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**MRFAC Newsletter**

**January 2017**

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**Happy New Year!**

As the New Year dawns, MRFAC wishes you a safe and prosperous one. This year will have many challenges and opportunities due to the political changes in Washington

D.C. as well as dealing with the scarcity of radio frequency spectrum.

### **MRFAC Member Meetings**

MRFAC regularly meets twice a year at various locations in order to present information to member companies about the latest Federal Communications Commission (FCC) activities that might affect their business. The 2016 Spring meeting took place in Council Bluffs, IA and the 2016 Fall meeting was held in Cocoa Beach, FL. The 2017 Spring meeting is currently being planned and details will be forthcoming on time and location.

### **MRFAC 2016 Fall Meeting**

The MRFAC Fall meeting was held in Cocoa Beach, Florida on November 17<sup>th</sup> and 18<sup>th</sup>. The meeting was well attended by delegates from member companies. A variety of topics were discussed to include MRFAC business, regulatory and legislative affairs. There were also presentations to the members from the National Association of Manufacturers (NAM), and FCC staff. As described in more detail below, the meeting was productive with much information shared between member companies as well as with the FCC.

### **Fall Meeting Highlights**

During the meeting MRFAC members received presentations from Scot Stone, Deputy Chief, Mobility Division, Wireless Telecommunications Bureau regarding a variety of private land mobile radio issues affecting manufacturers. We also received a presentation from Brian Raymond, Director, Technology and Domestic Economic Policy, with our advocacy

partner, NAM, discussing technology policy issues that affect manufacturers.

Scot Stone of the FCC discussed a number of relevant topics at the meeting as well. There is some uncertainty at the FCC about certain issues due to a new administration taking over after 8 years under the previous administration. Items considered controversial are not likely to be considered until after the new administration takes control and can put their own Chairman and policies in place.

The first topic concerned the modernization of the Universal Licensing System (ULS). Extensive changes will be made with many improvements; in effect, the only thing that will be the same after the system upgrade will be the name. It will take some time before it is finished. The upgrade team has been reaching out to users to show what has been done so far, though that represents just baby steps in regards to the whole modernization effort. The FCC is continuing to bring new services on-line based primarily on need, with the ones used least being done first, because they are less complex compared to others. Part 90 Land Mobile will not be done any time soon in his opinion due to complexity. For more information, see the May 13, 2016 FCC Blog Post ([Modernizing Wireless Licensing at the FCC](#)).

Another topic was the NPRM on the Commercial Mobile Radio Service Presumption; this is a rule in Part 20 where services are presumed to be CMRS but the users are not CMRS (they can be operated as PLMR). Geographic licensees have to file at renewal time that they are still providing service to the

public. This is to show that they are both operating and constructed in the manner in which they were filed. For more information, see the August 18, 2016 Public Notice (DA [16-240](#))

Narrowbanding is still a topic being discussed by the FCC since going in effect in 2013. Though the deadline to narrowband ULS licenses has passed, there are still many licenses in ULS with wide-band emissions and the Commission will not renew these licenses absent a waiver. All waivers will expire by next year in regards to wideband emissions. Any application with mixed emissions (i.e. wideband and narrowband) will be returned and the user asked if they are using both emissions. All licenses with wideband emissions should be taken care of as soon as possible.

The Commission is looking to clarify when a license is cancelled. While policies with respect to cancellation of Part 90 licenses for discontinuance are clear (one year of non-operation), this is not the case with respect to other Radio Services. The question in those Services is how long a period of non-operation triggers cancellation. If a license is not being used and it is cancelled, it would free up spectrum for other parties. The T-Band (470-512 MHz) is still frozen, and the FCC is not sure when it will be unfrozen. This has been the case for new and expanded operation since 2012 when Congress passed the "Middle Class Tax Relief and Job Creation Act" and provided that within nine years the Commission would relocate T-band spectrum and assign it by competitive bidding. That money would be used to move public safety users to new spectrum. No action has been taken on

the auction issue to this point. The Commission knows it has to start acting to get it taken care of by 2021 when the auction is supposed to be completed.

As for 800 MHz Rebanding, the transition administrator has notified the Commission that rebanding is complete in 21 new regions which includes some of the largest markets in the country.

Brian Raymond presented as well. NAM represents 14,000 manufacturers, large and small, and has a long, collaborative history with MRFAC. (MRFAC was originally a branch of NAM, but for the past 30+ years, has operated independently while still maintaining close ties with NAM.)

Brian stressed the importance of NAM and MRFAC continuing to work together. This is especially true as spectrum becomes more scarce and its value for industry even greater. NAM has been busy with preparations for the new administration taking over. President Trump's new administration has promised job and manufacturing growth, and NAM is willing to help in anyway possible to make that happen. There are many opportunities for policy improvement that NAM is looking to work on. These include tax reform, tort reform, infrastructure upgrades (both physical and digital), and immigration reform, among other things.

Due to the contentious nature of the election, NAM circulated a letter to member companies in an effort to minimize the divisiveness created during the election. It was signed by 1100 companies and was sent to then President-elect Trump. While opportunities and challenges lie ahead,

there is reason to be hopeful about the future for U.S. manufacturing.

One of the victories for NAM in 2016 was the Trade Secrets Act that was signed into law on May 11, 2016. This was a big win for NAM, as it is a good tool to prosecute offenders stealing trade secrets. Cybersecurity will continue to be a focus of NAM. In privacy enforcement there is a fine line between helping law enforcement and protecting the privacy of the individual.

### **Washington Notes**

The Commission is currently considering several matters of importance for manufacturers' radio use. Among the topics of interest are the following:

#### **Part 90 NPRM**

The Part 90 NPRM notice contains five proposals for private land mobile radio, including several that are of interest for manufacturers:

1. Additional UHF narrowband Channels. This would add four frequency pairs for Industrial/Business users on the band edge between the I/B pool, and other frequency groups like Broadcast Auxiliary and General Mobile Radio Service. Two pairs limited to 6 kHz channel bandwidth; two pairs limited to 4 kHz.

2. Remove central station alarm limitation for certain UHF channels in urban areas where the channels are not in use. The Notice asks for comment on additional ways in which central station alarm frequencies could be put to more efficient use. Most of the frequencies are 12.5 kHz, with some 6.25 kHz.

3. Correct coordinates for airports listed in Rule 90.35, limitation 61, which designates certain frequencies for air transport purposes (i.e. Boeing/King County International). The NPRM asks whether other airports should be added to the list.

4. Conditional licensing above 470 MHz would afford the same relief that has been available for VHF and UHF applicants, to applicants at 800 and 900 MHz. The Commission proposal is consistent with the position advocated by NAM/MRFAC in July 2014  
Comments

5. Codify terms of a railroad frequency waiver previously granted AAR. The FCC responded to MRFAC concerns about the risk of adjacent channel interference to manufacturers operating at the band edge. The FCC proposes to codify the terms of a waiver granted railroads which precluded use of 30 watt boosters on channels bordering manufacturers, while also asking for comment as to whether such use should be allowed going forward. Class A (single channel) boosters would be required.

6. A proposal was submitted by LMCC to limit access to newly-released EB and GB channels to incumbent 800 MHz licensees for a period of six months. Proposal included all incumbent groups (B/ILT, PS, and SMR). MRFAC and NAM supported this proposal.

### **Coordinator Competition**

The FCC's views on coordinator competition are summarized in an August 26 Order certifying Key Bridge Global LLC to develop and manage a database of link registrations in

millimeter wave bands (71-76 GHz, 81-86 GHz and 92-95 GHz), and coordinate its database with those of other database managers. The Commission rejected several arguments by Comsearch in opposition to the Key Bridge certification request.

### **Changes to Licensee/Applicant Notifications**

The Commission has eliminated certain paper notices related to applications, licenses and antenna structure registrations currently mailed via the Postal Service. Those eliminated provide information about Bureau actions that do not require a response from a system user; in addition, the information from those notices is available in the ULS or the ASR Systems.

The Commission has not eliminated paper notices that provide information about Commission approaching deadlines that require action from the applicant or licensee.

The Commission anticipates that it will be providing electronic access to system-generated correspondence notices with the transition to the modernized ULS platform. For example, those paper notices are being retained where an application is returned for correction or additional information, or where dismissal of an application is threatened.

Reminder notices are also being retained regarding upcoming construction or renewal deadlines, and notices advising a licensee that its license has been put in termination pending status.

Instead of generating cancellation notices, the new filing system will offer electronic safeguards to prevent a licensee from mistakenly canceling its license (such as a “pop-up” asking the applicant if it is certain it wishes to cancel the authorization, and warning of the consequences for cancellation).

### **6.25 kHz Equipment**

International Municipal Signal Association (IMSA) has requested a waiver of Rules 90.203(j)(4)-(5) which specify that 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.

The 6.25 kHz capability requirement was already twice delayed to January 1, 2015 in order to allow additional time for standards bodies to complete the Project 25 Phase II standard for Public Safety. Standards for 6.25 kHz are still not in place; the Commission has eliminated the 6.25 kHz capability requirement for Public Safety equipment in the 700 MHz band.

IMSA argues that since Public Safety users are required to continue using radios with FM analog capabilities, there is no operational need to mandate digital capabilities as well. IMSA urges a delay in the 6.25 kHz effective date to January 1, 2020, at which time the Commission should reassess imposition of the 6.25 kHz requirement.

### **Enforcement**

The FCC has improved efficiency in bringing proposed fines to conclusion. The Enforcement Bureau

has collected 86 percent of fines imposed over the last two years, a substantial increase over previous years. In 2011, just 54.9 percent of the money owed from fines was collected. In 2015 alone, the Bureau has collected nearly \$100 million in fines to the U.S. Treasury

The Commission is also moving more swiftly in concluding cases. Notices of Apparent Liability (NAL) issued in 2011 took an average of 19 months to be resolved via forfeiture order; NALs issued in 2014 took an average of eight months, a near 60 percent improvement

#### *Enforcement Examples:*

*Example:* \$25,000 NAL issued private carrier operating on shared UHF channels in the SoCal area. Operators transmitting continuously for long periods of time and failing to transmit its call sign are in violation of Rules 90.403(c) and (e) and 90.425(a). “Through its monopolization of 451.350 MHz and 451.600 MHz, PST caused harmful interference to at least one co-channel licensee: [Mobile Relay Associates].”

*Example:* \$175,000 forfeiture pursuant to Consent Decree. Siemens Corporation and subsidiary, Siemens Medical Solutions, failed to disclose felony convictions in numerous wireless applications involving violations of the Foreign Corrupt Practices Act. Convictions included obstruction of justice and arose from bribes and kickbacks paid to foreign government officials to secure contracts with Argentina, Bangladesh and Nigeria. Siemens paid a \$450 million criminal fine to the Department of Justice in 2008

and was required by the SEC to disgorge \$350 million.

*Example:* \$1,210,000 by Canadian Pacific. Consent Decree resolved an investigation of the railroad's operation of more than a hundred wireless radio facilities without prior FCC approval, and failure to obtain FCC authorizations for transfer of control of thirty wireless radio licenses. A 2015 internal audit uncovered violations dating as far back as 1979.

### *Java Issues*

As most users of ULS know, there are currently Java issues when a user tries to create an application for a new license or modification of an old license. The FCC knows about the issues ULS users are having with Java; unfortunately it does not look like there will be a fix in the near future.



Users will often get an error message to the effect that the FCC recommends downloading an old version of Java in order to use the system. Newer versions of Java will not work with the system. The ULS system is compatible with Java version 1.6.0\_45 and nothing newer than that.

In addition to having to use an old version of Java, the user must only

have that one version loaded on the computer for ULS to work correctly. If an error is discovered here is what to do to get the proper Java script loaded:

For Operating System: Windows XP, Vista, 7 or 8, Browsers: Internet Explorer 6-9, Firefox or Chrome (versions 44 or earlier).

(ULS does not support Linux, Unix, Sun Solaris, or Macintosh operating systems)

First, determine the version of java installed on your computer:

1. Go to [www.java.com](http://www.java.com)
2. Select the link "Do I have Java?"
3. Select the "Verify Java Installation button".
4. If versions other than Java 7 are detected, follow the instructions on the following link for removing the other java versions.  
<http://www.java.com/en/download/uninstall.jsp>

Second, Install Java (NOTE: please be sure to review the sections below concerning Java not loading)

1. Go to:  
<http://www.oracle.com/technetwork/java/javase/downloads/java-archive-downloads-javase7-521261.html#jre-7u80-oth-JPR> .
2. Under Java SE Runtime Environment 7u80, select Accept License Agreement.
3. You must match your java installation to your browser, not your operating system. Please reference [http://www.java.com/en/download/faq/java\\_win64bit.xml](http://www.java.com/en/download/faq/java_win64bit.xml) for help determining this.
4. On the following page, you will need to create an Oracle account, and sign in with that account.

5. Click Run or Save (locate the saved file), and then click on Install to begin the installation process
6. The help file for installing the java plug in is located on:  
[http://www.java.com/en/download/help/download\\_options.xml](http://www.java.com/en/download/help/download_options.xml)

### **Electronic Licensing**

Under a revised Commission policy, MRFAC and NAM Members can “opt in” via the ULS website to receive electronic copies of their licenses in lieu of a paper copy which can often be mis-directed in Company mail. The policy applies to ULS licenses as well as Antenna Structure Registrations. This can be done online by going to the FCC website [www.fcc.gov](http://www.fcc.gov), scroll down to the “Universal Licensing Systems (ULS)” quick link then log on using your FRN (FCC Registration Number) and FRN password. Select the “Download Electronic Authorizations” link from the menu on the left, then enter the call sign in the search options or search from your authorizations. Once you have found the license, click the download button. The downloaded license will be an authorized version and will not have the “For Reference Only” watermark.

### **Booster Registration**

As of November 1, 2014 existing Part 90 Class B signal boosters must be registered with the FCC (See DA [14-15A1](#)). Class B boosters installed after November 1, 2014 must be registered prior to operation. After November 1, 2014, operation of an unregistered Class B signal booster is unauthorized and subject to FCC enforcement sanctions. Class B boosters can be registered at this FCC/ULS website:

<https://signalboosters.fcc.gov/signal-boosters/>

### **Construction Notice**

As a reminder to all our Members, after you have received a license from the Commission, you are required to file a notification that the channels authorized have been constructed. This applies to mobile-only systems as well as fixed base operations. This can be done online by going to the FCC website [www.fcc.gov](http://www.fcc.gov), scroll down to the “Universal Licensing Systems (ULS)” quick link, then do an online filing by logging on using your FRN (FCC Registration Number) and FRN password. Select the “My Licenses” link from the menu on the left, select “Notify the FCC” and then complete the required notification in the build-out menu. Select the call sign and date you originally started to use the system. There are no fees associated with this required notification.

### **Be Aware!**

MRFAC coordination customers should be aware that due to having a license on file with the Commission, their contact information has become public record. As such, customers may now be on several mailing lists from businesses soliciting their services. The letters these companies send can often be mistaken for official FCC notifications. These companies provide the same services as MRFAC but at inflated prices. If you receive any of these solicitations and are not sure what to do about them, feel free to contact MRFAC.



### *The Need for Speed!*

We all are aware that companies have budget and timeline constraints. We at MRFAC pride ourselves in a turnaround time of less than 48 hours for applications that are received with the proper documentation and filing fees attached. Please ensure that all the necessary information is provided at the time of submitting your coordination request to ensure a rapid turnaround to your request. Visit our website, <http://www.mrfac.org> to complete coordination procedures.

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