

EX PARTE OR LATE FILED

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June 5, 1995

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JUN 5 1995

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

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BY HAND

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

Re: Ex Parte Communication in PR Docket No. 92-235

Dear Mr. Caton:

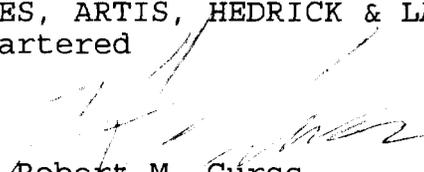
Enclosed herewith for filing with the Commission are two copies of a letter from the Association of Public-Safety Communications Officials-International, Inc. ("APCO") to Chairman Reed Hundt regarding the above-referenced proceeding.

Please contact the undersigned if you have any questions.

Respectfully submitted,

WILKES, ARTIS, HEDRICK & LANE
Chartered

By:


Robert M. Gurss

Attorneys for APCO

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The Honorable Reed Hundt
Chairman
Federal Communications Commission
1919 M Street, N.W., Room 814
Washington, D.C. 20554

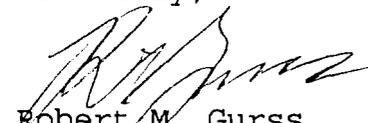
Re: Ex Parte Communication in PR Docket No. 92-235

Dear Mr. Chairman:

Please find enclosed a letter from APCO regarding the "spectrum refarming" proceeding. Two copies of the letter will be filed with the Secretary.

Please call me if you have any questions.

Sincerely,


Robert M. Gurss
Counsel for APCO

PRESIDENT
STEVEN H. PROCTOR

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June 5, 1995

The Honorable Reed E. Hundt
Chairman
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

RE: PR Docket 92-235

Dear Mr. Chairman:

APCO is very concerned that the Commission may soon take action in its "spectrum refarming" proceeding which could have a serious negative impact on the ability of federal, state and local government agencies to protect the safety of life and property.

As you probably know, APCO along with the National Telecommunication and Information Agency (NTIA), National Communications System (NCS), National Security Agency (NSA), Telecommunications Industry Association (TIA) on behalf of manufacturers, and the National Association of State Telecommunications Directors (NASTD) has been working since 1989 to develop standards for two-way digital communications for public safety agencies throughout the United States and worldwide. The title of this project is APCO 25. The project's goals have always been spectrum efficiency, graceful migration, forward and backward compatibility, common air interface and competition among the manufacturers. Furthermore, one of the very critical issues APCO 25 is addressing, is inter-agency interoperability. The APCO 25's migration plan is to migrate to 12.5 kHz first, while maintaining interoperability, then subsequently to 6.25 kHz (or equivalent efficiency). As the FCC-authorized frequency coordinator for state and local government/police agencies, APCO foresees a growing need for inter-agency interoperability with the federal law enforcement agencies (especially after the cowardly act of terrorism in Oklahoma). Interoperability also includes necessary emergency communications with other related public service providers as well. Any deviation from APCO 25's plan which represents the combined efforts of state/local/federal agencies and equipment manufacturers would be extremely detrimental and devastating to the direct interoperability capability.

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A reasonable time period is needed to permit graceful migration from today's analog systems into APCO 25 digital systems. This time is very crucial and necessary to assure the development of a full range of 12.5 kHz technology products and systems as well as their continued availability.

Furthermore, State, Local and Federal Government agencies must avoid becoming a niche market. The life of the emerging APCO 25 standard should permit large scale use of 12.5 kHz products and systems in Private Land Mobile applications. Also, in order to enhance the competition among the manufacturers, services such as Railroads, Utilities and others should access this technology.

We believe a minimum of 10-year period from the effective date of Report and Order will be a more realistic and suitable approach. Realistically, the life of a public safety system is 15-20 years. The 10-year period from the effective date of the Report and Order will allow the 12.5 kHz products to mature, to be amortized and will encourage competition.

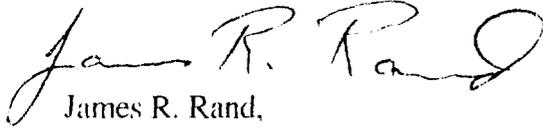
A 5-year migration plan will discourage the manufacturers from development and mass production of 12.5 kHz products severely limiting the market place. In order to gracefully migrate to 6.25 kHz (or equivalent efficiency) adequate time must be available to evaluate the offered technologies and develop a phase II standard to facilitate the next step. Moreover, as far as the local law enforcement and other public safety agencies are concerned, the offer of 6.25 hz, without any proper 'field tested' products or 'standard' will, severely limit data communications and corresponding new applications (e.g. transmission of fingerprints, fingerprints, mugshots, etc.).

Most public safety agencies cannot afford to make a wholesale change of their communications systems. Rather, they must phase-in new equipment over time, while slowly phasing out old equipment. However, for that to work in the context of a smooth migration from 25/30 kHz to 6.25 kHz, there must be a viable marketplace for forward and backward compatible equipment at the interim step of 12.5 kHz. It is highly unlikely that manufacturers will be able to produce equipment capable of operating at both 25/30 kHz and 6.25 kHz, at least not at an affordable price. Our concern is that the proposal before the Commission will discourage manufacturers from building 12.5 kHz and keeping that equipment up-to-date with the enhancements public safety users need.

There is a clear history that public safety agencies are the first to acknowledge the need for and pursue spectrum efficiencies. Therefore, we do believe that it is absolutely imperative for the Commission to consider the 'avalanche negative effect' these actions will have on an on-going efforts of APCO 25 project.

As a major frequency coordinator, we strongly believe that a 5-year plan is unrealistic and will not give us a sufficient time to develop a competent, reliable and a user-friendly propagation model for co-channel and/or adjacent channel interference model. Without it, there will be catastrophic interference problems.

Sincerely,

A handwritten signature in black ink, appearing to read "James R. Rand". The signature is fluid and cursive, with the first name "James" written in a larger, more prominent script than the last name "Rand".

James R. Rand,
Executive Director

cc: Commissioner James H. Quello
Commissioner Andrew C. Barrett
Commissioner Rachelle B. Chong
Commissioner Susan Ness
Larry Irving, U.S. Dept. Of Commerce
FLEWUG, Federal Law Enforcement Wireless Users Group