



Federal Communications Commission  
Washington, D.C. 20554

October 26, 2015

DA 15-1218

Sam L. Dulaney  
Chief Engineer  
Ritron, Inc.  
505 W. Carmel Drive  
Carmel, IN 46082

Re: Narrowbanding Waiver Request

Dear Mr. Dulaney:

This letter is in response to the request of Ritron, Inc. (Ritron) for a waiver of the prohibition in Section 90.203(j)(10) of the Commission's rules<sup>1</sup> on the manufacture and import of private land mobile radio equipment capable of wideband (25 kHz) operation.<sup>2</sup> Specifically, Ritron seeks a waiver to enable it to supply Ritron's wideband-capable RCCR locomotive cab two-way voice radios, FCC ID AIERIT28-150, to the Kansas City Southern Railway Company (KCS) for use on trains that operate between the United States and Mexico. For the reasons set forth below, we grant the waiver request.

*Background.* Section 90.203(j)(10) prohibits the continued manufacture and import of wideband-capable equipment. Manufacture and import of previously certified multi-mode equipment is permitted, however, if the modes of operation are enabled primarily through software rather than firmware or hardware, and users are not provided with the programming software necessary to activate the wideband 25 kHz mode.<sup>3</sup> The Ritron RCCR is currently shipped with its wideband capability disabled; only 12.5 kHz or 6.25 kHz modes can be accessed by the end-user.<sup>4</sup>

KCS is a U.S.-based railroad company that has operations in both the United States and Mexico. Although the United States has transitioned to narrowband operation in the railroad voice band, Mexico still has wideband railroad systems in operation. Ritron seeks a waiver of Section 90.203(j)(10) so that it can provide wideband-capable RCCR radios to KCS for use on locomotives traveling between the United States and Mexico.<sup>5</sup> Ritron submitted with its request a letter from KCS confirming that KCS intends to obtain narrowband/wideband-capable radios from Ritron for its cross-border operations.<sup>6</sup> The radios will not be operated in wideband mode in the United States.<sup>7</sup>

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<sup>1</sup> See 47 C.F.R. §90.203(j)(10).

<sup>2</sup> See Letter dated September 10, 2015 from Sam L. Dulaney, Chief Engineer, Ritron to Scot Stone, Deputy Chief, Mobility Division, Wireless Telecommunications Bureau, Federal Communications Commission (Request).

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

<sup>4</sup> Request at 2.

<sup>5</sup> *Id.*

<sup>6</sup> Letter dated September 2, 2015 from Kerry Klasing, Manager Telecommunications, Kansas City Southern Railway Company to Kevin G. Matson, Senior Project Engineer/Manager, Ritron (KCS Letter).

<sup>7</sup> See *id.* at 2.

*Discussion.* To obtain a waiver of the Commission's rules, a petitioner must demonstrate either that (i) the underlying purpose of the rule(s) would not be served or would be frustrated by application to the present case, and that a grant of the waiver would be in the public interest; or (ii) in view of unique or unusual factual circumstances of the instant case, application of the rule(s) would be inequitable, unduly burdensome, or contrary to the public interest or the applicant has no reasonable alternative.<sup>8</sup>

Based on the record before us, we conclude that Ritron has presented sufficient facts to meet the standard for grant of the requested waiver. Without multi-mode narrowband/wideband-capable radios, KCS would be required purchase separate narrowband and wideband radios for its United States and Mexico operations, then stop each train at the border crossing and change radios. This "would mean a good deal of additional expenses and loss of economies of scale."<sup>9</sup> We agree that changing out radios that cannot be used in Mexico and reinstalling the units when the locomotive crosses back into the United States would be an impractical use of resources and unduly burdensome, and presents an unnecessary risk of equipment loss or damage. Therefore, we grant Ritron a waiver of Section 90.203(j)(10) to permit the manufacture or importation of narrowband/wideband-capable RCCR locomotive cab two-way voice radios, FCC ID AIERIT28-150, for sale to the Kansas City Southern Railway Company.

Accordingly, IT IS ORDERED pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 1.925(b)(3) of the Commission's rules, 47 C.F.R. § 1.925(b)(3), that the Request for Waiver filed on September 10, 2015 by Ritron Inc. IS GRANTED.

This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone  
Deputy Chief, Mobility Division  
Wireless Telecommunications Bureau

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<sup>8</sup> 47 C.F.R. § 1.925(b)(3).

<sup>9</sup> KCS Letter at 1.