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FEDERAL COMMUNICATIONS COMMISSION
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January 16, 1996

BY HAND

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

DOCKET FILE COPY ORIGINAL

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 an original and nine (9) copies of APCO's Reply Comments. The Reply Comments had been filed on January 11, 1995, but had been inadvertently combined with an APCO filing in a different docket. Please substitute the enclosed documents for those filed on January 11.

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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BEFORE THE

Federal Communications Commission

WASHINGTON, D. C. 20554

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OFFICE OF SECRETARY

In the Matter of	)	
	)	
Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services and Modify the Policies Governing Them	)	
	)	PR Docket 92-235
and	)	
	)	
Examination of Exclusivity and Frequency Assignment Policies of the Private Land Mobile Radio Services	)	

DOCKET FILE COPY ORIGINAL

To: The Commission

REPLY COMMENTS OF APCO

The Association of Public-Safety Communications Officials-International, Inc. ("APCO") hereby submits the following Reply to comments filed in response to the Further Notice of Proposed Rulemaking adopted as part of the Commission's Report and Order, FCC 95-255 (released June 23, 1995).

Several of the comments offered proposed plans for consolidation of the current radio services. APCO and other public safety organizations have indicated their strong opposition to radio service consolidation as an unnecessary and ill-advised approach to managing public safety radio

spectrum.[1] Should the Commission goes forward nevertheless with service consolidation, it must establish a public safety pool that includes all of the current Part 90, Subpart B, Public Safety Radio Services.

APCO opposes the plan submitted by UTC, which would separate the Local Government, Forestry-Conservation, and Highway Maintenance Radio Services from the Police, Fire, and Emergency Medical Radio Services. Such a plan would wreak havoc among state and local government public safety agencies, and impose an arbitrary and inaccurate boundary between radio services that protect the safety of life and property.

UTC's proposal appears to be based on a misconception of how public safety radio channels are used. For example, the Local Government Radio Service supports far more than public works and administrative activities. Many, if not most, of the channels licensed in the Local Government Radio Service are used by police and fire departments. In some cases, Police and/or Fire Radio Service channels are unavailable; in other cases a variety of agencies in a small community share channels, making the Local Government designation the most rational choice. Many other critical public safety services also occupy these channels, including emergency management, hazardous materials response teams, corrections, and other public safety operations.

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[1] See, APCO Position Paper on Radio Service Consolidation (filed Nov. 20, 1995).

Another often misunderstood service is the Forestry-Conservation Radio Service. The principal users of these channels are agencies and personnel charged with fighting forest fires, conducting rescue operations, responding to natural disasters, preforming basic law enforcement functions, and providing other critical services that protect the safety of life and property on public lands. These are often state-wide channels that cover remote areas. Many Forestry-Conservation channels are also made available through intercategory sharing for urban police and fire departments.

The Highway Maintenance Radio Service also plays an important role in protecting the safety of life and property. The channels in this service are used for emergency road repairs, snow removal, traffic control, hazardous spill cleanup and other vital services that protect public safety and maintain free movement on our nation's highways. Coordination between police, fire, EMS, and highway maintenance operations is often necessary for responding to vehicle accidents and other occurrences.

All three of these current Public Safety Radio Services, therefore, share a common thread with the Police, Fire, and Emergency Medical Radio Services. All support vital public safety services. On a more fundamental level, all are <u>governmental</u> activities that operate for and on

behalf of the citizens of each jurisdiction.[2] Thus, if there is to be consolidation, all governmental services should be grouped together.

Keeping the current Subpart B, government services together will also facilitate spectrum efficient trunked operations, which are likely to expand in the "post-refarming" environment. As has occurred in the 800 MHz band, states, counties, and cities will license a set of channels for trunked systems that serve all of their governmental operations. This will be far more difficult if governmental services are separated into different pools.

Under the UTC plan, many basic governmental services would suddenly be in the same radio service pool as corporate entities such as railroads, petroleum companies, and utilities. While those entities have important functions that sometimes involve safety issues, they are still businesses responsible to their shareholders. A city, county or state, on the other hand, is responsible to the public. Governmental entities have different obligations, different financial constraints, and fundamentally different functions from business entities. Perhaps, as UTC suggests, "public service" entities such as utilities, railroads, and pipeline companies should be in their own radio service.

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[2] This basic governmental distinction also provides the basic rationale for excluding Part 90, Subpart B, channels from proposed user fees. See Comments of APCO in Response to Further Notice of Proposed Rulemaking (filed Nov. 20, 1995).

Government entities, however, more properly belong in a separate Public Safety radio service.

Finally, frequency coordination of governmental agencies should be handled only by frequency coordinators that are representative of such governmental entities. Public safety coordinators such as APCO necessarily operate under stricter guidelines than other coordinator to avoid interference to vital governmental services that protect the safety of life and property.

CONCLUSION

For the reasons discussed above and in prior statements, APCO opposes radio service consolidation. If, however, radio services are consolidated, all current Part 90, Subpart B, services should be maintained in a separate public safety radio service.

Respectfully submitted,

ASSOCIATION OF PUBLIC-SAFETY
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