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BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

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DEC 24 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
 The Development of Operational, Technical) WT Docket No. 96-86
 And Spectrum Requirements For Meeting)
 Federal, State and Local Public Safety Agency)
 Communication Requirements Through the)
 Year 2010)
)
 Establishment of Rules and Requirements)
 For Priority Access Service)

To: The Commission

**JOINT COMMENTS OF
 AMERICAN ASSOCIATION OF
 STATE HIGHWAY AND TRANSPORTATION OFFICIALS,
 FORESTRY CONSERVATION COMMUNICATIONS ASSOCIATION,
 INTERNATIONAL ASSOCIATION OF FIRE CHIEFS, INC.,
 INTERNATIONAL ASSOCIATION OF FISH AND WILDLIFE AGENCIES,
 INTERNATIONAL MUNICIPAL SIGNAL ASSOCIATION, AND
 NATIONAL ASSOCIATION OF STATE FORESTERS**

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SUMMARY

The Joint Commenters, all members of the National Public Safety Telecommunications Council (NPSTC), generally support the comments of NPSTC contemporaneously being filed in this proceeding. In these Comments, the Joint Commenters address planning and implementation procedures for the new public safety allocation at 746-806 MHz.

The Joint Commenters advocate a 3-tiered approach to the assignment and licensing of the new public safety allocation from the 746-806 MHz band. The first tier entails the development of a strong national plan which sets policies and procedures regarding matters such as eligibility, the submission and processing of applications and dispute resolution. To maximize efficient use of the new allocation, as well as existing public safety bands, the national plan also must include a requirement that public safety entities return all frequencies they no longer need upon completing implementation of their new systems. Further, in light of time constraints imposed by the Balanced Budget Act of 1997 and the need for a national planning body with substantial expertise in the area of public safety allocations, the Joint Commenters believe that the National Public Safety Telecommunications Council ("NPSTC") should be the organization responsible for developing the national plan and overseeing its implementation.

The second tier of the process would involve the creation of state -- rather than regional -- committees charged with implementing the national plan and tailoring it to

state and local needs where latitude to do so has been provided. This approach would avert some of the political problems that have plagued the existing regional planning process and would, through the elimination of inter-state travel requirements, facilitate participation in the planning process by public safety agencies that have limited resources or are subject to travel restrictions.

The third tier is the coordination of the applications of public safety entities to utilize the new channels from the 746-806 MHz band. The Commission's spectrum "refarming" proceeding presents the perfect model for coordination and management of these channels. Like the "refarmed" spectrum, the new public safety spectrum should be subject to competitive coordination procedures. In particular, any of the certified frequency coordinators in the Public Safety Radio Services should be permitted to coordinate any of the public safety frequencies in the new band. This will result in the dual benefits of lower coordination costs and better service to the public.

As a final matter, the Joint Commenters note that although the new public safety allocation is a step in the right direction, it will not satisfy all public safety communications requirements. To follow through on the final recommendations of the Public Safety Wireless Advisory Committee ("PSWAC"), the Commission will need, among other things, to designate new interoperability channels from the bands below 512 MHz and to identify additional general use spectrum from a variety of bands.

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The American Association of State Highway and Transportation Officials ("AASHTO"), the Forestry Conservation Communications Association ("FCCA"), the International Association of Fire Chiefs, Inc. ("IAFC"), the International Association of Fish and Wildlife Agencies ("IAFWA"), the International Municipal Signal Association ("IMSA") and the National Association of State Foresters ("NASF") (collectively referred to herein as "Joint Commenters"), by their attorneys, respectfully submit these Comments in response to the Second Notice of Proposed Rule Making ("Notice") released by the

Federal Communications Commission ("Commission") in the above-captioned matter on October 24, 1997. The Joint Commenters welcome this opportunity to provide input regarding the implementation and assignment to public safety use of 24 megahertz of spectrum in the 764-776 MHz and 794-806 MHz bands.

I. INTRODUCTION

AASHTO is the national association of the state departments of highways and transportation in the 50 states, the District of Columbia and Puerto Rico. Its scope includes all five principal transportation modes, and its major purpose is to foster the development, operation and maintenance of an integrated national transportation system. AASHTO serves as the Commission's certified frequency coordinator for the Highway Maintenance Radio Service.

FCCA is comprised of individuals from IAWFA and NASF (its parent organizations) and telecommunications managers from forestry conservation and parks and recreation agencies throughout the United States. FCC represents its members in proceedings at the Commission and other communications matters.

IAFC is a voluntary, professional membership society. Its membership, comprised of approximately 10,000 senior Fire Service officials, is dedicated to the

protection of life and property throughout the United States and abroad. IAFC is the major national professional association representing the interests of senior management in the Fire Service. The Fire Service is the largest provider of emergency response medical service in the United States.

IAFWA consists of fishery and wildlife administrators and managers from states throughout the nation, as well as from foreign countries. State fish and wildlife agencies are responsible for monitoring fish and wildlife species abundance, distribution and health within the state. Radio telemetry is a critical tool in accomplishing these responsibilities; it is used, for example, to gather information on animal movements, habitat use, reproduction, mortality and other behavior. Individual studies may last from one to many years, and the number of individual animals telemetered in a study can vary from a few to several hundred. In many instances, fish and wildlife agencies also are responsible for the enforcement of conservation and environmental laws.

Enforcement officers have a vital need for reliable communications as a matter of basic employee safety because, quite often, they are confronting individuals with loaded weapons.

IMSA is a non-profit organization dedicated to the development and use of electrical signaling and communications systems in the furtherance of public safety.

IMSA members include representatives of federal, state, county, city, township and

borough governmental bodies, and representatives of governmental bodies from foreign nations. Organized in 1896, IMSA is the oldest organization in the world dedicated to the activities pertaining to electrical engineering, including the Public Safety use of radio technology. IMSA and IAFC are recognized as the frequency coordinating committee for the Fire Radio Service and the Emergency Medical Radio Service ("EMRS") and, in conjunction with the Personal Communications Industry Association ("PCIA"), constitute the recognized coordinating committee for the Special Emergency Radio Service ("SERS").

NASF consists of state forestry representatives from every state. State foresters are responsible for wildfire suppression and detection within their jurisdictional boundaries. Many state forestry agencies also are responsible for reforestation and for activities on federal forest land. Reliable radio communications are essential for individuals functioning in the extremely dangerous environment associated with wildfire suppression and detection activities.

Each of the Joint Commenters is a charter member of the National Public Safety Telecommunications Council ("NPSTC"). In addition, members or representatives of the entities comprising the Joint Commenters participated in all Subcommittees of the Public Safety Wireless Advisory Committee ("PSWAC"), the predecessor organization to NPSTC. Having been heavily involved in PSWAC's decision making process, the Joint

Commenters are familiar with the options and issues facing the Commission as it develops regulations and policy to meet the present and future wireless communications requirements of the public safety community.

The Joint Commenters generally agree with PSWAC's findings and support PSWAC's Final Report. In addition, the Joint Commenters have reviewed the Comments being prepared by NPSTC in the above-captioned matter and generally concur with the positions expressed therein.^{1/} The purpose of these separately-filed Comments is to emphasize various points that the Joint Commenters believe to be particularly important and to provide input on certain issues that NPSTC has elected not to address and/or about which the charter members of NPSTC have been unable to reach a consensus.

II. COMMENTS

In its Notice, the Commission proposes service rules for the 24 megahertz of spectrum in the 746-806 MHz band (currently TV channels 60-69) which Congress designated for public safety services in the Balanced Budget Act of 1997 ("Budget Act"). The Commission contemplates that a portion of this spectrum allocation will be set aside for interoperability purposes and that the remainder will be designated for general use by

^{1/} The Joint Commenters reserve the right to file supplemental comments addressing matters of individual interest, including any exceptions to NPSTC's positions.

public safety entities. The Commission also envisions that some of the policies governing the assignment and licensing of this spectrum will be set at the national level, while others will be set “by those in closer proximity to State and local public safety users.” (Notice at ¶ 78).

As further discussed below, the Joint Commenters believe that there must be a strong national plan with respect to both the interoperability and the general use spectrum and that NPSTC is the organization that is best suited to developing this plan in an effective and timely manner. Among the elements that must be included in this national plan are procedures which require applicants for the new spectrum ultimately to return for reassignment all of their existing channels that are being replaced by the proposed new system. With respect to addressing state and local needs, the Joint Commenters note that the regional planning approach for the 821-824/866-869 MHz spectrum has been riddled with political problems and other inefficiencies; accordingly, a somewhat modified approach, entailing the creation of state planning committees, would be preferable. Also beneficial to the public safety community would be the adoption of competition-based coordination procedures for the new spectrum. Finally, the Joint Commenters emphasize to the Commission that this allocation is only the first step toward meeting the important public safety requirements identified in the PSWAC Final Report.

A. NPSTC Should be Charged With the Responsibility of Developing a Strong National Plan

The Joint Commenters agree with the Commission that at least some of the rules and policies governing the assignment of the new public safety allocation should be set at the national level. This is true as to both the interoperability and the general use channels, as without national standards, there would be no way to ensure that the basic public safety requirements identified by PSWAC will be satisfied in a fair and efficient manner and that all public safety providers in all areas of the country will be treated equitably.

For evidence that a national plan “with teeth” is warranted here, the Commission need only consider some of the problems that have arisen in connection with the regional planning approach for the 821-824/866-869 MHz public safety allocation. Most notably, many regions lacked rules and procedures to ensure the organized, prompt and equitable acceptance and processing of applications, to monitor system implementation and prevent channel hoarding and to resolve conflicts between the different states, areas or agencies contained within a single region. The following are just a few examples:

- In New England (Region 19), one Fire Department repeatedly was unable to apply for needed frequencies due to the failure of the regional committee to notify the Department of open window periods for the acceptance of applications. On several occasions, the Fire Department’s

communications manager contacted the Chairman of the committee and was informed only that the window was closed and that the Chairman could not tell him when it would be open again.

- A Fire Department in southern New Hampshire was informed that there were no frequencies available because all had been assigned to entities in northern Massachusetts. Yet, a full year after these frequencies were assigned in Massachusetts, there was no evidence that any of the frequencies had been constructed or placed in operation, as required by the Commission's rules.
- In Region 27 (which encompasses Nevada), the Chairman and the Association of Public-Safety Communications Officials-International, Inc. ("APCO") AFC local advisor determined in 1996 that the University of Nevada and Community College System ("UNCCS") was not eligible for using or sharing public safety frequencies in the Nevada Shared System, even though the UNCCS provided governmental functions, including law enforcement. This resulted in frustration and delays to the implementation of the UNCCS while the applicant demonstrated that: (1) it had been licensed on Local Government and Police frequencies since the 1970's; (2) it was established as a governmental institution under the Nevada Constitution; and (3) its frequency request had been denied by a select committee of three persons, without any input or comment from the Region 27 membership.
- Like the UNCCS, the Clark County Regional Transportation Commission was restricted by the Region 27 Chairman from sharing frequencies with members of the Nevada Shared System, again without the benefit of input or comment from the Region 27 membership.

To avert problems of this nature, the Joint Commenters recommend a 3-tiered procedure: (1) national planning; (2) state planning; and (3) coordination/licensing. With respect to the first tier, the Joint Commenters believe that the processes and procedures for assigning the new public safety spectrum must be set, to the greatest extent possible,

at the national level.^{2/} The national plan should include, among other things, eligibility guidelines, application submission and processing procedures, methods for enforcing construction requirements, a channel “giveback” program (see Section II.B., infra) and procedures for resolving inter-regional or inter-agency disputes. Following the adoption of a national plan, the national planning body should be responsible for overseeing the local planning process and providing advice, as needed, to facilitate conflict resolution. Only the Commission, however, would have authority to approve or reject the final decisions of state, local or regional planners in instances where disputes arise.

The Joint Commenters believe that NPSTC should be the organization charged with developing the national plan and overseeing its implementation. Given that the Budget Act requires that the assignment of the new public safety spectrum begin on September 30, 1998, the national plan will need to be developed on a tight time frame. Therefore, it is critical that this task be delegated to a group that could begin carrying out its functions almost immediately upon the adoption of a Report and Order by the Commission setting forth the requisite guidelines. NPSTC is ideally suited to these responsibilities, as it is an established body whose members are extremely familiar with

^{2/} The second and third tiers will be discussed in Sections II.C. and II.D., infra.

the often complex issues surrounding public safety communications, in general, and the public safety allocation from the 746-806 MHz band, in particular.^{3/}

Further, because NPSTC is an independent organization, it operates outside the political and bureaucratic constraints that often characterize government advisory committees. NPSTC would nonetheless be accountable to the Commission and interested members of the public in that its recommendations for the national plan would be submitted to the Commission and subjected to scrutiny through the “notice and comment” process. Additionally, any oversight activity assigned to NPSTC would be subject to review, if not enforcement, by the Commission (and placed on Public Notice, if deemed necessary). In short, only NPSTC has the expertise and other characteristics necessary to develop and implement the national plan in a timely and effective manner.

B. The National Plan Must Include a Channel “Giveback” Requirement

In the vast majority of cases, public safety entities that seek to use the new allocation from the 746-806 MHz band will be replacing existing low band, VHF or UHF systems. This is because most public safety agencies, such as fire and police

^{3/} Any current NPSTC members that do not want to participate in the national planning process would not be obligated to retain their memberships, and new NPSTC members could be added, where appropriate.

departments, typically employ only one type of agency-operated mobile system in connection with the discharge of their primary functions, as it would be burdensome and inefficient to require field personnel and vehicles to be equipped with more than one radio. It is absolutely essential that public safety entities be required to return the frequencies that they no longer need upon implementation of their new systems. Many public safety entities which do not have the resources to purchase systems on the new 800 MHz spectrum in the foreseeable future -- particularly volunteer departments in the fire and forestry services, small parks districts and rural agencies -- would be able to benefit greatly by the availability of additional frequencies from other bands to supplement their existing systems. Without a giveback requirement, public safety entities either will hoard these unneeded frequencies for themselves or trade or otherwise convey them to other public safety providers, without any determination by the Commission or other neutral party that this constitutes the best or most efficient use of the spectrum.

Accordingly, the Joint Commenters urge the Commission to require that the national plan for the new allocation include frequency "giveback" procedures. Specifically, all licensees on the new channels should be required to return pre-existing frequencies at the end of the system construction period for the new channels unless they can demonstrate with clear evidence that they have sufficient demand for both systems and will not be discontinuing use of the older one. Frequencies relinquished in this manner would be promptly returned to the public safety coordinator(s) responsible for

those frequencies and reassigned to a public safety entity in the appropriate public safety radio service. Channel “giveback” procedures of this nature have been implemented in the New Jersey and Michigan regions with respect to the 821-824/866-869 MHz allocation and have been successful in improving the efficiency of public safety frequency use in these regions. To enable public safety entities in all areas and regions to benefit from such a measure in connection with the licensing of the 746-806 MHz spectrum, giveback procedures must be incorporated into the national plan for this spectrum.

C. Individual State and Local Needs Should be Addressed by State Planning Committees

The Commission has sought comment as to whether the existing National Public Safety Planning Advisory Committee (“NPSPAC”) regional planning committees, which have been involved in implementing the public safety allocation in the 821-824/861-869 MHz band, also should be responsible for developing and adopting plans for various aspects of the new interoperability and general use channels at 746-806 MHz. (Notice at ¶¶ 79, 111). While the Joint Commenters agree with the Commission that some form of planning and participation below the national level is appropriate, experience demonstrates that certain modifications to the regional planning approach are warranted.

Most significantly, as the second tier of the process, the Joint Commenters advocate the creation of state, rather than regional, committees which would be responsible for implementing the national plan. In many instances, this would not require any changes to the existing structure, as a number of regions presently are defined by a single state's boundaries. On the other hand, some existing regions, such as New England, consist of a group of neighboring states which have been amassed for regional planning purposes. It is multi-state regional committees like that in New England which have been plagued by the most serious problems. For example, regional politics have hampered the efforts of some states to obtain frequencies that they vitally need, as illustrated by the inability of the southern New Hampshire Fire Department to secure channels because all available frequencies had been assigned in northern Massachusetts (see Section II.A., supra). Further, many public safety entities are subject to restrictions on inter-state travel; and others -- particularly rural agencies, volunteer fire departments and forestry conservation agencies -- simply cannot afford the inter-state travel costs required to participate actively on regional committees that comprise multiple states.

The use of state, rather than regional, planning committees would help to combat these problems. Although conflicts still could arise between states regarding frequency assignments near state boundaries and in major metropolitan areas encompassing more than one state (e.g., Washington, D.C., New York City, etc.), each state would be equally represented by its own planning committee in negotiating resolutions to these conflicts,

thereby increasing the likelihood of an equitable and spectrum-efficient outcome.

Additionally, the elimination of inter-state travel requirements would facilitate participation in the planning process by public safety entities with limited resources. As a result, such entities would be better able to ensure that their spectrum requirements will be taken into consideration and reflected in the channel plan that ultimately is adopted in their state.

Finally, the Joint Commenters recognize that certain of the larger states, such as California and Texas, presently are broken down into more than one region for purposes of regional planning and that requiring these states to form a single state planning committee could increase, rather than decrease, travel costs. This need not be the case, however. Under the Joint Commenters' proposal for state planning, there would be nothing to prevent a state from creating regional subcommittees responsible for studying particular regions of the state and reporting back to the state committee with their conclusions and recommendations. The state committee would then compile the information prepared by the various regions into a unified state plan. Thus, the proposed state planning approach could incorporate aspects of regional planning in instances where regional planning has been deemed successful, while offering a more viable alternative in instances where it has not.

D. Adoption of Pro-Competitive Coordination Procedures Would be in the Best Interests of Public Safety Entities

The third tier of the process entails the implementation of the state plans through the coordination of applications and, ultimately, the licensing of public safety entities. The coordination system is time-tested and serves as an effective and efficient means to assign channels in compliance with frequency management plans and further assists the Commission in assuring the completeness and accuracy of applications submitted for processing. The coordinators work with applicants to assure that systems are appropriately "sized," *i.e.*, that applicants do not foreclose other users by seeking excessive coverage beyond their service territory needs. To the extent that channel demand exceeds capacity, the coordinators would work with the appropriate state planning committee(s) to prioritize needs. Moreover, the coordinators, as the parties responsible for managing the bands below 800 MHz, would be in a position to enforce the "giveback" policy discussed in Section II.B., *supra*.

The Joint Commenters recommend that the Commission adopt frequency coordination procedures for the new public safety allocation modeled on those recently adopted in the spectrum "refarming" proceeding for public safety bands below 800 MHz. In that proceeding, the Commission determined that where frequencies are shared by all public safety entities, any of the certified public safety coordinators should be permitted

to provide coordination.^{4/} The Commission noted that this approach “will introduce competition, to the extent possible, into this pool which, in turn, should result in lower coordination costs and better service to the public.”^{5/} These same benefits -- i.e., reduced costs and improved service -- would be achieved through the introduction of competitive coordination procedures in the 746-806 MHz band.

Moreover, to the extent that the national or state plans may assign channels for discrete public safety functions, the Joint Commenters believe that these benefits would be maximized by applying the competitive coordination model to all frequencies to be assigned, rather than just those that will be shared by all public safety entities. In other words, any certified frequency coordinator in the Public Safety Radio Services should be permitted to coordinate any of the public safety frequencies in the 746-806 MHz band. Unlike the “refarmed” bands, the allocation from the 746-806 MHz band entails new spectrum which is not encumbered by any existing public safety licensees whose systems must be protected. Moreover, each of the certified coordinators is familiar with the varying public safety functional communications needs in that each currently participates in coordination of the pooled channels in the 450 and 470-512 MHz bands, as well as

^{4/} See Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services and Modify the Policies Governing Them, PR Docket No. 92-235, *Second Report and Order*, March 12, 1997, at ¶ 38.

^{5/} Id.

under the “refarming” proceeding. Therefore, there is no reason to limit applicants to a single coordinator, since there is no inherent knowledge or other institutional bias in favor of reliance on a single coordinator. In short, the applicant should be free to choose that coordinator which it believes will provide it with the best, fastest and/or least expensive service.

In its Reply Comments in ET Docket No. 97-157 (the Commission’s initial proceeding regarding the reallocation of the 746-806 MHz band), APCO argues that it alone should be responsible for coordinating all of the new public safety spectrum. In support of its position, APCO contends that it is “the only the [sic] frequency coordinator that represents all of public safety; that has experience in the regional planning process; that has local frequency advisors in each region; and that has developed expertise in coordinating large, shared 800 MHz public safety systems similar to those likely to be installed in the 746-806 MHz band.”^{6/}

While APCO’s desire to continue in its role as exclusive coordinator for the 800 MHz public safety bands is understandable, its arguments do not hold up to careful scrutiny. First, contrary to APCO’s claim that it represents all public safety services, the Commission has recognized IAFC/IMSA, FCCA and AASHTO as representing each of

^{6/} Reply Comments of APCO, ET Docket No. 97-157, at 5-6.

their parent public safety services. With multiple coordinators, each public safety entity will have the ability to determine for itself which coordinator best represents its interests and will provide it with the most attractive service. Second, the fact that APCO has experience in the regional planning process and has local frequency advisors in each region does not make it better equipped to coordinate applications for frequency assignments from the new allocation. To coordinate the new public safety spectrum in an effective manner, the coordinators need only become familiar with the national, regional, state and/or local plans that will be adopted and be prepared -- through use of a centralized data base -- to implement them in accordance with the Commission's rules and policies. In similar fashion, IAFC/IMSA coordinate the Emergency Medical Radio Service in accordance with state emergency medical plans.^{7/} Finally, whatever APCO's merits in the area of frequency coordination, each of the other certified public safety coordinators also has many years of coordination experience which readily could be carried over into the 746-806 MHz band. APCO should not be permitted to use its existing position as exclusive coordinator for the 800 MHz public safety bands to bootstrap itself into extending its monopoly status into the new band.^{8/}

^{7/} See 49 C.F.R. § 90.20(a)(1)(iii).

^{8/} To achieve consistency in the coordination procedures for the new and existing public safety bands at 800 MHz, the Commission could -- as IAFC/IMSA recommended in their Comments in ET Docket No. 97-157 -- conform coordination in the current 800 MHz bands to the multiple coordination policy adopted in the "refarming" proceeding.

As an additional matter, the Joint Commenters believe that competitive coordination would be facilitated by the development and use of a shared licensing data base for the new frequencies. With the exception of APCO, all existing public safety coordinators presently utilize a master data base that is maintained by Communication Engineering Technology Inc. (“CET”). Under this approach, which has proven to be quite effective, information is posted and exchanged “real time” so that all coordinators on the network have access to the most current data. The Joint Commenters recommend that a comparable approach be implemented for the public safety allocation from the 746-806 MHz band.⁹⁷ Each coordinator would bear its own costs in connection with developing the data base and/or gaining access to it, but subsequently would be able to recover some of these expenses through coordination fees. As competitive service providers, coordinators should not be permitted, as suggested by some parties, to agree to impose “surcharges” on applicants for the new public safety frequencies, as such surcharges would resemble the type of monopoly pricing that the competitive coordination model is intended to eliminate.

⁹⁷ APCO could, of course, elect to share this joint network if it so desired. In any event, APCO does access the CET network and thereby exchanges information with the other coordinators.

E. The New Allocation Will Not Satisfy All Public Safety Spectrum Requirements

While the Joint Commenters are encouraged by this new public safety allocation, the Commission is urged to recognize that it will not satisfy all public safety communications requirements. Most notably, regardless of how many of the new channels are designated for interoperability use, this additional interoperability spectrum will not satisfy PSWAC's request that the Commission make available 2.5 megahertz of spectrum for interoperability purposes. That is because PSWAC's Interoperability Subcommittee concluded that the majority of this new interoperability spectrum should be from the bands below 512 MHz, where most public safety agencies presently operate.^{10/} It would be unrealistic and inappropriate to expect these public safety entities to abandon their existing systems at this time and migrate to the 746-806 MHz band.

In addition, PSWAC concluded that as much as an additional 70 megahertz of spectrum will be required over the next 15 years to satisfy the mobile communications needs of the public safety community. Toward this end, PSWAC recommended the allocation of various bands, including 4635-4685 MHz, for public safety systems.

^{10/} As further discussed below, Congress recognized these needs in requiring

Congress, too, has recognized that the assignment of public safety licenses from broadcast channels 60-69 is not an exclusive remedy for existing and future public safety spectrum shortfalls. As a companion measure to the provisions of the Budget Act regarding channels 60-69, Congress directed the Commission to allow public safety licensees to use unassigned non-public safety channels to meet immediate needs where certain conditions are satisfied. 47 U.S.C. § 337(c).

In sum, the channel 60-69 allocation should be viewed as a “building block” which, together with more immediate as well as longer term measures, will form a comprehensive approach to the communications problems facing public safety licensees.

III. CONCLUSION

To implement the new public safety allocation in a manner that best serves public safety entities and the public itself, the Joint Commenters urge the Commission to:

(1) authorize NPSTC to develop a strong national plan which, among other things, requires public safety licensees to return unneeded spectrum from other public safety frequency bands; (2) utilize a state planning approach to address state, regional and local needs; and (3) adopt a pro-competitive coordination model. The Joint Commenters also request that the Commission consider and follow through on PSWAC’s other proposals