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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
The Development of Operational, Technical)
and Spectrum Requirements For Meeting)
Federal, State and Local Public Safety Agency)
Communication Requirements Through the)
Year 2010)
)
Establishment of Rules and Regulations)
For Priority Access Service)

WT Docket No. 96-86

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: The Commission

**REPLY COMMENTS
OF THE
PERSONAL COMMUNICATIONS INDUSTRY ASSOCIATION**

The Personal Communications Industry Association ("PCIA"), through counsel and pursuant to Section 1.415(c) of the Commission's Rules, 47 C.F.R. §1.415(c), hereby respectfully submits its Reply Comments in the above-captioned proceeding.

In its initial Comments, PCIA recommended that the Commission encourage public safety partnerships with commercial carriers and non-public safety users in order to more efficiently and effectively fulfill the technology needs of public safety users. PCIA demonstrated how such partnerships are being implemented by a number of public safety entities and resulted in reduced budgetary needs for the public safety user while at the same time delivering all of the necessary equipment features.

It has been stated by several public safety participants in this proceeding that the allocation of additional spectrum for public safety operations will not result in immediate interoperability of

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public safety users. Rather, there will be a gradual process of equipment replacement and migration, where possible and affordable.¹ In fact, in the opinion of the State of California, replacing every public safety system with a new system operating in the 746-806 MHz band would cost “... tens, if not hundreds, of billions of dollars which in today’s environment of reduced public spending, is a non-starter.”² As a result, the State of California states that a single interoperability band is “probably also a non-starter”, since public safety users would need to carry two radios.

Public Safety users in urban areas (where additional spectrum is most needed) often cannot obtain the funding to implement new systems on the public safety spectrum which they already have allocated. In some geographic areas, 900 MHz Public Safety spectrum has still not been deployed despite its availability for many years.

On this basis, it would appear that the Commission’s allocation would fail to provide a solution to the problem described by the Major Cities Police Chiefs Association (“Police Chiefs”) as “... congestion, the inability to facilitate inter-system interoperability, and the existence of old, out-dated radio equipment.” The Police Chiefs believe that these problems “... put the safety of the nation’s police, fire, and rescue forces at great risk”.³ While there is clearly a desire and need for more advanced equipment, requiring additional spectrum, there is an unwillingness by many municipalities to spend the money necessary to purchase the equipment so dearly needed by the public safety agencies.

¹See, for example, the Comments of the State of California at para. 10.

²Id.

³Comments at 3.

The budgetary constraints of public safety agencies should not deter the Commission from making the spectrum allocation in the band under consideration for public safety. Rather, the Commission should act positively on PCIA's request that the Commission encourage what the American Association of State Highway and Transportation Officials ("AASHTO") call "shared resource" systems.⁴ As pointed out in PCIA's initial Comments, shared resource systems have the ability to significantly reduce the monetary requirements for public safety agencies, while at the same time implementing systems on an accelerated schedule. Most importantly, it creates the interoperability between public safety users, and between public safety users and utilities or similar industries which are so critical during times of emergency.⁵ At the same time, shared resource systems achieve PrimeCo Personal Communications, L.P.'s ("PrimeCo") request that the Commission give the public safety community an incentive to use more spectrum-efficient technologies.⁶

PCIA is not suggesting that commercial or non-public safety entities be eligible to become licensees on the public safety portion of this allocation. Rather, public safety agencies should be encouraged to combine their systems with other users' systems in the same band, subject to the needs of the public safety user(s) in their contractual agreements. In this regard, PCIA agrees with Nextel Communications, Inc. ("Nextel") and Compu-Dawn, Inc. ("Compu-Dawn") that partnerships between commercial entities and public safety agencies further the Commission's vision for effective

⁴AASHTO Comments at 3.

⁵See, for example, the Comments of the American Petroleum Institute ("API") at 6; UTC at 9.

⁶Comments of PrimeCo at 4.

and efficient use of public safety spectrum.⁷ However, these partnerships are also beneficial when the partnerships are between public safety agencies and utilities or similar users.⁸

In addition, the State of California believes that the massive cost of moving public safety users to the new band requires interoperability frequencies in each public safety band until systems have been relocated. Different public safety users can then be tied together by what the State of California calls “gateways”.⁹ PCIA agrees that this is an alternative which merits review. In addition, PCIA believes that the gateway concept is perfectly suited for the type of partnerships envisioned by PCIA and others. A commercial entity can readily establish the gateways for the benefit of public safety and related users, either through the commercial entity’s currently operating system or a new system constructed strictly to establish the gateway, until such time as new equipment is purchased for the new band.

Finally, the Region-20 Public Safety Legislative/Regulatory Affairs Committee (Region-20) discusses in its Comments the transition to 12.5 kHz bandwidth channels in the 800 MHz band.¹⁰ While PCIA supports such rechannelization by public safety licensees in order to achieve greater

⁷Comments of Compu-Dawn at 5; Nextel at 6.

⁸See, for example, the Comments of API at 6, UTC at 9. In addition, PCIA disagrees with the New York State Police (“NYSP”), who seems to suggest that when a non-governmental user accesses a governmental radio system, the non-governmental user must be held responsible for compliance with the Commission’s rules. Although certainly there must be an agreement between the user and the licensee with regard to this issue, the Commission has consistently held that the licensee is ultimately responsible for compliance with the Commission’s Rules. A comparison to tower regulation is inappropriate in this case, as the construction of an antenna tower does not require an FCC license, but rather is sanctioned by the FAA.

⁹State of California Comments at para. 11.

¹⁰Region-20 Comments at 10.

spectrum efficiency, it must be remembered that the 800 MHz Public Safety Pool does not consist of contiguous spectrum. Rather, the band is characterized by a series of channels allocated to four different services (Public Safety, Business, Industrial/Land Transportation and SMR). Therefore, in a manner similar to the Commission's action with regard to the SMR Pool channels,¹¹ Public Safety licensees should be permitted to utilize 12.5 kHz channels (or any other appropriate bandwidth), between currently allocated Public Safety Pool channels only. This will prevent interference to non-Public Safety users.

WHEREFORE, the premises considered, it is respectfully requested that the Commission act in accordance with the views expressed herein.

Respectfully submitted,

PERSONAL COMMUNICATIONS
INDUSTRY ASSOCIATION

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¹¹Third Report and Order, GN Docket No. 93-252, 76 RR 2d 326 (1994) at para. 162.