



Federal Communications Commission
Washington, D.C. 20554

February 12, 2015

DA 15-201
FCC 14-172

Small Entity Compliance Guide

Proposed Amendments to the Service Rules Governing Public Safety Narrowband Operations in the 769-775/799-805 MHz Bands

**PS Docket No. 13-87, PS Docket No. 06-229, WT Docket No. 96-86, RM-11433, and
RM-11577**

This Guide is prepared in accordance with the requirements of Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. It is intended to help small entities—small businesses, small organizations (non-profits), and small governmental jurisdictions—to comply with the new rule/s adopted in the above-referenced FCC rulemaking docket/s. This Guide is not intended to replace the rule/s and, therefore, final authority rests solely with the rule/s. Although we have attempted to cover all parts of the rule/s that might be especially important to small entities, the coverage may not be exhaustive. As a result, in any civil or administrative action against a small entity for a violation of a rule or rules, the content of the Small Entity Compliance Guide may be considered only as evidence of the reasonableness or appropriateness of proposed fines, penalties or damages. This Guide may not apply in a particular situation based upon the circumstances, and the FCC retains the discretion to adopt approaches on a case-by-case basis that may differ from this Guide, where appropriate. Any decisions regarding a particular small entity will be based on the statute and regulations. Interested parties are free to file comments regarding this Guide and the appropriateness of its application to a particular situation; the FCC will consider whether the recommendations or interpretations in the Guide are appropriate in that situation. The FCC may decide to revise this Guide without public notice to reflect changes in the FCC’s approach to implementing a rule, or to clarify or update the text of the Guide. Direct your comments and recommendations, or calls for further assistance, to the FCC’s Consumer Center:

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Background.

On October 24, 2014, the Federal Communications Commission (Commission) released a *Report and Order* in the foregoing dockets. The *Report and Order* implements certain changes to the rules governing the 700 MHz public safety narrowband spectrum (769-775/799-805 MHz). The *Report and Order* eliminates the requirement for narrowbanding of the spectrum by December 2016, which will enable licensees to extend the life of existing systems and will provide public safety with greater flexibility in determining the optimal future use of the band. In addition, the *Report and Order* revises and updates the technical rules for the band to enhance interoperability and open up certain channels to new uses, and releases reserve spectrum to provide additional capacity, particularly for licensees relocating to the 700 MHz band from the T-Band. These rule changes will enhance the ability of public safety licensees to use this spectrum to protect the safety of life and property.

Compliance Requirements.

In formulating rule changes in the *Report and Order*, the Commission sought to promote efficient use of the 700 MHz public safety narrowband spectrum while reducing economic burdens on Public Safety Radio Licensees. Absent these rule changes, Public Safety Radio Licensees would be subject to unnecessary economic burdens and restrictions. The *Report and Order* adopts a rule that will entail reporting, recordkeeping, and/or third-party consultation (*e.g.*, modifying requirements for certain equipment certification applications; requiring regional planning committee concurrence to license the reallocated reserve channels; requiring state concurrence to license the air-ground channels). The rule changes become effective on January 2, 2015, except for the foregoing new or modified information collection requirements in 47 C.F.R. §§ 2.1033(c)(20), 90.531(b)(2) and 90.531(b)(7), that require approval by OMB, which will become effective after such approval, on the effective date specified in a future notice by the Commission.

Deadline for Narrowbanding Transition to 6.25 KiloHertz Technology

The *Report and Order* eliminates the December 31, 2016 deadline for 700 MHz public safety narrowband licensees to transition to 6.25 kHz bandwidth technology and the December 31, 2014 interim deadline for the cessation of marketing, manufacture, or import of 700 MHz narrowband equipment not capable of operating at 6.25 kilohertz efficiency. Elimination of the 2016 deadline relieves public safety licensees of the economic burden associated with having to replace currently operating communications systems prior to the end of their life-cycle. Elimination of the 2014 deadline allows for the development of industry standards for 6.25 kHz technology which will allow equipment manufacturers to develop equipment designed for interoperability among equipment of all manufacturers as opposed to equipment that can only communicate with a limited number of vendors' equipment.

Air-Ground Channels Replace Secondary Trunking Channels

The *Report and Order* re-designates the secondary trunking channels for air-ground communications to be used by low altitude aircraft and related ground based stations. The *Report and Order* concludes there is a need to designate specific channels in the band for use by low-altitude aircraft and that secondary trunking channels are no longer used for their original purpose. Thus, public safety licensees benefit from this rule change because channels in the band which previously remained fallow become available for the increasingly important function of allowing aircraft responding to emergencies to interoperate with public safety officials on the ground.

The *Report and Order* re-designates the Secondary Trunking Channels to support Air-Ground communications subject to State administration. The *Report and Order* assigns responsibility for coordinating these channels to the states. As a result, each applicant for Air-Ground spectrum will need to coordinate its application with the State.

Voice Communications on Data Interoperability Channels

The *Report and Order* permits voice communications on a secondary basis on the upper two of the four 6.25 kilohertz channel pairs previously reserved for data-only interoperability. This rule change benefits public safety licensees by providing them the flexibility to use additional channels for voice interoperability in jurisdictions that only have limited if any demand for data interoperability.

Reserve Channels

The *Report and Order* designates all twenty-four 12.5 kilohertz bandwidth Reserve Channel pairs for General Use subject to Regional Planning Committee regional plans. The Reserve Channels had been held in reserve to address public safety's developing needs. To further Congress' goal to facilitate relocation of public safety incumbents in the 470-512 MHz band, the *Report and Order* provides priority access to all twenty-four 12.5 kilohertz channel pairs for T-Band relocation in the urban areas specified in Section 90.303 of the Commission's rules. Outside the urban areas specified in Section 90.303, the *Report and Order* permits dedication of up to eight 12.5 kilohertz channel pairs for temporary deployable trunked use and the rest for General Use, including low power vehicular repeater operation. This approach affords public safety agencies with flexibility in operation on the former Reserve Channels while also avoiding undue economic burdens.

To date, only 47 out of 55 regions have obtained approval for their 700 MHz plans. As a result, the *Report and Order* directs these 47 700 MHz Regional Planning Committees that have obtained approval for their regional plans to modify their plans to reflect the new 700 MHz narrowband General Use (formerly Reserve) spectrum allocation adopted in this *Report and Order*. Each applicant for General Use (formerly Reserve) Spectrum will need to coordinate its application with the relevant Regional

Planning Committee(s). T-Band incumbents filing applications for the former Reserve channels must also demonstrate a commitment to return an equal amount of T-Band spectrum.

Compliance with Interoperability Technical Standards

Section 90.548 of the Commission's rules requires any radio designed to operate on the 700 MHz narrowband interoperability channels to conform to the ANSI 102 Project 25 technical standards. The *Report and Order* reduces the burden on equipment manufacturers by according them a presumption of conformity with these standards if they submit equipment for certification under the Project 25 Compliance Assessment Program (CAP).

CAP is a program that establishes an independent compliance assessment process to ensure that communications equipment conforms to Project 25 standards and is interoperable across vendors. The purpose of this rule is to enhance interoperability and provide assurance to licensees that their equipment is interoperable across vendors regardless of which vendor they choose. Thus, the *Report and Order* establishes the presumption that CAP conformity is sufficient to show compliance with Section 90.548. Alternatively, a manufacturer may submit a document describing how it determined compliance with Section 90.548 and that its equipment is interoperable across vendors.

ACP Requirements for Class B Signal Boosters

The *Report and Order* exempts Class A and Class B signal boosters from the Adjacent Channel Power (ACP) limits of Section 90.543(a) when such units are simultaneously retransmitting multiple signals. In lieu of the ACP limits, the *Report and Order* applies the emission limit listed in Section 90.543(c) to such signal boosters operating in this manner. Wireless communications equipment manufacturers that produce such signal boosters benefit from this exemption because they will be able to continue manufacturing and marketing signal boosters capable of operating on 700 MHz public safety narrowband spectrum. Public safety licensees benefit from this exemption because they will continue to have access to signal boosters capable of providing in-building RF coverage in this band. Absent this exemption, public safety licensees may have been unable to find solutions for deficiencies in in-building RF coverage.

Narrowband Power Limits

The *Report and Order* converts all power limits from transmitter output power (TPO) to effective radiated power (ERP) and consolidates all power limits into a more comprehensive Section 90.541, deleting Section 90.545. Public safety licensees benefit from this change in power characterization because all power limits will now be in terms of ERP which more accurately defines the actual operating power of the radio.

User Access to Interoperability Channels

The *Report and Order* clarifies that Commission rules require only that radios be capable of being programmed to operate on all of the interoperability channels, but do not require that every radio have every interoperability channel programmed into it and available to the user. This approach affords public safety flexibility in programming radios while avoiding undue economic burdens. This rule change eliminates an ambiguity in the rules and reduces the compliance requirements on public safety licensees.

Analog Operation on the Interoperability Channels

The *Report and Order* revises Section 90.535 to make clear that users may not operate their mobile and portable equipment in analog mode on the interoperability channels, even as a secondary mode. In reaching this decision, the *Report and Order* concludes that allowing two modulation modes on a channel reserved for interoperable voice communications would seriously impair interoperability.

Internet Link.

A copy of the *Report and Order* is available at
http://transition.fcc.gov/Daily_Releases/Daily_Business/2014/db1024/FCC-14-172A1.pdf