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WRITER'S DIRECT DIAL:

January 31, 1997

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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.

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 GN Docket No. 96-228

Dear Mr. Caton:

On behalf of the Association of Public-Safety Communications Officials-International, Inc. ("APCO"), enclosed herewith for filing are two copies of a letter delivered today to David Wye of the Wireless Telecommunications Bureau regarding the above-captioned proceeding.

Respectfully submitted,

WILKES, ARTIS, HEDRICK & LANE
Chartered

By: 
Rudolph J. Geist

Attorneys for the Association of Public-Safety Communications Officials-International, Inc.

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January 30, 1997

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FEDERAL COMMUNICATIONS COMMISSION
COMMUNICATIONS SECTION

Mr. David Wye
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, N.W., Room 5002
Washington, D.C. 20554

RE: GN Docket No. 26-228

Dear David:

Per your request, this is to further clarify APCO's position with regard to public safety use of the 2.3 GHz band now under consideration in the above-referenced proceeding.

As APCO has indicated in its prior comments, it supports efforts to facilitate public safety use of the 2.3 GHz band. It appears that the most likely public safety use of that band would be for video, data, and fixed microwave operations. In light of the recent PSWAC findings, the Commission should make available to public safety as much of the 2.3 GHz band as possible. While further study is necessary, it appears that any allocation of less than 3 MHz of contiguous spectrum would be of no value.

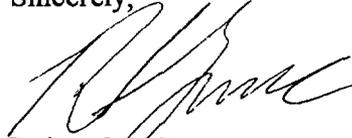
APCO's preference is that a portion of the band be allocated for direct public safety licensing. If that cannot be accomplished due to statutory restraints regarding auctions, then the Commission should impose requirements that the auction winners provide service to public safety entities at no charge. However, because the service would be offered through a commercial provider, public safety agencies are likely to use such service only for non-mission critical operations.

Finally, APCO reiterates that facilitating possible public safety use of a small portion of the 2.3 GHz band for non-mission critical operations will have little or no impact on the spectrum needs identified by PSWAC. Regardless how it proceeds in this proceeding, the Commission must move forward to reallocate UHF Channels 60-69, and to make at least 24 MHz of that spectrum available for public safety.

WILKES, ARTIS, HEDRICK & LANE
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Please call me if you need any additional information. Two copies of this letter will be filed with the Secretary.

Sincerely,



Robert M. Gurs
Counsel for Association of Public-Safety
Communications Officials-International, Inc.
(APCO)

cc: APCO Board of Officers
Ronnie Rand
Steve Proctor
Michael Amarosa