

THE REQUEST OF ACD TO BE A FREQUENCY COORDINATOR

In the matter of the request of ACD Telecom, LLC to be certified as a Part 90 frequency coordinator of public safety frequencies in the VHF and UHF bands below 512 MHz, 700 MHz narrowband, 800 MHz NPSPAC, and 800 MHz public safety category frequencies, I believe that the Commission should dismiss the request, as they appear to not be a representative of Public Safety Pool frequency users.

Section 332 of the 1934 Communication Act as amended, permits the FCC to utilize frequency coordination committees (*i.e.*, frequency coordinators) for coordinating and assigning frequencies in the private mobile radio services. In the past, the Commission has exercised its authority of establishing procedures for frequency coordinator certification and has stated that “representativeness is a primary consideration and criterion in their selection of frequency coordinators.” I believe that representativeness of users continues to be an essential requirement for frequency coordination, as it ensures the fairness and effectiveness of the process for both applicants and incumbent licensees. I believe that ACD does not satisfy this “representativeness” requirement.

Associations representing public safety frequency users, balance not only the needs of an applicant, but also the potential for interference to existing operations. This is especially important in the Public Safety Pool where interference could disrupt emergency communications of first responders and other public safety personnel.

In contrast, a non-representative coordinator (especially if it is a for-profit entity) will be primarily interested in assigning channels to its paying clients/applicants. It will have no obligation, fiduciary or otherwise, to protect incumbents. Representative coordinators are also well-suited to resolve disputes among licensees and applicants (who, in most cases, will be its members), without the need for Commission intervention. Finally, representative coordinators have a unique understanding of the particular operational needs and concerns of their constituents.

I believe that ACD does not satisfy the “representativeness” requirement, despite its claims to the contrary, at least as the term has long been applied by the Commission. Nor could it, as ACD is not an association and obviously has no members of any type. I do not believe that there is any “cross-pool” coordination allowed in the Commission’s rules or policies.

In the ACD request, they make passing vague references to supposedly application backlogs, and heavy workload for certified coordinators, as a reason for the need of additional coordinators. I believe that the current coordinators do not have such a significant backlog of applications, and are well-equipped to handle the workload from public safety applicants.

ACD appears to rely on the fact that some coordinators have outsourced aspects of their frequency coordination responsibilities to private contractors. However, outsourcing of coordination responsibility would, at most, raise a theoretical question about a particular coordinator's certification, and then only if the coordinators have ceded all the control and direction to a contractor. Since outsourcing says nothing about the broader Commission policy of requiring that certified coordinators be representative, I believe that this ACD point is false..

I do not think that anything in the ACD request, supports its assertion that the representativeness criteria is no longer relevant. To the contrary, I believe that this policy remains the primary factor for frequency coordinator certification.

Therefore, I believe that the Commission should dismiss ACD's request, as it is clearly does not represent Public Safety Pool frequency users.

Respectfully submitted,

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