



PUBLIC NOTICE

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WIRELESS TELECOMMUNICATIONS BUREAU AND PUBLIC SAFETY AND HOMELAND SECURITY BUREAU PROVIDE ADDITIONAL GUIDANCE REGARDING POST-NARROWBANDING LICENSING FOR PRIVATE LAND MOBILE RADIO OPERATIONS IN THE 150-174 MHz AND 421-470 MHz BANDS

Applications Regarding “Wideband-Only” Licenses for Facilities Operating Without Waiver Will Be Dismissed

Since the Commission’s narrowbanding requirement went into effect on **January 1, 2013**, all VHF/UHF Industrial/Business and Public Safety Radio Pool licensees in the 150-174 MHz and 421-470 MHz bands are required to operate on channels with a maximum bandwidth of 12.5 kilohertz or equivalent efficiency, unless they are operating under the terms of a waiver.¹ Accordingly, wideband-only operation absent a waiver is no longer permitted. The Wireless Telecommunications Bureau and the Public Safety and Homeland Security Bureau (the Bureaus) have taken various steps to assure that licensees are aware of and comply with the narrowbanding requirement, and update their license information to reflect narrowband operation.² By this *Public Notice*, the Bureaus provide additional guidance to licensees and frequency coordinators regarding licensing procedures for private land mobile radio (PLMR) licensees in the 150-174 MHz and 421-470 MHz bands.

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, 18 FCC Rcd 3034 (2003); *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, 19 FCC Rcd 25045 (2004); *Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended*, Order, 25 FCC Rcd 8861 (2010); 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 licensees in the 470-512 MHz band. See *Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended*, Order, 27 FCC Rcd 4213, *on recon.*, Order on Reconsideration, 27 FCC Rcd 14770 (WTB/PSHSB/OET 2012).

² See *Wireless Telecommunications Bureau and Public Safety and Homeland Security Bureau Provide Additional Guidance Regarding Post-Narrowbanding License Renewal Procedures for Private Land Mobile Radio Operations in the 150-74 and 421-470 MHz Bands*, Public Notice, 29 FCC Rcd 2088 (WTB/PSHSB 2014); *Wireless Telecommunications Bureau, Public Safety and Homeland Security Bureau, and Office of Engineering and Technology Provide Guidance on Compliance with Narrowbanding Requirement Now in Effect for Private Land Mobile Radio Operations in the 150-74 and 421-470 MHz Bands*, Public Notice, 28 FCC Rcd 2296 (WTB/PSHSB/OET 2013).

Applications Regarding Wideband-Only Licenses Will Be Dismissed

Because wideband operation is no longer permitted, the Bureaus now dismiss applications to renew 150-174 MHz and 421-470 MHz band licenses that list only wideband emission designators unless (a) the application also proposes to modify the license by replacing the wideband emission designator(s) with narrowband emission designator(s), (b) the applicant certifies that the station equipment meets the narrowband efficiency standard, or (c) the licensee has been granted a waiver of the January 1, 2013 deadline for that station.

Beginning February 16, 2016, the Bureaus will extend this policy to *all* PLMR applications in the 150-174 MHz and 421-470 MHz bands that list only wideband emission designators. Specifically, the Bureaus will dismiss Administrative Update and Modification (including Renewal/Modification) applications unless (a) the application also proposes to modify the license by replacing the wideband emission designator(s) with narrowband emission designator(s), (b) the applicant certifies that the station equipment meets the narrowband efficiency standard, or (c) the licensee has been granted a waiver of the January 1, 2013, deadline for that station. In addition, the Bureaus will dismiss Assignment of Authorization and Transfer of Control applications that include 150-174 MHz and 421-470 MHz band licenses that list only wideband emission designators unless the station equipment meets the narrowband efficiency standard or the January 1, 2013, narrowbanding deadline has been waived for that station, including applications that also include licenses that comply with, or are not subject to, the narrowbanding requirement.

We strongly encourage licensees whose licenses list only wideband emission designators to modify the license to replace the wideband emission designator(s) with narrowband emission designator(s) *before* filing any other application. Licensees can use the Bureaus' narrowbanding tool (described below) to make this modification.

Exceptions to Dismissal Policy

The Bureaus will not dismiss applications regarding 150-174 MHz and 421-470 MHz band licenses that fall within one of the following categories that permit operations with a channel bandwidth greater than 12.5 kilohertz:

- *Narrowband-equivalent licenses for which the licensee previously certified narrowband equivalence.* Licensees may file the narrowband equivalence certification as an attachment to an administrative update for their affected licenses (applicants should select "Rule 90.209(b)(6) Certification" in the Add Attachment Type drop down list). 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.
- *Licenses that operate solely on paging frequencies that are exempt from the narrowbanding requirement.* The following paging frequencies are exempt from the narrowbanding requirement: 152.0075 and 157.4500 MHz in the Public Safety Pool³ (note: frequency 163.250 MHz is *not* exempt from narrowbanding⁴); and 150.830, 150.920, 151.070, 151.190,

³ See 47 CFR § 90.20(d)(30).

⁴ See 47 CFR § 90.265(e)(1)(iv).

151.310, 152.480, 157.740, 158.460, 462.750, 462.775, 462.800, 462.825, 462.850, 462.875, 462.900, 462.925, and 465.000 MHz in the Industrial/Business Pool.⁵ Stations that operate on both exempt and non-exempt frequencies must narrowband the non-exempt frequencies.

- *Licenses for which a waiver of the January 1, 2013, narrowbanding deadline has been granted and has not expired.* Applicants invoking this exception must submit an attachment demonstrating that they have a valid waiver including the expiration date of the waiver.

Applications Meeting the Efficiency Standard

As noted above, the Bureaus will continue to process applications regarding wideband-only stations with narrowband-equivalent equipment, and those involving a concurrent modification to replace the wideband designator.

When filing an application, narrowband-equivalent licensees that 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. 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.

Applications Regarding Licenses with Both Wideband and Narrowband Designators

Currently, if a licensee files a renewal application for a license that contains both wideband and narrowband emission designators, the reviewing Bureau may return the application 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.⁶ Beginning February 16, 2016, the Bureaus will extend this policy to *all* applications regarding 150-174 MHz and 421-470 MHz band licenses that contain both wideband and narrowband emission designators.

Thus, to avoid the risk of a future Administrative Update, Modification, Assignment of Authorization, or Transfer of Control application being returned, we strongly encourage licensees whose licenses list both wideband and narrowband emission designators to remove the wideband emission designator 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” below for a description of the simple modification process).

Cancelling an Authorization

Licensees who still have authorizations but no longer are operating radio systems may cancel their authorizations by filing a cancellation application.

⁵ See 47 CFR § 90.35(c)(29).

⁶ Even if the application is not returned, renewal of a license listing a wideband emission designator does not authorize wideband operation unless the station is exempt from the narrowbanding requirement.

Filing Narrowbanding Modification Applications

The Bureaus have added two tools to the Universal Licensing System to simplify the filing of certain types of simple narrowbanding modification applications, *i.e.*, applications 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. The two tools provide a streamlined process to (i) file modification applications to reduce bandwidth on a wideband emission designator to narrowband (occupied bandwidth of 11.25 kHz or less); or (ii) remove the wideband emission. Applications filed using these tools do not require frequency coordination⁷ or payment of Commission fees.⁸ The narrowbanding modification tools will only provide access to authorizations that do not require IRAC coordination or Quiet Zone notification and that are not associated with any other pending applications.

If an applicant does not use one of the narrowband tools to file a simple narrowbanding application to delete or modify wideband emissions, it must file an application for a simple narrowbanding modification to the license using a Form 601. Modification applications that are filed solely for this purpose do not require frequency coordination or payment of Commission fees. 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 (attachment being filed) and submit an attachment explaining why the application is fee-exempt. Applicants should use the 'fee exemption' attachment type. The Bureaus recommend 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.

To file a modification application, users must use an FCC Registration Number (FRN) and Password. To access the narrowbanding modification tools, 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.

⁷ See 47 CFR § 90.175(j)(20).

⁸ See 47 CFR § 1.1116(a). Applicants in the Special Emergency Radio and Public Safety Radio Services are generally fee-exempt. See 47 CFR § 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.

Additional Narrowbanding Information

Are licenses that list only wideband emission designators protected with respect to subsequent applications for centralized trunked operations?

It depends on whether or not the licensee is actually operating in wideband mode.

With certain exceptions, Section 90.187 of the Commission's Rules requires that a trunked system monitor the frequencies and employ equipment that prevents transmission on a frequency if a signal from another system is present on it.⁹ One of the exceptions is if the licensee obtains the written consent of all "affected licensees."¹⁰ Whether an incumbent is an affected licensee depends on both the spectral proximity of the existing and proposed frequencies, and the physical proximity of the existing and proposed facilities. In 2013, the Commission amended Section 90.187(d)(1)(ii)(D) to provide that licensees with an authorized bandwidth exceeding 12.5 kHz will not be deemed affected licensees unless the station operates with narrowband-equivalent equipment, or has been granted a waiver of the January 1, 2013, narrowbanding deadline.¹¹

Recently, the Land Mobile Communications Council requested clarification of the status of stations that actually operate in narrowband mode, but for which the license lists only wideband emission designators because the licensee has failed to update the license information to reflect narrowband operation.¹² The Bureaus hereby clarify that while Section 90.187(d)(1)(ii)(D) permits frequency coordinators to ignore wideband-only licenses when coordinating new centralized trunked operations, incumbent stations that are in fact narrowband-compliant and subsequently update their license information to reflect narrowband operation are affected licensees. Section 90.187(d)(1)(ii)(D) denies protection only to stations that do not operate in compliance with the narrowbanding rules. Consequently, we encourage frequency coordinators to contact apparent wideband-only licensees in order to determine whether the incumbent is an affected licensee.

Will the Bureaus take any other action to encourage licensees to update their license information to reflect narrowband operation and otherwise comply with the narrowbanding requirement?

The Bureaus intend in the near future to notify by email to all PLMR licensees in the 150-174 MHz and 421-470 MHz bands with wideband emission designators who have provided an email address in the Universal Licensing System, to urge them to update their license information to reflect compliance with the narrowbanding requirement.

⁹ See 47 CFR § 90.187.

¹⁰ 47 CFR § 90.187(d).

¹¹ See *Amendment of Part 90 of the Commission's Rules*, Fifth Report and Order, 28 FCC Rcd 5924, 5938 (2013); 47 CFR § 90.187(d)(1)(ii)(D)

¹² See Letter from Mark E. Crosby, Secretary, Land Mobile Communications Council, to Admiral David G. Simpson (Ret.), Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, and Roger Sherman, Chief, Wireless Telecommunications Bureau, Federal Communications Commission at 2 (Nov. 4, 2015) (on file in WT Docket No. 99-87); see also Letter from Mark E. Crosby, Secretary, Land Mobile Communications Council, to Admiral David G. Simpson (Ret.), Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, and Roger Sherman, Chief, Wireless Telecommunications Bureau, Federal Communications Commission at 1 (Dec. 17, 2015) (on file in WT Docket No. 99-87).

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

Licensees operating in wideband mode after January 1, 2013 that have not received a waiver from the Commission extending the deadline are in violation of the Commission’s 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.¹³

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 <https://consumercomplaints.fcc.gov/hc/en-us>, 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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Licensees and frequency coordinators who have questions concerning this *Public Notice* and the narrowbanding requirement 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.

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¹³ See 47 U.S.C. §§ 401, 501, 503; 47 CFR § 1.80(b)(7). This amount is subject to further adjustment for inflation. 47 CFR § 1.80(b)(9). Other statutory amounts may apply based on the status of the licensee. See 47 CFR § 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 CFR § 1.80(b)(8).