

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

In the Matter of)	
)	
Request by LoJack Corporation for a Partial)	WT Docket No. 06-142
Waiver of Section 90.20(e)(6) and Part 2)	
of the Commission's Rules)	

ORDER ON RECONSIDERATION

Adopted: March 19, 2012

Released: March 20, 2012

By the Chief, Public Safety and Homeland Security Bureau:

I. INTRODUCTION

1. On October 3, 2011, Hammett & Edison, Inc., Consulting Engineers (H&E) requested reconsideration¹ of a September 14, 2011, *Declaratory Ruling and Order (DR&O)* that granted a partial waiver to LoJack Corporation (LoJack) concerning Stolen Vehicle Recovery Systems (SVRS).² For the reasons below, we dismiss the Amended Petition.

II. BACKGROUND

2. The *DR&O* declared that mobile and portable SVRS devices may transmit activation signals on frequency 173.075 MHz; waived Section 2.106 of the Commission's rules³ to permit any non-law enforcement, Public Safety Pool eligible entity to transmit activation signals using mobile and portable SVRS devices; and waived Section 90.20(e)(6)(v) and (vi) of the Commission's rules⁴ to allow SVRS transmitters to use a new duty cycle.⁵ H&E states that two aspects of the *DR&O* "are not supported by the docket record."⁶ First, H&E disagrees that increasing the universe of SVRS eligibles from police to all public safety eligibles will not increase the use of LoJack signals.⁷ Second, H&E challenges the *DR&O*'s analysis and conclusion that a SVRS signal operating just below TV Channel 7 will be incapable of causing interference to DTV reception.⁸ H&E argues that it is not in the public

¹ Petition for Reconsideration of Hammett & Edison, Inc., Consulting Engineers, WT Docket No. 06-142, (filed Oct. 3, 2011, amended Oct. 12, 2011) (Amended Petition).

² Request by LoJack Corporation for a Partial Waiver of Section 90.20(e)(6) and Part 2 of the Commission's Rules, WT Docket No. 06-142, *Declaratory Ruling and Order*, 26 FCC Rcd 12991 (PSHSB 2011) (*DR&O*).

³ 47 C.F.R. § 2.106.

⁴ 47 C.F.R. § 90.20(e)(6)(v), (vi).

⁵ See *DR&O*.

⁶ Amended Petition at 1.

⁷ See Amended Petition at 1-2.

⁸ See Amended Petition at 2; see also *DR&O*, 26 FCC Rcd at 12999 ¶ 18. Frequency 173.075 MHz is 925 kHz below the lower edge of the TV Channel 7 band (174-180 MHz).

interest to grant the waiver until such time as OET has completed laboratory tests on the effects of narrow band SVRS signals to the reception of digital television (DTV) Channel 7.⁹

3. On October 17, 2011, LoJack filed an Opposition to Petition for Reconsideration (Opposition) including a new technical exhibit supporting that part of the *DR&O*'s conclusion that DTV receivers are more tolerant to SVRS transmissions than are analog receivers.¹⁰ On October 25, 2011, H&E filed a Reply to Opposition to Petition for Reconsideration stating that "the WT 06-142 record now includes a basis for concluding that a narrow band SVRS signal would not be an interference threat to DTV Channel 7 reception," and that the issues that H&E raised in the Amended Petition have "become moot."¹¹

4. Specifically, based on tests by the Digital HDTV Grand Alliance System included in the Opposition, H&E concludes that a narrow band signal at 925 kHz below the lower channel edge of a DTV channel (*i.e.*, the displacement of a 173.075 MHz SVRS signal from the lower boundary of TV Channel 7) would produce a desired-to-undesired signal ratio of -47 dB.¹² Because this ratio is "substantially more relaxed" than the assumed ratio of -33 dB from the *DR&O*, H&E states that "the issues of higher power SVRS signals, increased SVRS transmissions, and longer duty cycle become moot."¹³ Based on the updated record, H&E suggests that the Commission amend Section 90.20(e)(6) to update the TV Channel 7 protection criteria and interference analysis requirements to reflect the transition from analog to digital television.¹⁴

III. DISCUSSION

5. In its reply, H&E states that the record in this proceeding now renders moot H&E's earlier concerns and arguments regarding the waiver grant to LoJack in the *DR&O*. We conclude, based on the record in this proceeding, that there is no reason for revisiting the decision to grant LoJack a waiver. Accordingly, we dismiss the Amended Petition.

6. Regarding H&E's suggestion that the Commission amend Section 90.20(e)(6), H&E or any other interested party may file a petition for rulemaking in accordance with Section 1.401 of the Commission's rules.¹⁵ If granted, such a rulemaking proceeding could seek comment on issues including the DTV Channel 7 protection criteria of Section 90.20(e)(6) as well as the applicability of the Digital HDTV Grand Alliance System report to the SVRS-into-DTV Channel 7 scenario. Such a rulemaking

⁹ Amended Petition at 1.

¹⁰ Opposition to Petition for Reconsideration, WT Docket No. 06-142, filed by the LoJack Corporation on Oct. 17, 2011, attached Technical Statement in Response to a Petition for Reconsideration, LoJack Stolen Vehicle Recovery System, prepared by du Treil, Lundin & Rackley, Inc., Consulting Engineers, dated Oct. 17, 2011 at 2 *citing* attached excerpt from Digital HDTV Grand Alliance System, Record of Test Results, submitted to Advisory Committee on Advanced Television Service of the Federal Communications Commission, October, 1995.

¹¹ Reply to Opposition to Petition for Reconsideration of Hammett & Edison, Inc., Consulting Engineers, WT Docket No. 06-142, (filed Oct. 25, 2011) (H&E Reply) at 2.

¹² *See id.* at 2. H&E attributes the tests as "by the Advisory Committee on Advanced Television Service," but it was submitted to the Advisory Committee on Advanced Television Service of the Federal Communications Commission by the Digital HDTV Grand Alliance. *See supra* n. 10.

¹³ H&E Reply at 2.

¹⁴ *See id.* at 2-4. *See also* 47 C.F.R. § 90.20(e)(6)(viii).

¹⁵ 47 C.F.R. § 1.401.

proceeding also could provide an opportunity to seek comment on amending the rules so that waivers of the kind granted in the *DR&O* would no longer be necessary.

IV. CONCLUSION

7. Based on the foregoing, we dismiss the Amended Petition.

V. ORDERING CLAUSES

8. Accordingly, WE ORDER, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 1.106 of the Commission's rules, 47 C.F.R. § 1.106, that the Petition for Reconsideration, as amended, filed by the Hammett & Edison, Inc., Consulting Engineers, IS DISMISSED.

9. 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

James Arden Barnett, Jr., Rear Admiral (Ret.)
Chief
Public Safety and Homeland Security Bureau