



# PUBLIC NOTICE

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## 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 150-174 MHz AND 421-470 MHz BANDS

### “Wideband-Only” Licenses for Facilities Operating Without Waiver Will Not Be Renewed

By this *Public Notice*, the Wireless Telecommunications Bureau and the Public Safety and Homeland Security Bureau (the Bureaus) provide supplemental guidance to licensees regarding renewal procedures for private land mobile radio (PLMR) licensees in the 150-174 MHz and 421-470 MHz bands.

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 granted by the licensing Bureau.<sup>1</sup> Accordingly, wideband-only operation absent a waiver is no longer permitted.

Because wideband operation is no longer permitted the Bureaus will, beginning on April 1, 2014, 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); or (b) the application certifies that the station equipment meets the narrowband efficiency standard.

Below, the Bureaus describe the renewal procedures for licenses with wideband-only designators and licenses with both wideband and narrowband designators. The Bureaus also describe the procedures for filing cancellation and modification applications, and provide guidance on enforcement and violation issues.

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<sup>1</sup> 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).

## **Renewal Applications for Wideband-Only Licenses**

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

When filing a renewal 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.

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 a renewal. Licensees can use the Bureaus’ new narrowbanding tool (described below) to make this modification.

The Bureaus will not dismiss applications to renew 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 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). 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 Pool<sup>2</sup> (note: frequency 163.250 MHz is *not* exempt from narrowbanding<sup>3</sup>); and 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.<sup>4</sup> 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.

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<sup>2</sup> See 47 C.F.R. § 90.20(d)(30).

<sup>3</sup> See 47 C.F.R. § 90.265(e)(1)(iv).

<sup>4</sup> See 47 C.F.R. § 90.35(c)(29).

## **Renewal Applications for Licenses with Both Wideband and Narrowband Designators**

Beginning on April 1, 2014, 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.<sup>5</sup>

Thus, to avoid the risk of a future 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.

## **Filing Narrowbanding Modification Applications**

The Bureaus have added a tool to the Universal Licensing System to simplify the filing of certain types of simple narrowbanding modification applications.<sup>6</sup> The tool provides a streamlined process for filing applications to reduce bandwidth on a wideband emission designator to narrowband (occupied bandwidth of 11.25 kHz or less). These applications require neither frequency coordination<sup>7</sup> nor payment of Commission fees.<sup>8</sup> The narrowbanding modification tool 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.

Applications to delete emissions must be filed as a modification to the license using a Form 601. Modification applications that are filed solely for this purpose require neither frequency coordination nor

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<sup>5</sup> 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.

<sup>6</sup> 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.

<sup>7</sup> See 47 C.F.R. § 90.175(j)(20).

<sup>8</sup> 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.

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 and submit an attachment explaining why the application is fee-exempt. The attachment type should be the 'fee exemption' attachment. 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. In the future the Bureaus plan to release a tool to simplify the filing of applications to delete wideband emissions.

To file a modification, users must use an FCC Registration Number (FRN) and Password. 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.

### **Additional Narrowbanding Information**

#### **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.<sup>9</sup>

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).

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<sup>9</sup> 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).

**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](http://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](mailto: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](mailto:Roberto.Mussenden@fcc.gov).

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