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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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In the Matter of)
)
Amendment of the Commission's Rules) ET Docket No. 98-237
With Regard to the 3650-3700 MHz)
Government Transfer Band)
)
The 4.9 GHz Band Transferred from) WT Docket No. 00-32 /
Federal Government Use)

To: The Commission

COMMENTS OF APCO

The Association of Public-Safety Communications Officials-International, Inc. ("APCO") hereby submits the following comments in response to the Commission's *First Report and Order and Second Notice of Proposed Rulemaking*, FCC 00-363, released October 24, 2000, in the above-captioned proceeding. These comments are limited to the Commission's proposal to pair the 3650-3700 MHz band with the 4.9 GHz band.

APCO is the nation's oldest and largest public safety communications organization. Most of APCO's over 15,000 members are state or local government employees involved in the management and operation of radio communications systems for police, fire, emergency medical, forestry conservation, highway maintenance, emergency management, and other critical public safety services. APCO is a certified frequency coordinator for the Public Safety Pool channels under Part 90 of the Commission's rules.

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APCO, the International Association of Chiefs of Police, the Public Safety Wireless Network, Major Cities Chiefs, and Motorola all filed comments in Docket No. 00-32, urging that at least a portion of the 4.9 GHz band be set aside for public safety radio communications. APCO and others noted that the 1996 Final Report of the Public Safety Wireless Advisory Committee (“PSWAC”) had identified a public safety spectrum requirement of 97.5 MHz by the year 2010. To date, the Commission has allocated only 24 MHz of new spectrum for public safety (in the 700 MHz band), and that spectrum is heavily encumbered until the end of the digital television transition.

The public safety organization and vendor comments filed in Docket No. 00-32 explain that the 4.9 GHz band would be well-suited for certain public safety communications requirements, especially those involving high-speed, broadband transmissions over short distances. The 24 MHz allocated for public safety in the 700 MHz band, even if unencumbered, would not provide sufficient bandwidth for such uses. That band is far better suited to address the very high demand among public safety agencies for wide-area mobile radio communications.

The Balanced Budget Act of 1997, which led to the transfer of the 3650-3700 MHz band at issue in this proceeding, expressly requires that the Commission’s criteria for reassignment of transfer bands to “consider the needs of existing public safety radio services.”¹ More generally, Section 1 of the Communications Act requires that the Commission regulate wire and radio communications “. . . for the purpose of promoting safety of life and property through the use of

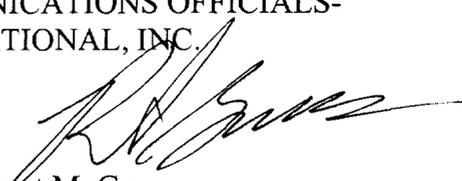
¹ Balanced Budget Act of 1997, Section 3002(c)(2)(C), Pub. L. 105-33, 111 Stat. 251-258 (1997).

wire and radio communication.”² Therefore, any reallocation of the 4.9 GHz band and the 3650-3700 MHz band must consider the needs of public safety agencies. In this case, a portion of the relevant spectrum must be set aside for public safety communications.

Respectfully submitted,

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

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December 18, 2000

² 47 U.S.C. § 151.