

## If Your Organization Uses Two-Way Radios, You Need to Read This Article. I'm Talking to You Brothels, Hospitals, Colleges, Broadcasters, Municipalities, Casinos, Mining Companies, Trucking Lines...

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OK, I have not actually confirmed that any brothels are licensed under Part 90 of the FCC's rules to operate two-way radios, but it got your attention, and that is the important thing. (I did try to find out, but my firm's web monitoring system sounded the alarms based on my use of verboten search terms.)

The point is this: Many organizations across a wide range of industries use two-way radios for internal communications between and among personnel, and many of these two-way radios are licensed under Part 90 of the FCC's rules. The FCC has imposed a **January 1, 2013**, deadline for certain Part 90 licensees in the Industrial/Business Pool and the Public Safety Pool to modify their operations and FCC licenses to meet certain "narrowband" (12.5 kHz or narrower) requirements in the 150-174 MHz (VHF) and 421-512 MHz (UHF) frequency bands. These narrowbanding requirements apply only to Part 90 licenses that operate in these frequency bands.

How do you know whether your organization's two-way radio use is implicated by these requirements? First, ask your Technical Director, Site Operations Manager, or Madame to get you a copy of your FCC two-way radio license. Then, look at your FCC license—which should be printed on a page that says "FCC 601-M" or "FCC 601-LM" (or something similar) in the lower right corner—and find the field on the upper right side that says "Radio Service." If your FCC license has a Radio Service code of IG, YG, IK, YK, PW, or YW, then your two-way radios are licensed under Part 90, and the narrowbanding requirements apply to you, if your radios are licensed to operate in the 150-174 MHz (VHF) or 421-512 MHz (UHF) frequency bands. For organizations with licenses and operations that meet these criteria, three things must occur between now and January 1, 2013.

*First*, affected licensees must identify which of their licenses and gear need to be modified or replaced. To that end, you should, as noted above, review your licenses and radios to determine whether your facilities are subject to the narrowbanding requirements. Find the datapoint on your license(s) that says "Emission Designator," which will be a multi-character code of 7 characters. Ignore the last three characters of the Emission Designator code. Focus on the first four characters, which tell you how much bandwidth your radios are licensed to use. If the first four characters indicate that you are licensed and using "wideband" operations (i.e., more than 12.5 kHz

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of bandwidth or "12K5" in emission designator language), then you need to keep reading this article. If the first four characters indicate that you are licensed and using "narrowband" operations (i.e., 12.5 kHz or less of bandwidth), then you may already be in compliance with the narrowbanding requirements (subject to confirmation that your license is correct and that your organization's operations are consistent with the authority set forth in the license).

*Second*, compliant gear (or components) must be procured or current equipment upgraded. Given the timing of the January 1, 2013, deadline, you should probably squeeze any necessary narrowbanding expenses into your 2012 budget.

*Third*, for licenses that are subject to the narrowbanding requirement but which are still operating on a wideband basis, a license modification application must be filed with the FCC. With respect to the filing of the FCC application, it should be noted that a "straight" narrowbanding modification application requires neither frequency coordination nor payment of the normal FCC filing fee. A "straight" narrowbanding modification application is an application to modify a license by deleting a wideband emission designator (for example, a designator of 20K0F3E, where the "20K0" portion of the designator means that the device uses up to 20 kHz of bandwidth for its operations) and, if necessary, adding one or more narrowband emission designators—but not changing the existing frequencies, emission types (the last three characters of the emission designator), locations, or other technical parameters of the license. By way of illustration, an application that reduces the occupied bandwidth to meet the narrowbanding requirements but also alters other technical parameters, such as changing from analog to digital emissions, is not a "straight" narrowbanding modification application; such an application would require both frequency coordination and payment of the FCC filing fee. Of course, governmental entities are generally exempt from FCC filing fees in any event; I can't say the same for brothels or other commercial organizations. Any organization that will need to file a modification application to change other technical parameters in addition to the bandwidth should start the process by contacting a frequency coordinator.

What if you fail to comply with the January 1, 2013, deadline? Besides not having adequate and compliant two-way radio services on New Year's Day 2013, the failure to timely acquire and begin operating compliant facilities or to modify a subject license constitutes unauthorized operation. The FCC has warned that such unauthorized operation may subject licensees to enforcement action, including admonishments, license revocation, and/or monetary forfeitures of up to \$16,000 for each violation or each day of a continuing violation. In other words, whether you are a vacation resort, a county, a construction company, or a stud ranch, please take these requirements seriously—the FCC certainly does.