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September 22, 1995

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

BY HAND

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

Re: PR Docket No. 92-235

Dear Mr. Caton:

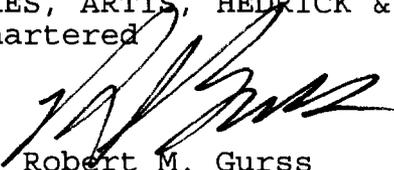
On behalf of the Association of Public-Safety Communications Officials-International, Inc. ("APCO"), enclosed herewith for filing with the Commission are four copies of a corrected "Opposition and Comments in Response to Petitions for Reconsideration" in the above-referenced proceeding. The certificate of service had been omitted inadvertently from the original document filed yesterday with the Commission.

Please contact the undersigned if you have any questions.

Respectfully submitted,

WILKES, ARTIS, HEDRICK & LANE
Chartered

By:


Robert M. Gurss

Attorneys for APCO

Enclosure

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I. THE COMMISSION SHOULD REJECT PETITIONS SEEKING TO ADOPT A 5 KHz CHANNELIZATION SCHEME

The most important element of the Commission's spectrum refarming order is its transition plan that allows for a graceful migration from current 25/30 kHz equipment to 12.5 kHz equipment, and eventually to 6.25 kHz (or narrower) equipment. As described in the Report and Order, this plan will permit public safety agencies and other private radio users to phase in new technology while retaining critical forward and backward interoperability. The Commission's plan will also permit implementation of Project 25 compliant 12.5 kHz equipment by federal, state, and local public safety agencies. Significantly, the Commission's plan is supported by every major private radio user group. It is also supported by Motorola and Ericsson, fierce competitors and the two largest providers of private land mobile radio equipment.

Nevertheless, several companies persist in calling for a major revision to the Commission's plan to require 5 kHz channel spacing.^{2/} This issue has been thoroughly debated during the pendency of this proceeding, and does not require lengthy discussion. The Commission's current plan will accommodate the 5 kHz equipment to be manufactured by these companies, as well as any other equipment that private radio users choose in the marketplace. To require 5 kHz spacing, however, would undermine implementation of readily available

^{2/} See Petitions for Reconsideration of Securicor, Midland, SEA, and E.F. Johnson.

and proven 12.5 kHz technology that provides immediate spectrum relief, vital interoperability, and graceful migration. While 5 kHz spacing would yield a few more channels than the Commission's 6.25/7.5 kHz plan, the resulting harm to the user community, especially public safety users planning to convert to Project 25 equipment, far outweighs the advantages cited by Securicor and other 5 kHz advocates.

The Commission and NTIA have recognized the critical role of interoperability for federal, state, and local public safety agencies, which is a major element of the work now underway in the Public Safety Wireless Advisory Committee. Interoperability is also the driving force behind the landmark work of APCO Project 25, a joint federal, state, and local effort to establish interoperability standards for public safety digital radio equipment. The rules adopted in the Commission's Report and Order will accommodate these important initiatives. In contrast, the plan promoted by a few 5 kHz equipment manufacturers would undermine years of ongoing work by the public safety community to develop interoperability and greater spectrum efficiency at the same time.

II. THE COMMISSION SHOULD NOT PERMIT PAGING OPERATIONS TO INCREASE POWER LEVELS

Alcom Paging and Page Hawaii request exemptions from the Commission's new transmitter power restrictions for paging operations. APCO stands by its prior opposition to

such power increases. Paging systems operating from the same (or nearby) high-level sites as public safety and other land mobile operations often cause desensitization and intermodulation. Increasing the power of the paging systems would greatly exacerbate the problem. Therefore, paging systems should be subject to the same power limits as all other land mobile systems.

III. MANUFACTURERS SHOULD BE PERMITTED TO MAKE IMPORTANT MODIFICATIONS TO EXISTING EQUIPMENT

The Telecommunications Industry Association ("TIA") and Motorola request that the Commission clarify its rules to provide that existing 25 kHz radios type-accepted prior to August 1, 1996, can undergo Class II permissive changes without complying with the Commission's new 12.5 kHz technical standards. APCO supports this proposed clarification. Many public safety agencies will need to use their current equipment for many years before funding will permit conversion to new technologies. In the meantime, however, these users will need to implement equipment modifications that will enhance their vital public safety operations. Therefore, the TIA-recommended modifications should be permitted under the Commission's type-acceptance requirements.^{3/}

^{3/} APCO also supports the TIA request that the Commission redefine its modulation limits to give technicians and the Commission a tool to detect violations that may cause interference. Relying on the emission mask alone is insufficient.

IV. THE COMMISSION SHOULD DESIGNATE STATE-WIDE CHANNELS FOR PUBLIC SAFETY OPERATIONS

APCO also supports the recommendation of the Forestry Conservation Communications Association (FCCA) that the Commission designate certain VHF High Band channels for state-wide use. Many state public safety agencies need wide area channels to cover their entire area of jurisdictions. Assigning channels in this manner would be far more efficient and cost effective than forcing agencies to patch together disparate frequencies to meet those important state-wide requirements.

CONCLUSION

Therefore, the Commission should reject requests to reconsider its spectrum refarming decision, except as described above and in the APCO Petition for Reconsideration and Clarification.

Respectfully submitted,

ASSOCIATION OF PUBLIC-SAFETY
COMMUNICATIONS OFFICIALS-
INTERNATIONAL, INC.

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Its Attorney

September 21, 1995

CERTIFICATE OF SERVICE

I, Jane Nauman, hereby certify that a copy of the foregoing "Opposition and Comments of APCO in Response to Petitions for Reconsideration" was served this 22nd day of September, 1995, by U.S. mail, postage prepaid, to the following individuals at the addresses listed below:

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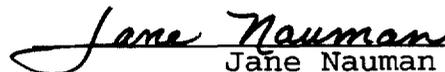
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