

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)
)
Arizona Public Service Company Request for) WT Docket No. 17-168
Waiver of 800 MHz Licensing Freeze for)
Proposed Statewide Trunked Radio System)

COMMENTS OF APCO INTERNATIONAL

The Association of Public-Safety Communications Officials-International, Inc. (APCO) hereby submits the following comments in response to the Wireless Telecommunications Bureau’s Public Notice in the above-captioned proceeding.¹

Founded in 1935, APCO is the nation’s oldest and largest organization of public safety communications professionals. APCO is a non-profit association with over 27,000 members, primarily consisting of state and local government employees who manage and operate public safety communications systems—including 9-1-1 Public Safety Answering Points (PSAPs), emergency operations centers, radio networks, and information technology—for law enforcement, fire, emergency medical, and other public safety agencies.

Arizona Public Service Company (APSC) filed 54 applications for 800 MHz channels at 53 locations for a new statewide trunked radio system. The requested operations are located in National Public Safety Planning Advisory Committee (NPSPAC) regions along the border with

¹ Wireless Telecommunications Bureau Seeks Comment on Arizona Public Service Company Request for Waiver of 800 MHz License Freeze for Proposed Statewide Trunked Radio System, WT Docket No. 17-168, *Public Notice*, DA 17-590 (Wireless Telecommunications Bur. rel. Jun. 16, 2017) (“Notice”).

Mexico, which are currently subject to a freeze on 800 MHz non-rebanding applications. Thus, APSC requests a waiver of the licensing freeze, and the Bureau seeks comment on this request. APCO has two principal concerns with APSC's Waiver Request.

First, as the Bureau makes clear, the NPSPAC regions along the border with Mexico "currently are subject to a freeze on 800 MHz non-rebanding applications, in order to preserve vacant channels for licensees retuning their systems according to the Public Safety and Homeland Security Bureau's (PSHSB) updated band plan for licensees operating along the border with Mexico."² Indeed, the PSHSB recently extended this freeze, noting that "many Mexico border region licensees have yet to complete their system re-tunes" and thus the freeze is needed to "preserve currently vacant channels for use by these licensees and avoid potential licensing conflicts."³

In support of its request to waive this licensing freeze, APSC states that its selected frequencies "will neither cause interference to incumbent licensees nor disrupt the rebanding process."⁴ To justify this claim, APSC states the following in its Waiver Request:

"These frequencies are not in the Rebanding NPSPAC band (851-854 MHz), have not been previously licensed or held by Nextel (or any of its subsidiaries), and are on Standard FCC designated channel centers (not offset channels). Further, with respect to the International Border, the Channels sought in the Border Sites are identified as US Primary and identified as (I/B) channels post-Rebanding."⁵

² *Id.* at 1-2.

³ Public Safety and Homeland Security Bureau Extends 800 MHz Application Freeze Along Border With Mexico, WT Docket No. 02-55, *Public Notice*, DA 17-228, at 1 (Public Safety and Homeland Security Bur. Rel. Mar. 8, 2017).

⁴ Notice at 2.

⁵ Request for Waiver of Arizona Public Service Company at 4.

Due to the complexities involved with the rebanding process, and the need to ensure that public safety licensees are afforded full opportunity to maintain consistent operations to carry out their missions, APCO is wary of providing the extraordinary relief that APSC seeks. However, APSC appears to commit to ensuring that public safety licensees are not disrupted, by adding the following:

“APSC however, understands and stipulates that if frequency changes are needed, APSC will work in earnest with the Commission, the Transition Administrator and other impacted parties to review, replace and return spectrum that may be needed to streamline the Rebanding process.”⁶

If the Bureau were to afford the relief sought, APCO recommends that APSC be held accountable and ensure that it will immediately act, at its own cost, to resolve any issues it causes that impact the needs of public safety licensees to access channels during the rebanding process.

APCO’s second concern stems from the additional need to provide APSC access to Expansion Band (EB) channels while a rulemaking remains pending regarding a proposal to afford filing priority to 800 MHz incumbent licensees.⁷ Certain public safety licensees are eligible for EB channels, and thus would rightfully benefit from the priority under consideration. Accordingly, and as a matter of efficient spectrum management more generally, the Bureau should proceed with particular care when considering a waiver request specific to one entity that may disrupt a rulemaking with much greater applicability.

⁶ *Id.* at 10.

⁷ Notice at 2.

Respectfully submitted,

APCO INTERNATIONAL

By: /s/

Jeffrey S. Cohen
Chief Counsel
(571) 312-4400 ext. 7005
cohenj@apcointl.org

Mark S. Reddish
Senior Counsel
(571) 312-4400 ext. 7011
reddishm@apcointl.org

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