



PUBLIC NOTICE

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WIRELESS TELECOMMUNICATIONS BUREAU, PUBLIC SAFETY AND HOMELAND SECURITY BUREAU, AND OFFICE OF ENGINEERING AND TECHNOLOGY PROVIDE GUIDANCE ON COMPLIANCE WITH NARROWBAND REQUIREMENT NOW IN EFFECT FOR PRIVATE LAND MOBILE RADIO OPERATIONS IN THE 150-174 MHz AND 421-470 MHz BANDS

New Requirements Became Effective January 1, 2013

This *Public Notice* provides guidance to licensees, frequency coordinators, equipment vendors, and other interested parties regarding compliance with the Federal Communications Commission's requirement for narrowband operation (maximum 12.5 kHz channel bandwidth or equivalent efficiency) by private land mobile radio (PLMR) licensees in the 150-174 MHz and 421-470 MHz (VHF/UHF) bands.¹ This requirement became effective on January 1, 2013. This notice also provides additional information regarding licensing and enforcement of the transition to narrowband technology, including guidance regarding requests for waiver of the requirement.

Overview of Key Narrowbanding Provisions

Licensees and *frequency coordinators* should be aware that as of **January 1, 2013**, all VHF/UHF Industrial/Business and Public Safety Radio Pool licensees must:

- operate on 12.5 kHz (11.25 kHz occupied bandwidth) or narrower channels, or
- employ a technology that achieves the narrowband equivalent of at least one channel per 12.5 kHz of channel bandwidth for voice, and transmission rates of at least 4800 bits per second per 6.25 kHz for data systems operating with bandwidths greater than 12.5 kHz (narrowband-equivalent technology).

¹ See Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended, *Second Report and Order and Second Further Notice of Proposed Rulemaking*, WT Docket No. 99-87, RM-9332, 18 FCC Rcd 3034 (2003) (*Second R&O*); Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended, *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) (*Third MO&O*); Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended, *Order*, WT Docket No. 99-87, RM-9332, 25 FCC Rcd 8861 (2010) (*Narrowbanding Waiver Order*); see also 47 C.F.R. §§ 90.203(j), 90.209(b). Specifically, the narrowbanding deadlines apply to frequencies in the 150.8-162.0125 MHz, 173.2-173.4 MHz, and 421-512 MHz bands, but the Wireless Telecommunications Bureau, Public Safety and Homeland Security Bureau, and Office of Engineering and Technology have waived the January 1, 2013 deadline for PLMR licensees in the 470-512 MHz band. See Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended, *Order*, WT Docket No. 99-87, RM-9332, 27 FCC Rcd 4213, *on recon., Order on Reconsideration*, 27 FCC Rcd 14770 (WTB/PSHSB/OET 2012).

Equipment manufacturers should be aware that, as of **January 1, 2013**, they may no longer manufacture or import equipment that includes a 25 kHz mode.² Manufacturers may still manufacture or import equipment that was certified to include wideband capability only if the modes of operation are enabled through software rather than firmware or hardware and the manufacturer disables the wideband mode and does not provide users with the software necessary to access the wideband mode.³ As of January 1, 2013, the Commission will no longer certify equipment that is inherently wideband-capable, even if the modes of operation are enabled through software.

Guidance for Licensees with Wideband Emission Designators

As of January 1, 2013, continued wideband operation by PLMR licensees in the VHF/UHF bands is not permitted without a valid waiver grant from the Commission. PLMR licensees that have not obtained a waiver must indicate that they are operating in compliance with the narrowband requirement by listing a narrowband emission designator on each of their licenses. Licensees must also remove wideband emission designators from their licenses in accordance with the following procedures:

1) Licensees whose licenses list *both* wideband and narrowband emission designators are not required to remove the wideband emission designator immediately but are encouraged to do so either (a) the next time they make any change to their authorization, or (b) by filing a “simple” narrowbanding modification with the Commission to remove the wideband designator (see “Filing Narrowbanding Modification Applications after January 1, 2013” below for description of the simple modification process). We advise licensees that where a license contains a wideband emission designator, the reviewing Bureau may return an application for modification or renewal of that license if the application does not include a modification request to remove the wideband designator and the reviewing Bureau determines that the wideband designator is impermissible.⁴ To avoid the risk of a future modification or renewal application being returned, we encourage licensees that do not anticipate making any other changes to their authorization in the near future to file a simple narrowbanding modification application.

2) Licensees whose licenses list *only* wideband emission designators are differentiated based on whether the licensee’s stations are or are not capable of operating in narrowband mode. We address each situation in turn.

(a) Licensees with stations that are narrowband-capable must modify their licenses to substitute narrowband emission designators for the wideband emission designators. A licensee that has narrowbanded its system but that did not change its emission type (*e.g.*, did not change from analog to

² See 47 C.F.R. § 90.203(j)(10). In June 2010, the Commission waived this provision until January 1, 2013. See *Narrowbanding Waiver Order*, 25 FCC Rcd 8166. On November 29, 2012, Motorola Solutions, Inc. filed a request for a blanket waiver to permit the continued manufacture and importation of wideband-capable equipment for sale to licensees that were granted waivers of the January 1, 2013 deadline to migrate to narrowband technology. See Wireless Telecommunications Bureau, Public Safety and Homeland Security Bureau and Office of Engineering and Technology Seek Comment on Motorola Request for Limited Waiver of Section 90.203(j)(10) of the Commission’s Rules, *Public Notice*, WT Docket No. 99-87, 27 FCC Rcd 15213 (WTB/PSHSB/OET 2012). That petition remains pending.

³ Licensees, Frequency Coordinators, and Equipment Manufacturers Reminded of Narrowband Migration Deadlines in the 150-174 MHz and 421-512 MHz Bands, *Public Notice*, 24 FCC Rcd 14511, 14513 (WTB/PSHSB/OET 2009).

⁴ The wideband emission designator will be deemed impermissible if the licensee does not have a valid waiver for the authorization or has not certified that it is operating with narrowband-equivalent technology.

digital operations)⁵ can accomplish this by filing a simple narrowbanding modification application (see below). In this situation, the licensee may commence narrowband operation while the application is pending.⁶ However, if a licensee is changing its emission type (*e.g.*, transitioning from analog to digital operation), the licensee must submit a modification application through a frequency coordinator and may not commence use of the new emission type until the frequency coordinator has submitted the application to the Commission.

(b) Licensees with wideband emission designators whose stations are not narrowband-capable must either cease operating or immediately seek a waiver to permit continued wideband operation. Any such waiver request must include an explanation as to why the licensee did not request a waiver prior to the January 1, 2013 narrowbanding deadline.⁷ A licensee requesting a post-deadline waiver should not assume that the waiver request will be granted, and grant of a waiver request does not insulate a licensee from possible enforcement action for the period of unauthorized wideband operation after January 1, 2013. However, the Enforcement Bureau may consider the length of unauthorized operation when evaluating the severity of the violation of the Commission's rules as well as the appropriate sanction. Therefore, we advise any licensee seeking a post-deadline waiver to take action to migrate to narrowband technology as soon as possible to minimize the period of unauthorized wideband operation. We also note that licensees operating pursuant to a waiver are still required to take reasonable precautions to avoid causing harmful interference as well as to cooperate with other licensees to reduce and resolve harmful interference. Failure to abide by either of these provisions may result in Enforcement action.⁸

Finally, as previously announced,⁹ for frequency coordination purposes, frequency coordinators will generally treat incumbent wideband-only licenses, except those that have certified narrowband equivalence (see below), as 12.5 kilohertz systems when coordinating new frequency assignments, pursuant to Section 90.187¹⁰ and other applicable Commission rules. The only exceptions are if a licensee has a pending modification application evidencing narrowbanding compliance or a pending or granted request for waiver of the January 1, 2013 deadline. Specifically, frequency coordinators will consider non-compliant wideband-only licenses during the frequency research, selection, and certification process as if the non-compliant licenses are operating with an emission designator of 1K3F3E. In addition, frequency coordinators may bring to the Commission's attention stations that they believe are

⁵ A station's emission type is reflected in the last three characters of the emission designator.

⁶ Note, however, that licensees operating in the Quiet Zone must wait for license approval before commencing narrowband operation. See 47 C.F.R. § 1.924.

⁷ The Wireless Telecommunications Bureau and Public Safety and Homeland Security Bureau previously provided guidance on the preparation and submission requests as well as the recommended content of waiver requests. See Wireless Telecommunications Bureau, Public Safety and Homeland Security Bureau, and Office of Engineering and Technology Provide Reminder of January 1, 2013 Deadline for Transition to Narrowband Operations in the 150-174 MHz and 421-512 MHz Bands and Guidance for Submission of Requests for Waiver and Other Matters, *Public Notice*, 26 FCC Rcd 9647 (WTB/PSHSB/OET 2011); Wireless Telecommunications Bureau and Public Safety and Homeland Security Bureau Provide Supplemental Guidance for Licensees in the 150-174 and 421-512 MHz Bands Seeking Waivers of the January 1, 2013 Narrowbanding Deadline, *Public Notice*, 27 FCC Rcd 1936 (WTB/PSHSB 2012).

⁸ 47 C.F.R. §§ 90.173(b), 90.403(e)

⁹ Wireless Telecommunications Bureau, Public Safety and Homeland Security Bureau, and Office of Engineering and Technology Provide Reminder of January 1, 2013 Deadline for Transition to Narrowband Operations in the 150-174 MHz and 421-470 MHz Bands, *Public Notice*, 27 FCC Rcd 14896, 14899 (WTB/PSHSB/OET 2012).

¹⁰ 47 C.F.R. § 90.187.

either operating in wideband mode in violation of the Commission's rules or that have discontinued operations.

The Bureaus intend to take steps to verify the status of all stations with active licenses that include wideband emission designators, to confirm that such stations remain operational and are in compliance with the narrowbanding rules. The Bureaus will provide more details on this verification process in a subsequent Public Notice.

Filing Narrowbanding Modification Applications after January 1, 2013

The Bureaus recently added a new narrowbanding licensing tool to the Universal Licensing System to simplify the filing of simple narrowbanding modification applications. A simple narrowbanding modification application is an application to modify a license by deleting a wideband emission designator (occupied bandwidth in excess of 11.25 kHz) and, if necessary, adding one or more narrowband emission designators, without changing the existing frequencies, emission types, locations, or other technical parameters of the license.¹¹ These applications require neither frequency coordination¹² nor payment of Commission fees.¹³

The narrowbanding modification tool will only provide access to wideband-only authorizations that do not require IRAC coordination or Quiet Zone notification and that are not associated with any other pending applications. We strongly encourage licensees who wish to use this tool to first search ULS to develop an accurate inventory of their authorizations to help ensure that they do not accidentally omit a call sign.

To access the narrowbanding modification tool, users must use an FRN and Password or a unique access code. Licensees who need an access code should contact the Licensing Support Center at (877) 480-3201, option #5. For questions or additional information on how to file applications to modify or delete wideband emissions, users should consult the web at <http://www.fcc.gov/encyclopedia/narrowbanding-overview> or contact the Licensing Support Center.

A modification application that reduces the occupied bandwidth but also alters other technical parameters, such as changing from analog to digital emissions, is not a simple narrowbanding modification application, and therefore requires both frequency coordination and payment of Commission fees.

¹¹ Applicants should modify the emission designator for the existing frequency assignment(s), rather than modify the license by adding a "new" frequency that duplicates an existing frequency in all respects other than occupied bandwidth. Adding a "new" frequency will result in ULS assigning a new construction deadline.

¹² See 47 C.F.R. § 90.175(j)(20)

¹³ See 47 C.F.R. § 1.1116(a). Applicants in the Special Emergency Radio and Public Safety Radio Services are generally fee-exempt. See 47 C.F.R. § 1.1116(b). Simple narrowbanding applications are fee-exempt pursuant to Section 1.1116(a) of the Commission's Rules, which exempts applications filed for the sole purpose of modifying a license in order to comply with new requirements of the Commission's rules. In order to file under the fee exemption, the applicant filling out FCC Form 601 must enter 'yes' responses to Items 9 (exempt from the application fee) and 10 (exempt from the regulatory fee). In addition, the applicant must respond 'yes' to Item 8 on Form 601 and submit an attachment explaining why the application is fee-exempt. The attachment type should be the 'fee exemption' attachment. It is recommended that licensees reference Section 1.1116(a) in the attachment explanation field, and indicate that the filing was made exclusively to comply with the Commission's narrowbanding mandate.

Guidance for Licensees with Waivers that Need New Wideband-Capable Equipment

Some licensees that have been granted waivers of the narrowbanding deadline may need new wideband-capable equipment for use while they transition from wideband operation to narrowband operation. These licensees may petition their licensing Bureau(s) for a waiver of Section 90.203(j)(10), which prohibits the continued manufacture or importation of wideband-capable equipment. Such a request should be submitted on behalf of the licensee's equipment provider and should seek a waiver to permit the vendor to manufacture or import new wideband-capable equipment solely for sale to the petitioning licensee or to authorize the equipment provider to reprogram inherently wideband-capable equipment solely to enable the petitioning licensee to access the wideband mode.¹⁴ In support of its request, a licensee should reference its existing waiver, document its continued progress towards narrowband compliance, provide the approximate number of wideband-capable units that it anticipates needing during its narrowbanding transition, and explain why its plans and/or circumstances require more wideband-capable equipment than the licensee already has. Licensees may use preexisting vendor statements of work or contracts to document this information.

Additional Narrowbanding Information

Should a licensee that currently employs narrowband-equivalent technology on 25 kilohertz channels affirmatively certify that it meets the narrowband spectrum efficiency standard?

Yes. To enable the Commission and frequency coordinators to distinguish narrowband-equivalent systems from non-compliant wideband systems, existing narrowband-equivalent licensees must provide a separate certification with each license to show that their equipment meets the narrowband efficiency standard. Licensees may file this certification as an attachment to an administrative update for their affected licenses ("Rule 90.209(b)(6) Certification" should be selected in the Add Attachment Type drop down list). In addition, when filing for renewal or for new or expanded wideband operations, applicants who have not previously certified narrowband equivalence must respond 'yes' to Item 8 on the FCC Form 601 and submit an attachment explaining that the proposed operations meet the narrowband efficiency standard.

In all cases, the applicant must include the equipment's FCC ID number with the attachment or certification, which will enable Commission licensing staff to confirm that the equipment operates in a narrowband-equivalent mode. If necessary, Commission staff will seek further information from the applicant.

Does the automatic renewal of a wideband-only authorization constitute a waiver of the narrowbanding requirements?

No. Although ULS is configured to automatically grant renewal-only applications without examining the emission designator on the license, this does not relieve licensees of the obligation to operate in accordance with the Commission's rules. Therefore, wideband-only licensees who receive an automatic renewal remain responsible for complying with the narrowband rules and the guidance contained in this *Public Notice*.

¹⁴ See Dane County Letter Order, DA 13-181 (rel. Feb. 11, 2013).

What are the potential enforcement consequences of unauthorized wideband operation or falsely claiming narrowband status while continuing wideband operation?

Licenses operating in wideband mode after January 1, 2013 that have not received a waiver from the Commission extending the deadline are in violation of these rules. Licensees who operate in violation of the Commission's rules or the terms of the licensee's license, or who cause harmful interference to another licensee, may be subject to appropriate enforcement action. Such enforcement action may include admonishments, license revocation, and/or monetary forfeitures of up to \$16,000 for each such violation or each day of a continuing violation, and up to \$112,500 for any single act or failure to act.¹⁵

Willful false statements to the Commission are punishable by fine and/or imprisonment (U.S. Code, Title 18, section 1001), and/or revocation of any station license or construction permit (U.S. Code, Title 47, section 312(a)(1)), and/or forfeiture (U.S. Code, title 47, Section 503)

If I have information regarding a possible violation of the narrowbanding rules, how do I file a complaint with the FCC?

To file a complaint alerting the FCC about unauthorized wideband operations or other potential violations of the narrowbanding rules, please visit www.fcc.gov/complaints, or call 1-888-CALL-FCC (1-888-225-5322) voice or 1-888-TELL-FCC (1-888-835-5322) TTY.

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In addition, licensees and frequency coordinators may contact Mr. Melvin Spann of the Wireless Telecommunications Bureau, Mobility Division, (202) 418-1333, Melvin.Spann@fcc.gov, or Mr. Roberto Mussenden of the Public Safety and Homeland Security Bureau, Policy Division, (202) 418-1428, Roberto.Mussenden@fcc.gov. Equipment manufacturers may contact Mr. Andy Leimer of the Office of Engineering and Technology, (301) 362-3049, Andrew.Leimer@fcc.gov.

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¹⁵ See 47 U.S.C. §§ 401, 501, 503; 47 C.F.R. § 1.80(b)(7). This amount is subject to further adjustment for inflation. 47 C.F.R. § 1.80(b)(9). Other statutory amounts may apply based on the status of the licensee. See 47 C.F.R. 1.80(b)(1)-(6). In addition, in determining the amount of the forfeiture penalty, the Commission may consider other statutory factors, such as “the nature, circumstances, extent, and gravity of the violation and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.” See 47 U.S.C. § 503(b)(2)(E); 47 C.F.R. § 1.80(b)(8).