

BEFORE THE
Federal Communications Commission
WASHINGTON, D. C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Amendment of Section 2.106 of)
the Commission's Rules to)
Allocate Spectrum at 2 GHz for)
Use by the Mobile-Satellite)
Service)

ET Docket No. 95-18

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To: The Commission

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, FCC 95-39 (released January 31, 1995), in the above-captioned proceeding regarding proposed allocation of 2 GHz frequencies for Mobile Satellite Service ("MSS").

APCO is the nation's oldest and largest public safety communications organization, with over 11,000 worldwide members involved in the management and operation of police, fire, emergency medical, forestry-conservation, highway maintenance, disaster relief, and other public safety communications facilities. APCO is the FCC-certified frequency coordinator for the Part 90 Police and Local Government Radio Services, and for all Public Safety Pool channels.

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List A B C D E

The Commission proposes to allocate the 2165-2200 MHz band for MSS, and the 2110-2145 MHz band for broadcast auxiliary service. Much of this spectrum (2130-2150/2180-2200 MHz) is currently allocated in the U.S. for private operational fixed microwave operations. State and local government public safety agencies are among the largest users of the band, with over 4,000 licensed microwave facilities. Most of these facilities provide the backbone for critical police, fire, emergency medical and other public safety mobile communications networks.

APCO opposes this reallocation, notwithstanding the Commission's prior decision in ET Docket 92-9, to reallocate the 2 GHz microwave bands for "Emerging Telecommunications Technologies." As APCO has previously explained, relocating existing microwave paths will be a difficult and time-consuming process that could disrupt critical public safety communications systems. APCO has sought judicial review of the Commission's decision eliminating the public safety exemption from forced relocation out of the 2 GHz bands. APCO v. FCC, Case No. 95-1104 (D.C. Cir).

Should the Commission proceed with a reallocation of the 2110-2200 MHz bands, new users of the band must be subject to the requirements of Section 94.59 of the Commission's rules, as discussed in the Notice, at paragraph 11. These rules are necessary to reduce the impact of relocation by providing an opportunity for vital public safety microwave facilities to be replaced with fully

comparable facilities at no cost to taxpayers. The relocation procedures must also include a voluntary negotiation period, as provided in Section 94.59(b). Otherwise the Commission will be forced to adjudicate complex disputes regarding the cost and comparability of replacement facilities. As the Commission determined in ET Docket 92-9, a far more efficient process is to leave such matters to negotiation between incumbents and new users of the band.

Furthermore, if the Commission limits the MSS allocation to the upper portion of the band (2165-2200 MHz), the lower portion of the band (2110-2145 MHz) should not be reallocated for broadcast auxiliary service. Instead, the lower portion should be made available for advanced broadband public safety mobile communications. Broadcasters should adopt more spectrum efficient technology for the 85 MHz that will continue to be allocated for broadcast auxiliary service in the 2025-2110 MHz band, or migrate to higher frequencies.

Under the Commission's proposal, MSS providers will clear the 2110-2145 MHz band of microwave paths by "default" since those paths are paired in most instances with paths in the 2165-2200 MHz band proposed for reallocation to MSS. Notice at ¶12. If that is to occur, then public safety entities, who are among those being forced to relinquish microwave paths in the band, should be given priority access to the band to meet their own communications needs. Other

"new users" of the 2 GHz "emerging telecommunications technology" band can afford, and must be required to pay, the costs of relocating existing users. Since State and local government public safety agencies are unable to pay those costs, they, not broadcasters, should benefit from the "default" clearing of the 2110-2145 MHz band by MSS providers.

Public safety agencies have a critical need for new radio spectrum, both to alleviate shortages for existing communications, and to provide opportunities to implement important new law enforcement and other public safety communications technologies. The 2110-2145 MHz band may be particularly appropriate in the future for new wideband mobile needs of public safety, though additional spectrum will be needed prior to the 2110-2200 MHz band becoming available.

Public safety agencies need the ability to transmit mugshots, fingerprints, building diagrams, medical images, and other information to and from the field. The Commission recently acknowledged the need to allocate additional spectrum for such wideband services.^{1/} More specifically, NTIA has concluded that approximately 50 MHz of additional spectrum is required to satisfy new advanced private land

^{1/} Report and Plan of the Federal Communications Commission, "Meeting State and Local Government Public Safety Agency Spectrum Needs Through the Year 2010" (February 9, 1995), at 30 ("... new wideband technologies, which will allow the transmission of fingerprints, mug shots, and other high speed data applications, are likely to require a new spectrum allocation.").

mobile applications, especially for public safety use in urban areas.^{2/} NTIA and the Commission have also indicated to Congress that they intend to establish a joint advisory committee to identify public safety operational requirements, spectrum needs and allocation options.^{3/} The 2110-2145 MHz band is one of several such allocation options, and therefore should not be reallocated to other services at this time.

Another potential public safety use of this band is for mobile/airborne live video transmission. The ability to transmit live video from a helicopter or plane flying above a crime scene, civil disturbance, building fire, forest fire, flood, earthquake or other disaster would be invaluable to the public safety agencies coordinating responses to those events. However, no dedicated public safety spectrum currently exists for such operations, even though the technology is readily available and in common use by broadcasters. Indeed, the proximity of the 2110-2145 MHz band to broadcast auxiliary operations at 2025-2110 MHz may allow public safety entities to acquire "off-the-shelf" equipment for such video operations.

^{2/} NTIA, U.S. National Spectrum Requirements: Projections and Trends, Spec. Pub. 94-31 (March 1995) at 38.

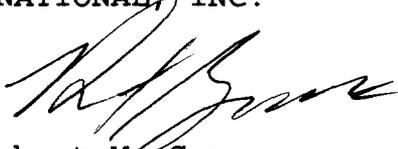
^{3/} Letter from Larry Irving to the Honorable Harold Rogers, Chairman, Subcommittee on Commerce, Justice, State, the Judiciary, and Related Agencies (April 14, 1995).

CONCLUSION

For the reasons discussed above, the Commission should not reallocate the 2110-2200 MHz band. If the band is reallocated, existing licensees must have the benefit of the relocation rules established in ET Docket 92-9, and a portion of the band should be made available for public safety communications operations.

Respectfully submitted,

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May 5, 1995