

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

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of )  
)  
Petition for Rulemaking of )  
National Communications System in )  
the matter of Cellular Priority )  
Access for National Security and )  
Emergency Preparedness )  
Telecommunications )

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and

The Development of Operational, )  
Technical, and Spectrum )  
Requirements for Meeting Federal, ) WT Docket 96-86  
State and Local Public Safety )  
Agency Communications Requirements )  
Through the Year 2010 )

To: The Commission

**COMMENTS OF APCO**

The Association of Public-Safety Communications Officials-International, Inc. ("APCO"), by its attorneys, hereby submits the following comments in response to the above-captioned Petition for Rulemaking of the National Communications System ("NCS Petition").

**INTRODUCTION AND SUMMARY**

APCO, founded in 1935, is the nation's oldest and largest public safety communications organization, with over 12,000 members involved in the management and operation of police, fire, emergency medical, forestry-conservation, highway maintenance, disaster relief, and other public

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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. APCO and many of its members are also active participants in the ongoing work of the Public Safety Wireless Advisory Committee.

On April 18, 1996, the Commission issued a Public Notice (DA-96-604) seeking public comments regarding the NCS Petition, and the extent to which "the issues raised in the NCS petition are related to the pending public safety rulemaking proceeding, WT Docket 96-86." APCO generally supports the NCS petition to establish procedures for priority access to cellular systems during major emergencies when those systems may be needed for relief operations. APCO does suggest that calls to 9-1-1 also be included within a priority access level.

While APCO supports the NCS Petition, it opposes the inclusion of the Petition in WT Docket 96-86. Cellular priority access is an important issue. However, it does not have a significant bearing on the matters being examined in WT Docket 96-86, or in the companion Public Safety Wireless Advisory Committee.

**I. THE COMMISSION SHOULD ADOPT CELLULAR PRIORITY ACCESS PROCEDURES.**

As NCS explains in its Petition, there are often times when emergency response personnel from federal, state, and local governments require the use of cellular phones to

coordinate activities. The Oklahoma City bombing last year was certainly the most widely publicized of those incidents. Cellular phones provided an important adjunct to the dedicated public safety radio facilities used by the various agencies on the scene. Indeed, the local cellular companies distributed hundreds of free, activated cellular phones to disaster relief personnel, and are to be commended for their extraordinary efforts in that regard.

The NCS Petition sets forth recommended rules and procedures to ensure that when major emergencies such as the Oklahoma City bombing occur, emergency response personnel using cellular phones will be assured "priority access" over other customers. APCO supports those procedures, in particular the provisions that place state and local government personnel on equal standing with federal personnel. This is necessary since state and local agencies are often the first, if not the only, agencies responding to many emergencies.

APCO is concerned, however, that the proposed cellular priority access procedures do not accommodate calls to 9-1-1. These are "emergency" calls which must not be blocked by less critical communications. While 9-1-1 calls should not be placed at the top of the priority list, where they could block direct communications among emergency response personnel, such calls do require a status above basic non-emergency communications. APCO and other public safety organizations have examined this issue and would

suggest that 9-1-1 calls be placed in priority level 5 or higher. As indicated in the attached statistical analysis, this is unlikely to block other level 5 calls, and would have a negligible impact on lower priority callers.

APCO recommends that carriers that elect to provide for NS/EP must include 9-1-1 calls in priority levels 1-5. Activation of priority status should be automatic with three digit "9-1-1" dialing, without the use of function or feature codes. In all other respects, NS/EP features for 9-1-1 users should be the same (e.g., roaming).<sup>1/</sup>

**II. CELLULAR PRIORITY ACCESS ISSUES SHOULD BE CONSIDERED INDEPENDENTLY OF FUTURE PUBLIC SAFETY SPECTRUM NEEDS.**

While APCO supports the NCS Petition, it questions the relevance of the NCS Petition to WT Docket No. 96-86. Priority access to commercial services is no substitute for dedicated public safety radio operations. Commercial systems, even with priority access procedures, do not satisfy public safety agencies' day-to-day requirements for immediate, reliable communications, regardless of location and without reliance on the good graces of a commercial carrier. That can only be provided by radio systems owned and operated by public safety agencies for their exclusive use.

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<sup>1/</sup> APCO also notes that a common problem after a major emergency is that some members of the general public, including some in the media, will tie up scarce cellular channels for extended periods of time. The Commission may want to explore this issue in a future proceeding.

The Commission's principal goal in WT Docket No. 96-86 is to examine future public safety radio spectrum needs through the year 2010, and to define how those needs will be satisfied. In contrast, the NCS Petition addresses specific procedures for occasional instances where federal, state, and local government officials must gain priority access to cellular systems for telephone communications related to disaster relief and similar operations. Such cellular priority access is unrelated to the spectrum needs of public safety agencies.

Police, fire, emergency medical and other public safety agencies face life-threatening emergencies every day of the year. While rarely on the scale of the Oklahoma City bombing, these emergency situations nevertheless impose huge demands on public safety personnel and their communications systems. Nearly all public safety radio communications require "priority access" relative to the normal traffic carried by a commercial service provider. Therefore, public safety agencies cannot rely on commercial systems for day-to-day operations, as they would be constantly invoking priority access, disrupting the ability of commercial carriers to provide general communications to the public.

Situations such as Oklahoma City must be placed in context. The first responders to such tragedies are usually local police, fire, and EMS agencies. All of their communications during the first hours of an emergency (which are most critical for saving lives) are necessarily limited

to dedicated public safety radio systems. Even with priority access procedures, commercial services are usually jammed during and in the immediate aftermath of an emergency. A police officer on the scene cannot be expected to wait for an official in Washington to approve the implementation of priority access procedures before communicating with command and control centers and with other responders. Indeed, how will those with authority to implement priority access even know there is a need to do so unless those on the scene first can communicate?

Another major problem with relying solely on commercial services is their narrow geographic scope of service. The Oklahoma City bombing took place in the center of a large city that presumably had excellent cellular coverage.<sup>2/</sup> But public safety personnel often must respond to emergencies in remote, sparsely populated areas with little or no commercial radio service. Public safety personnel must also be able to communicate with dispatchers even when they are inside large buildings, in alleys, behind hills, under bridges, and other areas that are often "dead spots" on commercial systems. Commercial systems can tolerate such "dead spots" and "white areas." A public safety agency, in contrast, must be able to support emergency communications everywhere within its area of jurisdiction.

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<sup>2/</sup> Even there, however, APCO understands that additional temporary cells had to be installed to handle the extraordinary cell traffic in the days following the bombing.

Public safety agencies also demand "push-to-talk" service to allow immediate access by officers and others in the field. The seconds that it may take for a dial tone on a commercial system could mean the difference between life or death at a crime scene or in a fire.

Similarly, the officer in the field needs the confidence that when the button is pushed, the system will work. Public safety agencies necessarily build and maintain their communications systems to the highest possible standards of reliability. Systems are designed to work with infinitesimal outage times, to handle peak loads, and to withstand the conditions that often place the greatest demands on public safety agencies (e.g., earthquakes, hurricanes, snowstorms, etc.). Commercial systems will only be as reliable as the marketplace demands. The "market," unfortunately, will always be far more tolerant of occasional dropped calls and system outages than are public safety operations.

Finally, public safety agencies cannot risk placing themselves at the mercy of commercial service providers who, understandably, have profits as their principal goal. What if a commercial carrier decides to raise rates far beyond the budget of a public safety agency that has given up its own communications operations? What if the commercial carrier goes bankrupt or is bought out and undergoes massive changes that do not include providing service to public safety agencies? Such concerns are unnecessary if a public

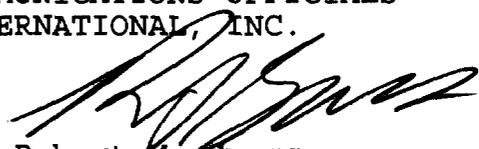
safety agencies owns and operates its own communications systems.

**CONCLUSION**

Priority access to cellular and other commercial systems is important. Thus, APCO supports the NCS Petition, with the minor modifications discussed above. However, the rulemaking requested by the Petition should be part of a separate docket, and not included in WT Docket 96-86.

Respectfully submitted,

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