

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

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
The Development of Operational, Technical, and)
Spectrum Requirements for Meeting Federal, State)
and Local Public Safety Agency Communications)
Requirements Through the Year 2010)

WT Docket No. 96-86

To: The Commission

**RESPONSE OF APCO
TO PETITIONS FOR RECONSIDERATION OF
FOURTH REPORT AND ORDER**

The Association of Public-Safety Communications Officials-International, Inc. ("APCO") hereby submits the following (a) opposition to the Petition for Reconsideration of The North American TETRA Forum ("TETRA Forum"); and (b) comments in support of the Petitions for Reconsideration of the Public Safety Wireless Network ("PSWN") and John S. Powell ("Powell"), regarding the Commission's Fourth Report and Order ("*Fourth R&O*"), FCC 01-10, in the above-captioned proceeding, 66 Fed. Reg. 10632 (February 16, 2001).

APCO is the nation's oldest and largest public safety communications organization. Most of its over 15,000 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 certified frequency coordinator for Public Safety Pool channels in the VHF, UHF, 700 MHz, and 800 MHz bands, and has participated at every stage of this Commission proceeding.

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I. SUMMARY

The *Fourth R&O* culminated a multi-year effort by the Commission and the public safety community to establish standards and procedures to promote interoperability in the new 700 MHz public safety band. In particular, the Commission addressed the recommendations of the Public Safety National Coordination Committee (“NCC”), a federal advisory committee of leading public safety communications experts. The most important aspect of the NCC recommendations, a digital equipment interoperability standard, was adopted by the Commission in the *Fourth R&O*. In that regard, APCO strongly opposes the TETRA Forum Petition, which asks the Commission to set aside the interoperability standard during a “transition period.” The result of the TETRA Forum Petition would be to create an imbedded base of non-interoperable public safety radio systems, contrary to one of the underlying purposes and principles of the 700 MHz band public safety allocation.

The NCC also proposed a series of rules to facilitate planning, coordination, and daily operation of the interoperability channels. However, the Commission only adopted portions of those recommendations, leaving out important provisions such as a proposed requirement that planning committees utilize a common “pre-coordination” database. PSWN and Powell have sought reconsideration on that and other issues raised in the NCC Recommendations, and APCO herein supports the PSWN and Powell petitions.

II. THE FCC MUST DISMISS THE TETRA FORUM PETITION.

As its first action in this proceeding, the Commission adopted a rule in 1998 that “all narrowband mobile and portable 700 MHz band public safety radios be capable of operating on all of the narrowband nationwide interoperability channels.”¹ The rule was intended to ensure that all users of the band would have full interoperability with others in the band, without regard to the brand or technology of their radio equipment. The *Fourth R&O* provides another critical element of that interoperability by adopting Project 25 Phase I as the digital equipment standard for use on the interoperability channels. Licensees may still operate using any technology they wish on the General Use portion of the band (including TETRA), but they must be able to communicate using Project 25 Phase I standard on the interoperability channels. Without that standard, there is no interoperability.

The TETRA Forum claims that they will not be able to produce TETRA equipment with the Project 25 Phase I standard mode for interoperability channel use until 2006. Therefore, for no apparent reason other than to prevent other manufacturers from obtaining a “head start,” TETRA Forum asks the Commission to establish a “transition period” during which equipment could be marketed for use in the 700 MHz public safety band even though it does not have the capability to operate in the interoperability mode.

In effect, TETRA Forum is seeking a reversal of the FCC’s 1998 decision to require that “all narrowband mobile and portable 700 MHz band public safety radios be capable of operating on all of the narrowband nationwide interoperability channels.” The TETRA Forum Petition is

¹ *First Report and Order and Third Notice of Proposed Rulemaking in WT Docket 96-86*, FCC 98-191, 14 FCC Rcd 152, 213 (1998); See 47 C.F.R. §90.547. The TETRA Forum, at page 4 of its petition, appears to be under misconception that this provision was added in the *Fourth R&O*.

three years too late, and should be dismissed on that basis alone. In any event, grant of the TETRA Forum Petition would completely undermine the Commission's goal of promoting interoperability in the 700 MHz band.

The most significant consequence of the TETRA Forum petition would be the creation of an imbedded base of non-interoperable public safety radio equipment in the 700 MHz band. Any 6.25 kHz TETRA equipment installed without Project 25 Phase I prior to 2006 will forever be isolated from other radio systems operating in the band.² The Commission addressed a similar issue when it rejected Dataradio, Inc.'s request that it be allowed to market non-interoperable equipment for data communications in the 700 MHz band.³ The same result must occur here with regard to the TETRA Forum Petition, which is even more dangerous insofar as it would allow for the installation and operation of non-interoperable equipment for voice communication.

TETRA manufacturers have the same opportunity as any other company to produce Project 25 I capable equipment. Perhaps, as the TETRA Forum suggests, some companies may be in a position to proceed more quickly than others to place equipment in the marketplace. Obviously, APCO, which represents the purchasers of such equipment, would much prefer that the widest possible choices are available from the beginning -- but not at the expense of interoperability. Ultimately (and apparently by 2006 at the latest), there will be a plethora of manufacturers producing and marketing 700 MHz public safety equipment with the Project 25

² The only exception may be if TETRA is someday selected as a new interoperability standard. However, for TETRA Forum to assume that today's version of TETRA will be selected as the interoperability standard when the Commission revisits that matter in 2006 is at best presumptuous, not only because it is too soon to predict which technology will be the dominate technology five years from now, but also because current discussions regarding use of TETRA in the public safety market include use of the IMBE vocoder and not the incompatible Thomson vocoder currently included in standard TETRA products. Thus, there is no assurance that even future TETRA standard products will be interoperable with "imbedded" TETRA systems installed in the near term under the TETRA Forum proposal.

³ Dataradio, Inc., DA 00-2577, released November 14, 2000.

Phase I interoperability mode. In the meantime, however, the FCC must not sacrifice interoperability, and thus the safety of life, health, and property, merely to compensate for one company's "head start" over another.

In any event, there is no reason to believe that "late entrants" to the 700 MHz market will be at any disadvantage in the long run. To the contrary, the existence of a common interoperability standard opens the marketplace to new competitors, as public safety agencies will no longer find it necessary to buy the same equipment as their neighbors to maintain interoperability.

II. THE COMMISSION SHOULD GRANT THE PSWN AND POWELL PETITIONS.

APCO shares the concerns expressed by PSWN and Powell in their separate petitions for reconsideration. In particular, APCO reiterates its support for a requirement that regional planning committees use the common pre-coordination database that is being established through a cooperative effort by the four certified public safety frequency coordinators, the National Public Safety Telecommunications Council, and the National Institute of Justice of the United States Department of Justice. Mandatory use of this database is essential for the efficient planning and assignment of the 700 MHz public safety channels. Otherwise there is the risk that certain committees will develop frequency plans in isolation, complicating and potentially hindering not only own spectrum use, but also that of nearby regions.

CONCLUSION

Therefore, for the reasons set forth above, APCO urges the Commission to dismiss the TETRA Forum Petition for Reconsideration, and to grant the Petitions of PSWN and Powell.

Respectfully submitted,

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

By:


Robert M. Gurs
SHOOK, HARDY & BACON, LLP
600 14TH Street, NW #800
Washington, DC 20005
(202) 662-4856

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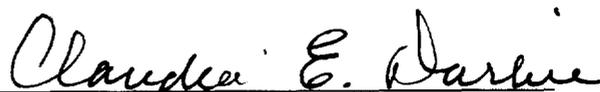
CERTIFICATE OF SERVICE

I, Claudia E. Darbie, hereby certify that a copy of the foregoing Response Of APCO To Petitions For Reconsideration Of Fourth Report And Order was sent this 30th day of April, 2001 by first class mail to the individuals listed below:

Mr. Mark A. Hoppe
North American TETRA Forum
P.O. Box 16318
St. Paul, MN 55116

Mr. John S. Powell
P.O. Box 4342
Berkeley, CA 94704-0342

Richard Allen
Booz, Allen & Hamilton, Inc.
8283 Greensboro Drive
McLean, VA 22102-3838



Claudia E. Darbie