



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

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Internet: <http://www.fcc.gov>
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DA 16-1087

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WIRELESS TELECOMMUNICATIONS BUREAU, PUBLIC SAFETY AND HOMELAND SECURITY BUREAU, AND OFFICE OF ENGINEERING AND TECHNOLOGY SEEK COMMENT ON REQUEST FILED BY THE INTERNATIONAL MUNICIPAL SIGNAL ASSOCIATION FOR WAIVER OF SECTION 90.203(J)(4)-(5) OF THE COMMISSION'S RULES

WT Docket No. 99-87

Comment Date: October 26, 2016

Reply Comment Date: November 10, 2016

By this *Public Notice*, comment is sought on the request for waiver of section 90.203(j)(4)-(5) of the Commission's rules filed by the International Municipal Signal Association (IMSA) on August 19, 2016.¹ Pursuant to section 90.203(j)(4)-(5), the Commission no longer accepts 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.²

This 6.25 kHz capability requirement originally was scheduled to take effect January 1, 2011. In 2010, however, the Commission temporarily waived the requirement until 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, 2013.³ The Commission noted that a public safety interoperability standard for 6.25 kHz operation was still under development, and stated that if standards still were not in place by January 1, 2013, interested parties could request a further extension.⁴ In 2013, the Wireless Telecommunications Bureau, Public Safety and Homeland Security Bureau, and Office of Engineering and Technology delayed implementation of the requirement until January 1, 2015, in order to allow additional time for standards

¹ See Request for Waiver (filed August 9, 2016), <https://ecfsapi.fcc.gov/file/10819245623424/International%20Municipal%20Signal%20Association%20Request%20for%20Waiver%20--%2099-87%20--%208.19.16.pdf>.

² See 47 C.F.R. § 90.203(j)(4)-(5).

³ See *Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended*, Order, 25 FCC Rcd 8861, 8865-66, para. 11 (2010) (*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, 27 FCC Rcd 4213 (WTB/PSHSB/OET 2012).

⁴ See *2010 Order*, 25 FCC Rcd at 8866, n.41.

bodies to complete the ANSI 102 “Project 25 Phase II” standard for the Public Safety sector.⁵ The January 1, 2015, date was selected because that also was the date when the Commission would no longer accept applications for certification of Public Safety equipment in the 700 MHz band that cannot operate in a 6.25 kHz mode or with equivalent efficiency.⁶

In its waiver request, IMSA notes that standards for 6.25 kHz technology still are not in place, and that the Commission subsequently eliminated the 6.25 kHz capability requirement for Public Safety equipment in the 700 MHz band.⁷ In addition, IMSA argues that the 6.25 kHz capability requirement will significantly raise prices and reduce deployment, especially for volunteer firefighters and ski patrols. IMSA states that since Public Safety users are required to continue using radios with FM analog capabilities,⁸ there is no operational need to mandate digital capabilities as well. Further, it contends the 6.25 kHz capability requirement could harm interoperability by allowing incompatible equipment to proliferate. Consequently, IMSA asserts that the implementation of section 90.203(j)(4)-(5) should be delayed until January 1, 2020, at which time the Commission should reassess the decision to impose the 6.25 kHz capability requirement.

We seek comment on the waiver request. Commenters should address whether the public interest would be served by again delaying implementation of the requirement that applications for certification of Part 90 equipment in the 150-174 MHz and 450-512 MHz bands demonstrate 6.25 kHz capability or equivalent efficiency. Commenters are asked to address the current state of the development of standards for 6.25 kHz technology, and estimates of when standards may be finalized and how long after that it would take to design and manufacture compliant equipment. We also ask that commenters provide specific data and information regarding the current effect of the 6.25 kHz capability requirement on equipment costs, such as actual or estimated dollar figures, including a description of how the data or information was calculated or obtained and any supporting documentation or other evidentiary support. Vague or unsupported assertions regarding costs or benefits generally will receive less weight and be less persuasive than more specific and supported statements. Commenters should also discuss the appropriate duration of any additional waiver.

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.⁹

- 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

⁵ See *Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended*, Order, 28 FCC Rcd 2811, 2814, para. 10 (WTB/PSHSB/OET 2013).

⁶ See *id.* at 2814, para. 12 (citing 47 CFR § 90.203(m) (2013)).

⁷ See *Proposed Amendments to the Service Rules Governing Public Safety Narrowband Operations in the 769-775/799-805 MHz Bands*, Report and Order, 29 FCC Rcd 13283, 13289, para. 12 (2014).

⁸ See *Emission Mask Requirements for Digital Technologies on 800 MHz NPSPAC Channels; Analog FM Capability on Mutual Aid and Interoperability Channels*, Report and Order, 31 FCC Rcd 4250, 4272-76, paras. 56-65 (2016).

⁹ See *Electronic Filing of Documents in Rulemaking Proceedings*, Report and Order, GC Docket No. 97-113, 13 FCC Rcd 11322 (1998).

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 12th 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 12th Street, SW, Washington DC 20554.

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.

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.

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 12th 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, telephone (202) 488-5300, facsimile (202) 488-5563, TTY (202) 488-5562, e-mail 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.

This proceeding has been designated as a “permit-but-disclose” proceeding in accordance with the Commission's *ex parte* rules.¹⁰ 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

¹⁰ See 47 C.F.R. §§ 1.1200(a), 1.1206.

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; or Mr. Roberto Mussenden at (202) 418-1428 of the Public Safety and Homeland Security Bureau, or via e-mail at 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.

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

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