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June 1, 2016

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: WP Docket No. 07-100, PS Docket No. 06-229, and WT Docket No. 06-150

Dear Ms. Dortch,

The Association of Public-Safety Communications Officials (APCO) International writes to respond to claims made by Federated Wireless in the above-captioned proceedings.[1] Federated Wireless proposes leveraging Spectrum Access System (SAS) technology to enable spectrum sharing in the 4.9 GHz band, similar to the tiered framework adopted for the Citizens Broadband Radio Service (CBRS). APCO has concerns with this approach and disagrees with several aspects of the proposal. In addition to the institutional knowledge of the world's largest association of public safety communications professionals, our views are based upon targeted feedback from the public safety community and manufacturers, as recorded in APCO's 4.9 GHz Task Force Report, which we previously filed with the Commission.[2]

Federated Wireless's proposal ignores the importance of frequency coordination for public safety.[3] Clear and interference-free operation is a fundamental requirement of public safety communications. The 4.9 GHz Task Force found that this is especially true for this band, given its ability to handle broadband data and thus carry large amounts of sensitive, mission-critical information.[4]

[1] Letter from Kurt Schaubach, Chief Technology Officer, Federated Wireless, to Marlene H. Dortch, Secretary, FCC, WP Docket No. 07-100, PS Docket No. 06-229, and WT Docket No. 06-150 (filed May 18, 2015), hereinafter "Federated Letter."
[2] *See* Letter from Jeffrey S. Cohen, Chief Counsel, APCO International, to Marlene H. Dortch, Secretary, FCC, WP Docket No. 07-100, PS Docket No. 06-229, and WT Docket No. 06-150 (filed Sept. 28, 2015). APCO included the 4.9 GHz Task Force Report as an attachment, hereinafter "Report."
[3] *See* Federated Letter at 1, referencing "today's inefficient manual coordination process."
[4] *See* Report at 10, stating "a fundamental requirement of any public safety communications network is reliability. The Task Force found that this is especially true for the 4.9 GHz band, given the advantages it offers to transmit large amounts of sensitive data, whether used in a WiFi, hot spot, video, mesh networking, or other configurations. Access to this band must be predictable and dependable."

Frequency coordination is essential to ensure public safety systems across the country have interference-free operation, and it has been a critical tool required by the FCC for several decades. The results of the Task Force survey conducted as part of the Report indicate that many public safety users and manufacturers choose not to invest in the 4.9 GHz band because it is not coordinated.[5] In areas where an informal frequency coordination process has been adopted, the 4.9 GHz band is more extensively utilized.[6] The Task Force also found that new frequency coordination procedures designed to improve usage, performance, and interference protection would encourage public safety entities that have been reluctant to begin utilizing the 4.9 GHz Band. Thus, adoption and investment in the band can be increased greatly if the FCC requires frequency coordination to ensure the protection from interference that is expected and necessary for mission critical communications.[7] With that groundwork laid, the 4.9 GHz marketplace can eventually be expanded to take advantage of the economies of scale present in the greater consumer marketplace for broadband communications. Adopting a tiered SAS-administered framework similar to CBRS without public safety frequency coordination would be detrimental to promoting effective public safety use of the 4.9 GHz band.

Adopting an SAS-administered framework for 4.9 GHz would likewise be ill advised until it has been proven effective for public safety use. Unlike CBRS, the 4.9 GHz band is designated for support of day-to-day public safety operations throughout the country. Mission critical communications should not depend on technology that is unproven in real-world deployments. The 4.9 GHz band has already proven to be of significant value for public safety.[8] However, public safety cannot fully rely on 4.9 GHz unless they can be assured that they will have interference-free priority access so that, particularly in times of emergencies when spectrum is most likely to be limited, public safety is able to operate without delay.

Finally, we also disagree with Federated Wireless's proposed tiers.[9] First, FCC rules do not and should not afford radio astronomy a higher status than public safety. Second, as noted in the 4.9 GHz Task Force Report, "this band is intended primarily for public safety users and care must be taken to ensure that any use by CII of this band not prohibit or in any way inhibit public safety users."[10] Per NPSTC's recommendations, critical infrastructure industries would have limited and controlled use of 4.9 GHz.[11] Thus, public safety should have overall priority throughout most of the band with respect to the critical infrastructure industry.

Respectfully submitted,

/s/
Jeffrey S. Cohen
Chief Counsel

[5] *Id*.
[6] *Id*.
[7] *Id.* at 15.
[8] *See id.* 3-9.
[9] *See* Federated Letter at 1, saying "radio astronomy would receive the highest levels of protection, [and p]ublic safety and critical infrastructure users would be licensed in the second tier."
[10] Report at 14.
[11] *See* National Public Safety Telecommunications Council, "4.9 GHz National Plan Recommendations," (Oct. 24, 2013), available at http://www.npstc.org/download.jsp?tableId=37&column=217&id=3222&file=4_9_GHz_National_Plan_Report_131024.pdf, at 11: "CII would have access to license two (5 MHz wide) channels on a shared co-primary basis with public safety agencies. CII entities may also license the other channels but only with a 30 calendar day notice period."