

DOCKET FILE COPY ORIGINAL

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

RECEIVED
SEP 23 1999
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Relicensing of Certain Part 90) RM-9705
Frequencies To Require Spectrally)
Efficient Use)

To: The Commission

COMMENTS OF APCO

The Association of Public-Safety Communications Officials-International, Inc. ("APCO") hereby submits the following brief comments in response to the above-captioned Petition for Rulemaking of the American Mobile Telecommunications Association, Inc. ("AMTA").

APCO is the nation's oldest and largest public safety communications organization. Most of its 13,000 individual members are state or local government employees involved in the management, design, and operation of police, fire, emergency medical, local government, highway maintenance, forestry conservation, disaster relief, and other public safety communications systems. APCO is a FCC-certified frequency coordinator for the VHF, UHF, 700 MHz, and 800 MHz Public Safety Pools.

AMTA is proposing that most of the Business/Industrial Pool spectrum in the 450-470 MHz band be reassigned for geographic licensing through auctions, with eligibility limited to commercial systems serving Part 90 eligibles. Incumbent users would have to relocate or agree to be served by the new commercial licensees. While

No. of Copies rec'd 0+9
List ABCDE

AMTA's proposal does not, on its face, apply to the Public Safety Pool, it would have a significant impact on many current and future public safety radio operations.

First, there are many state and local government public safety entities holding licenses in the 450-470 MHz Business/Industrial Pool. Common examples include public schools (for school buses and increasingly important building security operations), public universities, public hospitals (for emergency paging and other operations), and other important governmental radio systems. What will happen to these critical taxpayer supported communications services if they are forced to relinquish their operations to make way for commercial services? What will be the economic and operational impact on their radio systems and the important public services that they provide? To assume that all licensees in the Business/Industrial Pool are in fact businesses and industries ignores the reality of private land mobile radio licensing over the last several decades.

Second, APCO is deeply concerned about the potential for new digital commercial radio systems on channels immediately adjacent to public safety operations. Recently, certain digital 800 MHz SMRs have caused significant out-of-band interference to 800 MHz public safety communications operations in the same geographic area.¹ This appears to be a consequence of the inherent difficulties of interweaving commercial and public safety radio systems on adjacent channels. Commercial systems use fundamentally different architecture and interference criteria than private wireless systems. Public safety communications systems are less susceptible to dangerous

¹ See March 1999 issue of *Mobile Radio Technology* which documents serious interference from a Nextel digital site to fire department communications operations in Washington County, Oregon.

interference from private wireless operations, which operate in discrete geographic areas, usually have ascertainable sites and mobile users, and use radio equipment and systems similar to those used by public safety agencies. Thus, any FCC action that would introduce large numbers of commercial mobile radio systems on bands adjacent to public safety channels is a potential concern to APCO and its members.

Finally, APCO strongly supports the need for vibrant private wireless radio services and opposes efforts to minimize the need or importance of such services. As operators of “private internal” radio systems themselves, public safety agencies understand the needs of certain entities (both government and non-government) to operate, control, and maintain their own internal radio communications systems. Commercial providers simply do not offer adequate coverage needs, reliability, safety, security, or long-term economic feasibility for public safety and most other private wireless operations. Reducing spectrum opportunities for non-public safety private wireless users could also limit the market for private wireless radio equipment, leading to reduced competition and higher prices for public safety radio systems.

CONCLUSION

Therefore, for the reasons discussed above, the Commission should not initiate the notice of proposed rulemaking requested by AMTA.

Respectfully submitted,

ASSOCIATION OF PUBLIC-SAFETY
COMMUNICATIONS OFFICIALS-
INTERNATIONAL, INC.

By: *Robert M. Gurss*

Robert M. Gurss
WILKES, ARTIS, HEDRICK & LANE,
Chartered
1666 K Street, N.W., #1100
Washington, D.C. 20006
(202) 457-7329

September 23, 1999

doc#161163

Certificate of Service

I, Aimee E. Knapp, an associate in the law firm of Wilkes, Artis, Hedrick, & Lane, Chartered, do hereby certify that a copy of the foregoing Comments was served on this 23rd day of September, 1999, via first class U.S. Mail, upon the following:

Alan R. Shark, President and CEO
American Mobile Telecommunications Association, Inc.
1150 18th Street, N.W., Suite 250
Washington, D.C. 20036