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DEC - 9 1993

December 9, 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

BY HAND

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Re: Permissible Ex Parte Presentation in
Gen. Docket No. 92-235

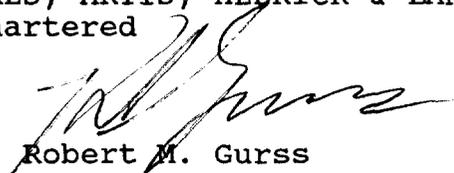
Dear Mr. Caton:

Pursuant to Section 1.1206 of the Commission's rules, this is to inform the Commission that the undersigned counsel for the Association of Public-Safety Communications Officials-International, Inc. ("APCO") met with the Chief of the Private Radio Bureau on December 8, 1993, to discuss, among other matters, APCO's prior written comments and to deliver a letter from the Executive Director of APCO regarding the above-referenced proceeding. Two copies of the letter are attached.

Please contact the undersigned if you have any questions.

Respectfully submitted,

WILKES, ARTIS, HEDRICK & LANE
Chartered

By: 
Robert M. Gurs

Attorneys for APCO

Enclosure

cc: Mr. Ralph Haller
Mr. Ronnie Rand

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December 7, 1993

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Mr. Ralph Haller
Chief, Private Radio Bureau
Federal Communications Commission
Washington, D.C. 20554

RE: PR Docket 92-235

Dear Mr. Haller:

We understand that the Private Radio Bureau is moving forward on a proposed order in the "spectrum refarming" proceeding (PR 92-235). As you know, APCO has urged the Commission to adopt a 12.5 kHz channel plan for both the VHF and UHF land mobile radio bands. We continue to believe that this approach provides the best migration path to more efficient spectrum use, without reducing the effectiveness of critical public safety land mobile radio communications. As described below, a flexible 12.5 kHz plan also provides greater interoperability with Federal Government users, an increasingly important factor in light of recent legislative developments.

The Omnibus Budget Reconciliation Act of 1993 requires the Federal Government to release up to 200 MHz of radio spectrum for reallocation to non-Federal users. Similarly, the National Telecommunications and Information Administration Organization Act requires NTIA to use more spectrum-efficient technologies and methods. As part of its compliance with these recent legislative actions, NTIA is exploring sharing of radio spectrum between Federal, state and local government users. We understand that the spectrum being considered for such sharing may include Federal Government VHF frequencies adjacent to current FCC private land mobile radio allocations. Such frequencies, if made available for sharing or reallocation, would be invaluable to state and local government public safety agencies, especially in congested urban areas.

Mr. Ralph Haller
December 7, 1993
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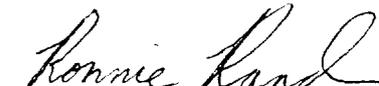
As APCO explained in its comments, a major problem in the VHF band is the lack of standard channel pairs necessary for efficient mobile relay operations, which have become increasingly important with the greatly expanded use of hand-held radios. The release of adjacent Federal spectrum (whether through sharing or reallocation) would facilitate channel realignment and the creation of new mobile relay channel pairs. Even without pairing, the additional spectrum could relieve frequency congestion and promote greater interoperability between Federal, state and local public safety agencies.

None of this will occur, however, unless the FCC and NTIA have compatible channel plans and related rules. NTIA has already adopted a 12.5 kHz channel plan for Federal channels, and APCO urges the Commission to follow suit.

The Commission must proceed cautiously and avoid adoption of rigid, overly aggressive refarming schemes. Under no circumstances should the Commission revive the radical 5 kHz plan contained in the Notice of Proposed Rulemaking. Instead, the Commission should require phased implementation of spectrum efficient 12.5 kHz equipment, while retaining sufficient flexibility in the channel plan to accommodate future sharing or reallocation of Federal spectrum.

Please contact us if you need any additional information. A copy of this letter is being submitted to the Secretary for inclusion in the record for PR Docket 92-235.

Respectfully submitted,


James R. Rand

cc: Brian Fontes
Beverly Baker
Richard Shiben
Joseph Levin
Doren Fertig
APCO Board of Officers
Sam Gargaro