

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

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of the Commission's Rules to) WT Docket No. 98-20
Facilitate the Development and Use of the)
Universal Licensing System in the)
Wireless Telecommunications Services)

To: The Commission

COMMENTS OF APCO

The Association of Public-Safety Communications Officials-International, Inc. ("APCO") hereby submits the following comments in response to the Commission's Notice of Proposed Rulemaking, FCC 98-25 (released March 18, 1998), 63 Fed. Reg. 16938 (April 7, 1998), in the above-captioned matter.

APCO is the nation's oldest and largest public safety communications organization. Most of its 13,000 individual members are state or local government officials involved in the management, design, and operation of police, fire, emergency medical, local government, highway maintenance, forestry conservation, disaster relief, and other public safety communications systems. APCO is a certified frequency coordinator for Local Government Radio channels and is the sole coordinator for Police Radio channels and for all 800 MHz Public Safety channels.

I. GENERAL ISSUES

APCO generally supports the Commission's proposed rule changes, and commends the Commission for modernizing its systems to facilitate an easier licensing

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process for applicants, frequency coordinators, and the Commission itself. APCO has been a pioneer in developing and implementing the electronic exchange of licensing and coordination information with the Commission. The Universal Licensing System ("ULS") will extend those efforts to include the general public.

APCO is concerned, however, that the ability to file applications directly with the Commission through electronic means will lead some applicants to assume incorrectly that their applications need not be filed first with a frequency coordinator. This would create confusion and add layers of unnecessary and repetitive application processing. As the Commission is well aware, frequency coordination is a critical prerequisite for land mobile applications, especially on public safety frequencies. The coordinator ensures that frequencies are assigned efficiently and in a manner that prevents interference with new or existing public safety radio operations. Such coordination requires not only access to the license database, but also careful engineering analysis and, at least where APCO is the coordinator, recommendations from local frequency advisors familiar with the details of local public safety operations and geographic factors that may affect signal propagation.

To avoid confusion, the ULS program should be set up to notify the applicant whenever it intercepts an application that requires coordination. For example, if an applicant using ULS indicates that the application is a "major" change or requests a new frequency, that should trigger an automatic notice that the application must be sent to the relevant coordinator (much as applications filed without coordination are returned by mail under the current system). The ULS system should also be programmed to recognize applications for frequencies subject to public safety regional planning, and to reject

applications that have not been approved by the relevant regional committee (and/or the local frequency advisor if applicable).

One key indicator of whether an application requires coordination (and thus be returned if filed via ULS without coordination) is whether it is a "major" or "minor" change application. In that regard, APCO believes that the list of "major" changes, as proposed in paragraph 38 of the NPRM, should be modified to add the following:

- Any change in emission type
- Any change in the number of mobiles in those instances where there is an applicable loading criteria
- Any change in the area of operation

Each of these are changes which could impact current or prospective adjacent channel and co-channel licensees. APCO needs this information to prevent harmful interference to public safety licensees and to maximize channel re-use. For example, APCO considers a licensee's actual area of operation (which usually conforms to its jurisdictional boundaries) in coordinating frequencies. If a licensee expands its area of operation, that could increase the likelihood of co-channel interference to another public safety user, while a reduction in area of operation may create additional channel re-use opportunities. Similarly, a change in the emission designator would signal changes in the technical parameters of an operation that could pose potential interference problems to existing or new operations.

While APCO supports and encourages the use of ULS, it should not be mandatory at this time. Many small (and some large) public safety agencies have little or no ability to connect to the FCC via modem. In some cases, either they do not have adequate computer equipment or their internal policies place strict limits on electronic

communications. While the existence of ULS will hopefully expedite changes in those agencies over time, requiring all applicants use ULS at this point is premature. ULS must be mandatory for coordinators, however, both for receiving applications from the public and (after a one-year transition) for transmitting information to the Commission. APCO and one other coordinator are using the EDI format for electronic communication with the Commission and will need a short transition period to convert to the ULS format.

II. License Renewal Issues

The NPRM also raises several important issues regarding the license renewal process. Currently, there is a thirty day "grace period" after the expiration of a mobile services license during which an applicant which had failed to file a timely license renewal application can, nonetheless, seek "reinstatement" of its license. The Commission proposes to eliminate the "reinstatement" process altogether. Instead, the Commission would send licensees a notice 90 days in advance of license expiration. One of the problems with this approach is that it assumes that the Commission notice, regardless of its method of delivery, will in fact reach the licensee. However, in some instances the Commission database may have inaccurate or outdated address information. In other cases reorganization of a corporate or governmental licensee could mean that the addressee to whom the notice is sent no longer has responsibility for FCC license matters. These examples are not suggested as excuses for non-compliance, but rather as a realistic view of the process.

To address this reality, APCO suggests a two-part notification process and, at least for public safety licensees, the retention of the 30-day reinstatement period. As the

Commission suggests, there should be a notice sent 90 days prior to the expiration of a license. If no license renewal application is received within the next 60 days (i.e., 30 days before license expiration), a second notice should be sent. For now, both of these notices should be sent by regular mail. At this point, electronic mail addresses are not sufficiently stable or reliable to be used for such important Commission notices.

The Commission must also retain the reinstatement process for public safety licensees. All FCC licensees, public safety and non-public safety alike, must be held accountable for failure to meet Commission requirements, including the need to renew licenses in a timely manner. However, the consequences of canceling a public safety licensee for failing to file a timely renewal fall not just on the licensee, but also on the general public that relies upon that licensee to protect the safety of life property. The Commission must consider that public impact in its license renewal process. Thus, a "grace period" of at least 30 days must be retained to avoid disruption of public safety operations.

III. Form 601 Issues

APCO also has the following comments regarding the proposed Form 601:

1. Main Form Instructions Page 5. "Frequency Coordination." This item should be expanded to state that all applications which contain one or more Major items or a new frequency should be sent directly to the appropriate frequency coordinator. The list of "Major" items should be included or referenced.

2. Main Form. As with the current Form 600, the words "Main Form" should appear in the upper left corner to distinguish it from the various schedules.

3. Main Form. There needs to be a procedure within ULS for alerting the Commission (and coordinators) to the fact that there may be written attachments to an application. Such attachments could be either electronic or paper documents, and could contain such items as waiver requests, contour maps, interference studies and other supporting information. It is especially important that procedures be adopted to accommodate a combined filing of an application and a waiver request.

4. Main Form, Item 14. Change "Attention To" to "Contact Person" for ease of understanding. This is not necessarily the person who prepared the application. To identify the preparer, there should be a separate line near the end of the application for the name and telephone number of that person. That will facilitate inquires from the coordinator or the Commission.

5. Main Form, Item 21. Instructions for this item are missing.

6. Schedule D, Instructions for Items 4 and 5. In the Note, change "tenth of a second" to "round to nearest second." While greater accuracy is desired by the frequency coordinators, it requires precise instrumentation and methodology not readily obtainable by the average applicant.

7. Schedule D, Instructions for Item 17. No information is provided for the observatory site in Colorado.

8. Schedule D, Instructions for Item 14. Under definition of "TOWER" eliminate the word "guyed," as large self-supported towers are often used and the word "MAST" is not descriptive.

9. Schedule E, Instructions for Items 7 and 8. Same comment as Item 5 above regarding rounding to the nearest second.

10. Schedule H, Instructions for Item 15. Delete “for which purchase orders have been signed.” This is unrealistic for governmental agencies. If so limited, agencies would need to expend scarce time and resources to amend applications once purchase orders are signed.

11. Schedule H, Instructions for Item 17. The sample list of emission designators should also include the emission designators for the new 12.5 kHz and similar narrow band channels, as there is an increasing requirement for this information.

12. Schedule H, Instructions for Item 21. Measurements in meters should be rounded off to the nearest meter as at present. A higher degree of accuracy (one-tenth meter) is both unrealistic and unnecessary.

13. Schedule H, Additional Technical Information. This additional information (Items 22, 23, 24 ,25, 26, 27 and 28) should also be required for all public safety applicants and, if possible, for applications in any General Pool which includes public safety. Public safety coordinators require this detailed information to recommend frequencies and operating parameters. APCO currently attempts to obtain such information through supplemental forms. Collecting that information in a single form would be more efficient and would ensure that all relevant information is available for frequency coordination purposes.

CONCLUSION

APCO urges the Commission to move forward with its Universal Licensing System and new Form 601, subject to the modifications described above.

Respectfully submitted,

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