

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

In the matter of)	
)	
The Development of Operational,)	
Technical and Spectrum Requirements)	
For Meeting Federal, State and Local)	WT Docket 96-86
Public Safety Agency Communication)	
Requirements Through the Year 2010)	
)	
Establishment of Rules and Requirements)	
For Priority Access Service)	

To: The Commission

February 24, 1999

**REPLY COMMENTS ON
THE THIRD NOTICE OF PROPOSED RULE MAKING**

The State of California (State) through its Department of General Services, Telecommunications Division submits the following comments regarding the above-captioned proceeding, FCC 98-191 (released September 29, 1998), 63 Fed Reg. 58645 (November 2, 1998).

The State operates several large land mobile radio communications systems for use by state agencies including the California Highway Patrol, the California Department of Forestry and Fire Protection, the California Department of Corrections, the California Youth Authority, the California Department of Transportation (CALTRANS), the California Department of Parks and Recreation, the California Department of Fish and Game, the California Department of Water Resources, the

California Department of Justice, and the Governor's Office of Emergency Services together with several other, smaller agencies. For the past several years, these agencies have been evaluating their land mobile communications needs now and into the future. This evaluation has resulted in a recommendation that these agencies join together in developing one or more shared, statewide radio systems. Besides the tremendous expense of building such a system (estimated at over \$1B), the availability of usable spectrum, in sufficient quantity to satisfy all State needs has been identified as a critical element of the project, one for which the only answer apparent on the horizon is the spectrum being allocated at 746-806 MHz.

The State hopes that its interpretation of the comments filed by the City/County of San Francisco (City/County) for itself and representing the National League of Cities does not represent the true intent of those two organizations, however, the State must disagree with those comments on two points.

First, the City/County recommends that membership on the Regional Planning Committees (RPCs) for the 746-806 MHz spectrum be restricted to persons "...currently employed by local government in each respective region...".¹ Such restriction on the membership would unreasonably disenfranchise other eligible user groups such as the State. The State of California is very interested in the potential use of this spectrum to resolve the very serious communications problems it has. Why should it be excluded from expressing its needs to the RPC and participating in the decision-making process on how channels are to be allocated? To date, the State has been an active participant in the regional planning process for the NPSPAC (821-824-866-869 MHz) band, being a

¹ City/County comments at page 12.

member of the RPC for both Region 5 in Southern California and Region 6 in Northern California. It believes its participation has been reasoned and is not aware of any complaint or expressed concern that it has undue control over the committee. In point of fact, the State has no more power within these committees and no greater voting rights than that enjoyed by any other governmental entity.

Second, the State is concerned about the City/County comments that “(M)embers or affiliates of the recognized frequency coordinating bodies should not also serve on the RPCs”.² All of the State’s personnel who are best qualified to be members of the RPC and to participate in the regional planning process are members of at least one of the four FCC-designated frequency coordinators for the Public Safety Radio Pool.³ The same is most likely true for most other governmental entities.⁴ Membership in a trade association should not be a disqualifying factor in one’s ability to represent his/her agency in the regional planning process.

The State also is concerned that the City/County portrays the existing Region 6 Planning Committee as “controlled by APCO”. It is true that virtually every member of the committee also happens to be a member of APCO. It is also true that the chairman of the Region 6 Planning Committee also happens to be the “local advisor” for APCO on frequency coordination matters. What this portrayal fails to show is that attendance

² Ibid.

³ The Association of Public Safety Communications Officials-International, Inc. (APCO), the American Association of State Highway and Transportation Officials (AASHTO), the Forestry-Conservation Communications Association (FCCA), and the International Municipal Signal Association/International Association of Fire Chiefs (IMSA/IAFC).

⁴ For instance, the representatives from the City/County of San Francisco to the Region 6 800 MHz Planning Committee are known to be members of APCO.

at regional planning meetings and the right to vote on matters before the committee are open to representatives of any governmental entity, whether that person is a member of APCO or any other trade association. It also fails to show that the chairman of the committee is ELECTED every year---he is chairman not because he is the APCO local advisor, but because he enjoys the respect and trust of the members of the committee.

In conclusion, the State strongly supports the regional planning process and encourages the Commission to pattern the new process after that which has worked well for allocation of the NPSPAC spectrum.

Respectfully submitted,

Pete Wanzenried, Chief Public Safety Radio Services
Department of General Services
Telecommunications Division
601 Sequoia Pacific Boulevard
Sacramento, California 95814-0282