would increase equipment costs with no accompanying benefit to 12.5 kHz or 25 kHz licensees and that a public safety interoperability standard for 6.25 kHz operation was still under development.<sup>4</sup> The Commission stated that if 6.25 kHz standards still were not in place by January 1, 2013, interested parties could request a further extension.<sup>5</sup>

Ritron, a manufacturer of wireless products, contends that standards for 6.25 kHz technology are not yet in place and that other issues exist that justify delaying implementation of mandatory 6.25 kHz

<sup>1</sup> See Petition to Delay Indefinitely Implementation of Section 90.203(j)(5) of the Commission's Rules (filed September 21, 2012).

<sup>2</sup> See 47 C.F.R. § 90.203(j)(5).

<sup>3</sup> See Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended, *Order*, WT Docket No. 99-87, 25 FCC Rcd 8861 (2010) (*Order*). The January 1, 2013 deadline for converting to 12.5 kHz technology has been waived for licensees in the 470-512 MHz segment of the UHF band (the T-Band). See Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended, *Order*, WT Docket No. 99-87, 27 FCC Rcd 4213 (WTB/PSHSB/OET 2012).

<sup>4</sup> See *Order*, 25 FCC Rcd at 8865-66 ¶ 11.

<sup>5</sup> See *id.* at 8866 n.41.

certification by manufacturers. Ritron states that no one 6.25 kHz equipment standard exists and that, in the Industrial/Business sector of the market, two incompatible and proprietary technologies have emerged. It also argues that 6.25 kHz equipment is still unduly expensive. Finally, Ritron asserts that using the equipment authorization process to facilitate the transition to narrowband technology has been largely unsuccessful. It concludes that the implementation of Section 90.203(j)(5) should be delayed until (a) a real need has been established for additional private land mobile radio frequencies beyond those created by the transition to 12.5 kHz channels; (b) the benefits of 6.25 kHz outweigh the associated research and development, manufacturing, and product costs; and (c) a standard has emerged for a more cost-effective voice compressor/decompressor (vocoder).

We seek comment on the waiver request. Commenters should address whether the public interest would be served by further delaying implementation of the requirement that applications for equipment certification demonstrate 6.25 kHz capability. Commenters should also discuss whether any additional waiver should be indefinite, or tied to a specific date, such as January 1, 2015.<sup>6</sup>

## Procedural Matters

Interested parties may file comments and reply comments in response to the waiver request on or before the dates listed on the first page of this *Public Notice*. All pleadings must reference WT Docket No. 99-87. Parties may file comments using (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies.<sup>7</sup>

- **Electronic Filers:** File comments electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- 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](mailto: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 two copies of each filing.

Send filings 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). Address filings to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- Deliver hand-delivered or messenger-delivered paper filings to FCC Headquarters at 445 12<sup>th</sup> St., SW, Room TW-A325, Washington, DC 20554 between 8:00 AM and 7:00 PM. Use rubber bands or fasteners to hold deliveries together. Dispose of all envelopes before entering the building.
- Send commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- Send U.S. Postal Service first-class, Express, and Priority mail to 445 12<sup>th</sup> Street, SW, Washington DC 20554.

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<sup>6</sup> This is the deadline for manufacturers of 700 MHz public safety equipment to certify, manufacture, market, and import only equipment with a 6.25 kHz capability. See 47 C.F.R. § 90.203(m), (n).

<sup>7</sup> See Electronic Filing of Documents in Rulemaking Proceedings, *Report and Order*, GC Docket No. 97-113, 13 FCC Rcd 11322 (1998).

Parties are requested to 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).

The request, and comments and reply comments filed in response to this Public Notice are available for viewing via the Commission's Electronic Comment Filing System (ECFS) by entering the docket number, **WT 99-87**. The documents also 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. They may also be purchased from Best Copy and Printing, Inc., telephone (800) 378-3160, facsimile (202) 488-5563, TTY (202) 488-5562, e-mail [FCC@BCPIWEB.com](mailto:FCC@BCPIWEB.com).

Documents in WT Docket No. 99-87 are available for viewing on ECFS, <http://www.fcc.gov/cgb/ecfs>, by entering the docket number, WT 99-87. These documents are available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12<sup>th</sup> St. SW, Room CY-A257, Washington, D.C. 20554. The documents are also available for purchase from Best Copy and Printing, Inc., telephone (800) 378-3160, facsimile (301) 816-0169, e-mail [FCC@BCPIWEB.com](mailto:FCC@BCPIWEB.com), telephone (202) 488-5300, facsimile (202) 488-5563, TTY (202) 488-5562, e-mail [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com).

Alternate formats of this *Public Notice* (computer diskette, large print, audio recording, and Braille) are available to persons with disabilities by contacting the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY), or send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov).

This proceeding has been designated as a “permit-but-disclose” proceeding in accordance with the Commission's *ex parte* rules.<sup>8</sup> Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

For further information, contact Mr. Melvin Spann of the Wireless Telecommunications Bureau at (202) 418-1333, or via e-mail at [Melvin.Spann@fcc.gov](mailto:Melvin.Spann@fcc.gov) or Mr. Roberto Mussenden of the Public Safety and Homeland Security Bureau at (202) 418-1428, or via e-mail at [Roberto.Mussenden@fcc.gov](mailto:Roberto.Mussenden@fcc.gov) or Mr. Ira Keltz of the Office Of Engineering and Technology at (202) 418-0616, or via e-mail at [Ira.Keltz@fcc.gov](mailto:Ira.Keltz@fcc.gov).

Action by the Wireless Telecommunications Bureau, Public Safety and Homeland Security Bureau and Office of Engineering and Technology.

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<sup>8</sup> See 47 C.F.R. §§ 1.1200(a), 1.1206.