

WILKES, ARTIS, HEDRICK & LANE

CHARTERED

ATTORNEYS AT LAW
1666 K STREET, N. W.
SUITE 1100

WASHINGTON, D. C. 20006-2897

(202) 457-7800

CABLE ADDRESS: WILAN
FAX: 202-457-7814

ANNAPOLIS, MARYLAND
BETHESDA, MARYLAND
FAIRFAX, VIRGINIA
GREENBELT, MARYLAND

WRITER'S DIRECT DIAL:

November 20, 1995

BY HAND

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

RE: PR Docket 92-235

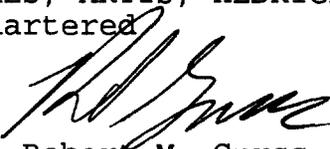
DOCKET FILE COPY ORIGINAL

Dear Mr. Caton:

On behalf of the Association of Public-Safety Communications Officials-International, Inc. ("APCO"), enclosed herewith for filing with the Commission is a Position Paper adopted by the APCO Board of Officers describing the public safety community's continued opposition to radio service consolidation as contemplated by the Commission.

Respectfully submitted,

WILKES, ARTIS, HEDRICK & LANE,
Chartered

By: 
Robert M. Gurss

Attorneys for APCO

Attachment

cc: Michele Farquhar
Ruth Milkman
Ralph Haller
Robert McNamara
Kathryn Hosford

No. of Copies rec'd
List ABCDE

024

APCO POSITION PAPER ON RADIO SERVICE CONSOLIDATION

November, 1995

The apparent thrust of the Commission is to achieve better spectrum utilization and to promote competition between those who are providing the frequency coordination service. While APCO agrees entirely with the attempt to improve spectrum utilization, its position is that there is no need or advantage in attempting to create a competitive atmosphere between the various public safety services who are presently providing coordination. On the contrary, this could lead to many problems and result in discord, rather than the harmony that is so necessary between all public safety services which are working toward the same goal - the protection of life and property. This is particularly true in the spectrum below 470 MHz where there have historically been service blocks. In this area, the service block allocations, together with Interservice Sharing, as provided in FCC Rules and Regulations 90.176 has provided the majority of users with dedicated and protected channels for their vital functions.

It must be clearly understood that all the services which the Commission has grouped together under the Public Safety Service do not have the same vital needs. Certainly, they are basically state and local governmental functions, but under normal day to day situations, their roles and responsibilities differ greatly. The block allocation plan has provided a method of assigning priorities, at least to a certain degree.

Many years ago the Commission created the Local Government Service. The expressed intent at that time was to provide a service block from which a small entity could obtain a single channel that could serve all of its functions. This would include police, fire, highway maintenance, parks, and public works, etc. The plan seemed to work in that fashion in its infancy. However, as agencies discovered the value of two-way radio, systems rapidly expanded, and requests for additional channels became commonplace. A further reason for this need for other channels was the fact that sharing of a channel between services whose primary function is the immediate protection of life and property and those which have a less vital function is impractical. This is particularly true where dispatch activity is split and system discipline becomes more difficult.

Consolidation, as proposed in PR Docket 92-235, would in essence make every channel a "local government" channel, and exacerbate an already difficult situation. While the vital public safety services work together as a team in emergency situations, there is still a high degree of competition between the services and their agencies for frequency spectrum. While the ability to intercommunicate during emergencies is highly desirable, sharing of channels at other times often results in a disservice to all.

This does not imply that it is impossible for various services to share spectrum. For example, it has worked well in the 800 MHz Public Safety portion of the spectrum. However, this is due to two distinct factors. First, many of the systems are for large

trunked systems where priority can be assured very easily by automatic assignment. Secondly, the coordination has been accomplished by and through a single coordinator, APCO. While there has been no competition, there has been no conflict. Examination will show that the conventional channels have been licensed for use by a single service, just as though they had been coordinated by that particular service. For example, in the state of California there are separate statewide dedicated systems for Highway Maintenance, for Forestry Conservation, for the Universities (Local Government) and for Police. The key point is that this was virgin spectrum, with no ingrained service blocks, or assigned users.

APCO is not opposed to a similar arrangement in any new additional spectrum which may result from current activities, such as PSWAC. However, APCO is equally convinced that the present arrangements of block allocations and individual service coordinators in the existing bands below 470 MHz is the best method of managing this portion of the spectrum. This should not only be perpetuated, but reinforced. Realistic criteria for channel loading should be established. Coordinators should be given more responsibility and authority, and signal controllers should be restricted to that necessary to provide usable signals to the applicants' area of political jurisdiction and responsibility.

Attempting to eliminate the existing service blocks, and open eligibility to every "public safety" service and use, including

Special Emergency, would not only be a grave mistake, but would lead to instant and intense protest from the vital public safety services of Police, Fire and Emergency Medical. In fact, the Commission, after years of effort, finally recognized Emergency Medical as a true Public Safety Service and gave them recognition as such. It would be a major step backward to suddenly place this service back again to competing with services which do not provide the same lifesaving functions.

The various public safety services have stated that they would work together in a harmonious manner to ensure the best possible usage of the new channels created in 92-235, while at the same time protecting existing users. The Commission can do no less than provide these services with the rules by which to accomplish this. These rules should be generated at the request of those who use and share the channels. The existing coordinators for these services have many years of actual experience in the field. They are much closer to the problem than those at the Commission, who may hear a few complaints, but generally hear little from the countless satisfied customers. If the Commission is to continue to make the best use of these public service coordinators, who operate on a non-profit basis, often with volunteers, they must listen to their requests for rules which will enable them to effectively manage the limited spectrum available.

In summary, APCO requests:

- Retention of the existing Public Safety Services and existing frequency coordinators
- Specific rules to limit power to that necessary to cover the applicants' area of political responsibility
- Realistic criteria for channel loading based on several appropriate factors
- Examination of existing eligibility for each service
- Retention of inter-service sharing
- Appropriate degree of responsibility and authority for the public safety frequency coordinators
- Recognition that cooperation, rather than competition, is the most appropriate method for the public safety services to perform the coordination service, both for the applicant and to assist the Commission in managing the spectrum

APCO is both willing and ready to work with Commission staff to assist in developing appropriate rules to accomplish these goals.