

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
Implementing Public Safety Broadband	)	PS Docket No. 12-94
Provisions of the Middle Class Tax Relief and	)	
Job Creation Act of 2012	)	
	)	
Implementing a Nationwide, Broadband,	)	PS Docket No. 06-229
Interoperable Public Safety Network in the	)	
700 MHz Band	)	
	)	
Service Rules for the 698-746, 747-762 and	)	WT Docket No. 06-150
777-792 MHz Bands	)	

**COMMENTS OF APCO**

The Association of Public-Safety Communications Officials-International, Inc. (APCO) hereby submits the following comments in response to the Public Safety and Homeland Security Bureau’s (Bureau) *Public Notice* in the above-captioned proceedings.<sup>1</sup>

Founded in 1935, APCO is the nation’s oldest and largest organization of public safety communications professionals. APCO is a non-profit association with over 25,000 members, primarily consisting of state and local government employees who manage and operate public safety communications systems – including Public Safety Answering Points (PSAPs), dispatch centers, emergency operations centers, radio networks, and information technology – for law enforcement, fire, emergency medical, and other public safety agencies. APCO is the largest FCC-certified frequency coordinator for Part 90, Public Safety Pool channels, and appears regularly before the Commission on a wide range of public safety communications issues.

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<sup>1</sup> Public Safety and Homeland Security Bureau Seeks Comment on FirstNet’s Incumbent Relocation Proposal, PS Docket No. 12-94, PS Docket No. 06-229, WT Docket No. 06-150, *Public Notice*, DA 15-1253 (rel. Nov. 5, 2015).

The Bureau seeks comment on FirstNet’s request that the Commission condition continued use of Band 14 by any incumbent on the requirement that no operation be permitted after July 31, 2017, without the express consent of FirstNet.<sup>2</sup> The Bureau also invites comment on FirstNet’s request that alternatively, or in addition, the Commission condition continued use of Band 14 on cessation of operations within 90 days written notice from FirstNet that deployment of the nationwide public safety broadband network (NPSBN) is to begin in the state.<sup>3</sup> The Bureau notes that FirstNet also mentions that its Board authorized funds for a relocation assistance program that is to begin in early 2016, targeting clearance of incumbents by July 31, 2017.<sup>4</sup>

In addressing FirstNet’s request, the Commission should provide FirstNet with appropriate deference and assistance, consistent with the legislation that created FirstNet.<sup>5</sup> The Spectrum Act establishes FirstNet as the single public safety wireless licensee of the Band 14 spectrum<sup>6</sup> and directs the FCC to “take all actions necessary to facilitate the transition of existing public safety broadband spectrum to [FirstNet].”<sup>7</sup> Consistent with the Spectrum Act, and as APCO has previously stated, FirstNet must have full discretion in addressing incumbent operations in its licensed spectrum.<sup>8</sup> Accordingly, APCO supports FirstNet’s request that the Commission condition continued use of Band 14 by any incumbent on the requirement that no operation be permitted after July 31, 2017, without the express consent of FirstNet.<sup>9</sup>

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<sup>2</sup> Public Notice at 1, citing Letter, dated October 20, 2015 from Jason Karp, Chief Counsel, First Responder Network Authority to Marlene H. Dortch, Secretary, Federal Communications Commission (FirstNet Letter).

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, Title VI, 126 Stat. 256 (codified at 47 U.S.C. §§ 1401 *et seq.*) (“Spectrum Act”).

<sup>6</sup> 47 U.S.C. §§ 1421(a), 1426(b)(1).

<sup>7</sup> *Id.* at § 1421(c).

<sup>8</sup> Comments of APCO, PS Docket No. 12-94, at 6-7 (May 24, 2013).

<sup>9</sup> As APCO previously noted, any mechanism employed by FirstNet to clear its spectrum to accommodate the NPSBN must provide fair and reasonable reimbursement of public safety narrowband incumbent licensees. *See*

## CONCLUSION

The Commission should approve FirstNet's incumbent relocation proposal, consistent with the comments herein.

Respectfully submitted,

APCO INTERNATIONAL

By: /s/

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Comments of APCO, PS Docket No. 12-94, at 7 (May 24, 2013). APCO looks forward to working with FirstNet as it continues to develop plans to accomplish this goal.