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ROBERT M. GURSS
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July 28, 1998

RECEIVED

JUL 28 1998

FEDERAL COMMUNICATIONS COMMISSION
GENERAL COUNSEL'S OFFICE

BY HAND

Magalie Roman Salas, Esq.
Secretary
Federal Communications Commission
1919 M Street, NW, Room 222
Washington, DC 20554

Re: WT Docket 96-86 Ex Parte Communication

Dear Ms. Salas:

Please find enclosed for filing in the above-referenced proceeding two copies of a memorandum and attachments sent today to each of the Commissioner's offices.

Please contact the undersigned if you have any questions.

Respectfully submitted,

WILKES, ARTIS, HEDRICK & LANE
Chartered

By:


Robert M. Gurss

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

Enclosures

0+1

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MEMORANDUM

RECEIVED

JUL 28 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: Ari Fitzgerald, Esq.
Karen Gulick, Esq.
Paul Misener, Esq.
Daniel Connors, Jr., Esq.
Peter Tenhula, Esq.

From: Robert M. Gurss 

Date: July 28, 1998

Re: WT 96-86

Relevant to my recent discussions with you regarding regional planning of the new public safety spectrum, I am enclosing a copy of a letter from the International Association of Chiefs of Police which "strongly supports the regional planning committee approach for distributing new public safety spectrum."

I believe that this letter has previously been filed in WT Docket 96-86, but to be safe I will file a copy of this memo and attachments with the Secretary as a written ex parte communication.

Enclosure



**International Association of
Chiefs of Police**

515 North Washington Street
Alexandria, VA 22314-2357
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Chief of Police
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Immediate Past President
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Frankfort, IL

First Vice President
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Salem, OR

Parliamentarian
Fred Hayes
Gainesville, GA

Executive Director
Daniel N. Rosenblatt
Alexandria, VA

Deputy Executive Director/
Chief of Staff
Eugene R. Cromartie
Alexandria, VA

June 18, 1998

The Honorable William Kenard
Chairman,
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

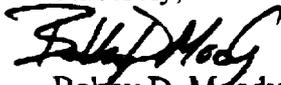
Dear Chairman Kenard:

On behalf of the International Association of Chiefs of Police, (IACP) I am pleased to provide you with a copy of our official position on Communication Regulatory Issues as they related to the needs of public safety organizations. As you may know, the International Association of Chiefs of Police is the world's oldest and largest organization of police executives with more than 16,000 members in 102 countries. IACP's Leadership consists of operating chief executives of federal, state, local and international agencies of all sizes

As you will see, the position paper outlines IACP's views on: Spectrum Requirements Identified by the Public Safety Wireless Advisory Committee; WT Docket 96-86 Issues; and, the Adoption of a Mandatory Baseline Standard for Digital Radios. As the commission considers these topics of vital importance to public safety organizations, I hope that you will keep the view's of the IACP in mind.

Thank you for your attention to this matter. Please call Gene Voegtlin, IACP's Legislative Counsel at 703/836-6767 if you have any questions.

Sincerely,


Bobby D. Moody
President

cc: Commissioner Ness
Commissioner Furchtgott-Roth
Commissioner Powell

Commissioner Tristani
Mr. Ari Q. Fitzgerald



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Position on Communications Regulatory Issues

(Adopted By The Executive Committee on April 25, 1998)

I. Spectrum Requirements Identified by the Public Safety Wireless Advisory Committee

1. The IACP recognizes that the 24 MHz recently designated for public safety use substantially meets the Public Safety Wireless Advisory Committee (PSWAC) requirement for immediate spectrum relief. In most rural areas, the reallocated 764-806 MHz spectrum is vacant and will soon be ready for new public safety use. However, in many metropolitan areas, portions of the 24 MHz will not be available for public safety use until existing TV broadcasters in channels 60-69 vacate the band. That will not occur until 2006, and perhaps later. The IACP urges the Federal Communications Commission (FCC) not to extend this deadline and to take all steps to expedite the transition of existing NTSC and newly assigned digital TV stations out of channel 63-64 & 68-69 spectrum.
2. PSWAC identified an immediate need for 2.5 MHz of interoperability spectrum in bands between 138 and 512 MHz. The 138-144 MHz band, currently used by the Department of Defense, was identified by PSWAC as a prime candidate to meet much of this requirement. The 1997 Federal Budget legislation included a requirement that the National Telecommunications and Information Administration (NTIA) identify 20 MHz of federal spectrum below 3 GHz for reallocation to commercial services through auction. Included in NTIA's spectrum list intended to satisfy that requirement

is 3 MHz within the 138-144 MHz military band. A major national study just completed by the National Institute of Justice revealed that 73% of the nation's state and local law enforcement agencies use the adjacent 150-162 MHz band for their primary voice communications. We note that much of the law enforcement equipment currently fielded is capable of operation in the 138-144 MHz band with no modification. The IACP strongly supports the immediate allocation of this 3 MHz of spectrum to public safety to meet much of this interoperability requirement and to relieve congestion in the 150-162 MHz band.

3. The IACP calls to the FCC's attention that there remains an unsatisfied need for an additional 73 MHz by the year 2010, much of which could come from usable spectrum in bands between 1 GHz and 5 GHz.

II. WT Docket 96-86 Issues

The FCC has an active rulemaking proceeding to develop rules for the assignment and use of the new 764-806 MHz public safety band. The IACP has established the following positions regarding this proceeding:

1. IACP strongly supports the regional planning committee approach for distributing new public safety spectrum. Cities and counties need to have equal standing in the planning process and planning regions need to reflect population centers.

2. Public safety communications deals in mission critical responses where the safety of life and property is dependent upon quality communications. In order to accomplish this goal, coordination needs to be accurate, timely and use standardized tools and procedures. The IACP believes that the following frequency coordination requirements must be included:

- A single data base for coordination.
- Standardized coordination tools, in particular the Telecommunications Industry Association (TIA) TSB-88 methodology, and processes.

The IACP believes that the Association of Public Safety Communications Officials – International (APCO) is best suited to meet these requirements.

III. Adoption of a Mandatory Baseline Standard for Digital Radios

Digital interoperability (clear or encrypted), both voice and data, requires a detailed baseline digital standard to define its operation. Recognizing this fact, the PSWAC Final Report recommended that the FCC adopt such a standard within 2 years (by September, 1998), before a large imbedded base of disparate digital equipment is installed

The National Public Safety Telecommunications Council (NPSTC), other user associations, and many state and local public safety agencies supported the immediate adoption of a baseline digital standard by the FCC in response to the FCC's question on this issue in WT Docket 96-86. The FCC is currently considering these responses as it proceeds with this pending rule making.

The majority of filings recommended that the FCC adopt a digital baseline standard for over-the-air interoperability (the "common air interface" or CAI) that was developed by an accredited standard-setting organization. The TIA is the recognized wireless telecommunications standards organization in the United States and is accredited by the American National Standards Institute (ANSI). Neither equipment manufacturers nor the public safety community want the FCC to codify a particular standard (with resulting difficulties in ongoing regulatory maintenance). Rather, what is desired is that the FCC identify a single industry-recognized standard as a baseline that is required to be installed, in addition to any other operating modes, in every digital radio.

Today, there is only one such standard. Project 25, with recent activity funded by the National Institute of Justice, has been in development since 1989. Jointly sponsored by APCO (representing local government), the National Association of State Telecommunications Directors (representing state government) and agencies of the federal government, it is a user-driven standard which supports graceful migration, spectrum efficiency and competitive procurement. With five manufacturers now building compatible equipment, major Project 25 systems are being installed across the country. The IACP urges the FCC to adopt Project 25's Phase I CAI as this interoperability standard for both voice and slow speed data.