

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

In the Matter of	)	
	)	
Amendment of Part 90 of the Commission's Rules to Improve Access to Private Land Mobile Radio Spectrum	)	WP Docket No. 16-261
	)	
Land Mobile Communications Council Petition for Rulemaking Regarding Interim Eligibility for 800 MHz Expansion Band and Guard Band Frequencies	)	RM-11719
	)	
Petition for Rulemaking Regarding Conditional Licensing Authority Above 470 MHz	)	RM-11722
	)	

**COMMENTS OF APCO**

The Association of Public-Safety Communications Officials-International, Inc. (APCO) hereby submits the following comments in response to the Commission's Notice of Proposed Rulemaking concerning the above-captioned proceeding.<sup>1</sup>

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 26,000 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), radio networks, and information technology – for law enforcement, fire, emergency medical, and other public safety agencies. APCO appears regularly before the Commission on a wide range of public safety communications issues and is the largest FCC-certified frequency coordinator for Part 90 Public Safety Pool channels.

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<sup>1</sup> Amendment of Part 90 of the Commission's Rules to Improve Access to Private Land Mobile Radio Spectrum, Notice of Proposed Rulemaking, WP Docket No. 16-261 (rel. Aug. 18, 2016) (Notice).

APCO submits these comments to address expanding conditional authority to 700 MHz, 800 MHz, and T-Band frequencies, the importance of obtaining Regional Planning Committee (RPC) concurrence for 700 MHz and 800 MHz National Public Safety Planning Advisory Committee (NPSPAC) applications, and a priority window for incumbent public safety licensees in the Expansion Band (EB) and Guard Band (GB).

The Commission proposes to expand conditional authority to 800 MHz and 900 MHz I/B and Public Safety Pool frequencies but, in light of the Spectrum Act and current T-Band freeze, does not propose to extend conditional licensing to T-Band frequencies.<sup>2</sup> APCO supports expanding conditional authority to these frequencies, as well as the 700 MHz public safety narrowband frequencies. As APCO has previously noted, conditional licensing authority for public safety channels will expedite the application process and allow for more rapid deployment of critical radio communications facilities.<sup>3</sup> With regard to the T-Band, conditional licensing should be permitted for applications that do not seek to modify the licensee's original footprint. Doing so would provide these public safety licensees with the benefits of conditional licensing, and it would be consistent with the T-Band freeze's objective to "foster a stable spectral landscape."<sup>4</sup>

The Commission asks whether applicants should be required to obtain RPC concurrence for proposed facilities in the 800 MHz NPSPAC band and in the 700 MHz band prior to conditional licensing.<sup>5</sup> The mission critical nature of public safety communications warrants additional consideration to ensure these systems are protected from interference. Indeed, it is current practice for eligible entities seeking

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<sup>2</sup> Notice at para. 18.

<sup>3</sup> Comments of APCO International, Conditional Licensing Authority Above 470 MHz, RM-11722 (filed Jul. 23, 2014), available at <https://www.apcointl.org/doc/advocacy/538-comments-conditional-licensing-authority-above-470-mhz-rm-11722/file.html>.

<sup>4</sup> Wireless Telecommunications Bureau and Public Safety and Homeland Security Bureau Suspend the Acceptance and Processing of Certain Part 22 and 90 Applications for 470-512 MHz (T-Band) Spectrum, Public Notice, 27 FCC Rcd at 4219 (stating that the freeze does not apply to applications that would not destabilize the licensing landscape, including applications to modify existing licenses by changing technical parameters in a manner that does not expand the station's spectral or geographic coverage).

<sup>5</sup> Notice at para. 20.

700 MHz or 800 MHz NPSPAC channels to submit applications to the appropriate RPC for review. If the RPC approves, the application then goes to a public safety coordinator for additional processing and submission to the Commission. Adhering to this process has been effective for protecting public safety communications and ensuring that applications received by the Commission have been properly vetted by public safety.

The Commission seeks comment on whether incumbent licensees should have a priority window for EB/GB channels before applications are accepted from new entrants.<sup>6</sup> APCO supports an incumbent priority window for EB/GB channels for public safety licensees and believes six months is a reasonable length of time, considering the longer procurement process for public safety licensees and the fact that their first priority is providing public safety services, not planning and deploying networks. A shorter window such as three months would not afford public safety enough time to secure buy-in from stakeholders and the necessary funding. Additionally, to further assist public safety licensees and expedite the application process, the Commission should lift the inter-category sharing waiver requirement during the six month incumbent priority window. Requiring such waivers would make it more difficult for public safety to take advantage of the incumbent priority window. Finally, APCO agrees with the Commission that incumbent priority is not appropriate with respect to EB Specialized Mobile Radio (SMR) channels.<sup>7</sup>

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<sup>6</sup> Notice at para. 30-35.

<sup>7</sup> Notice at para. 33 (“Unlike B/ILT licensees, SMR licensees compete for customers in the commercial wireless marketplace. Therefore, both incumbents and new licensees have similar economic motives to utilize the spectrum in a timely manner, and new entrants may have an even greater interest in deploying new or innovative services. On this basis, we do not believe that incumbents should be given priority over new entrants for these channels.”)

Respectfully submitted,

APCO INTERNATIONAL

By: /s/

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