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January 9, 2003

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20054

Re: WT Docket 00-32, Ex Parte Notice

Dear Ms. Dortch:

This is to inform the Commission that representatives of the Association of Public-Safety Communications Officials-International, Inc. ("APCO") met with members of the Commission's Wireless Telecommunications Bureau and Office of Engineering & Technology (specifically the individuals receiving copies of this letter, indicated below) on January 8, 2003, to discuss the pending Notice of Proposed Rulemaking in the above-captioned proceeding to establish service rules for the 4.9 GHz band. APCO's representatives included APCO's President Elect, Vinnie Stile, three members of APCO's Spectrum Policy Committee who participated via speaker phone (David Buchanan of San Bernardino County, CA, Steve Devine of the State of Missouri, and Joe Yurman of the New York City Transit Authority), and the undersigned counsel.

The APCO representatives addressed issues presented in APCO's Comments and Reply Comments in this proceeding, including the following points:

- The channel plan proposed by APCO is intended to provide maximum flexibility for various public safety uses and technologies, including 802.11a operations at "hot spots," itinerate use, temporary fixed operations, and one-way video (*e.g.*, for remote surveillance). The latter would be particularly appropriate for 1 MHz channels. APCO indicated that it would investigate appropriate emission masks and power levels for such video operations, and provide the Commission with additional information.
- Fixed point-to-point operations should be permitted only on a temporary basis, and subject to bandwidth and power restrictions. Permanent point-to-point "back-haul" operations would consume scarce spectrum in the band, and impose constraints on mobile and point-to-multipoint operations for which the band is best suited.

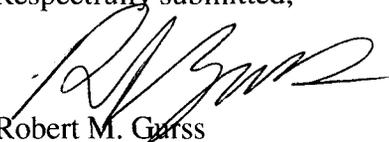
- Airborne use should be permitted, but must be subject to guidelines governing bandwidth, channel selection, power levels, maximum altitude, use of directional antennas, and other matters necessary to maximize land-based public safety use of the 4.9 GHz band and to prevent interference to radio astronomy at the upper portion of the band. APCO indicated that it would investigate this issue further and provide proposed guidelines for incorporation into the Commission's rules.
- "Blanket" licenses should be issued to state and local government public safety agencies, with express requirements that licensees are limited to operations within their area of jurisdiction (*e.g.*, city, county, or state) and that all use is subject to approval by regional planning committees. Such regional planning committees would be similar to the 700 MHz and 800 MHz public safety regional planning committees (APCO suggested that the Commission provide the formal consolidation of such committees) and would develop use guidelines such as region-specific channel designations for fixed point-to-multipoint operations (*e.g.*, hotspots), emergency itinerate use, video links, and temporary fixed point-to-point use. The relative newness and broad flexibility of the 4.9 GHz band technologies and applications are such that use patterns are likely to vary across the country. The Commission should not permit use of the 4.9 GHz band on an unrestricted first-come, first-serve basis as that could result in a few agencies consuming all available spectrum in a particular area. Regional planning would facilitate inter-agency cooperation, sharing of facilities (*e.g.*, common access points), more efficient and equitable distribution of frequency use, and interoperability.
- The Commission should not limit licensing to states, as the vast majority of public safety operations (especially in urban areas, where initial 4.9 GHz licensing is most likely to occur) are conducted by city and county agencies. Moreover, regional planning across state lines (*e.g.*, in multi-state metropolitan areas such as New York, Washington, Philadelphia, and Kansas City) is more important than planning within states, which may encompass distinct metropolitan areas and regions.
- Federal use of the band should be permitted, but only pursuant to agreements with state and local government licensees.
- APCO reiterated its strong opposition to allowing non-governmental entities to hold licenses in the 4.9 GHz band, but also reaffirmed that state and local government entities should be permitted to share licensed operations with certain critical infrastructure non-governmental entities, where such shared operations would be consistent with relevant regional plans and promote public safety.

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Please contact the undersigned should the Commission have any questions or need additional information.

Respectfully submitted,



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