

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
Amendment of Sections 90.20 and 90.175 of the	)	WT Docket No. 02-285
Commission’s Rules for Frequency Coordination	)	RM-10077
of Public Safety Frequencies in the Private Land	)	
Mobile Radio Below-470 MHz Band	)	

To: The Commission

**REPLY COMMENTS OF PCIA, THE WIRELESS INFRASTRUCTURE ASSOCIATION**

PCIA, the Wireless Infrastructure Association (“PCIA”), by its attorneys and pursuant to Section 1.415 of the Commission’s Rules,<sup>1</sup> hereby files its reply comments in response to the Notice of Proposed Rulemaking (“NPRM”), FCC 02-255, released September 19, 2002, in the captioned docket. The Commission issued the NPRM after consideration of a Petition for Rulemaking (“Petition”) filed on February 21, 2001 by the Association of Public-Safety Communications Officials-International, Inc. (“APCO”).

**I. The Vast Majority of Comments Support Competitive Frequency Coordination**

Including the comments filed by PCIA, 45 sets of comments (including late-filed comments and early-filed reply comments) were filed in response to the NPRM. The overwhelming majority – 41 out of the 45 sets of comments -- supported competition in the coordination of Public Safety Pool frequencies below 470 MHz. These comments generally expressed the idea that a competitive environment would permit applicants to go to the coordinator of their choice to file an application involving multiple frequencies, without the cost

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<sup>1</sup> All references to the Commission’s Rules are cited at 47 C.F.R. §§ 0.1 *et seq.*

and delay of the user's coordinator needing to obtain the concurrence of the respective exclusive coordinators for each of the requested frequencies. The comments generally suggested that each of the coordinators could easily learn the specific needs regarding the frequencies that it was not previously coordinating and that public safety frequency plans could be made available so that each coordinator could take the plans into consideration when coordinating. The comments pointed out that the advent of the Universal Licensing System ("ULS") has made essential information much more accessible. They also suggested that data between coordinators could be exchanged at least daily to avoid conflicting applications. Many of the comments expressed the concern that exclusive coordination rights resulted in coordination delays and permitted coordinators to hold frequencies hostage from applicants who were not part of the coordinator's usual constituency.

The American Association of State Highway Transportation Officials ("AASHTO") (filing separately), the International Association of Fire Chiefs and International Municipal Signal Association ("IAFC/IMSA") and AASHTO (filing jointly), the Forestry Conservation Communications Association ("FCCA") and the FCCA Region Four filed comments in favor of maintaining exclusive coordination of the governmental Public Safety Pool frequencies currently subject to exclusive coordination. However, in contrast to the comments filed by AASHTO, IAFC/IMSA, FCCA and FCCA Region Four, it is important to note that not one Public Safety Pool *user* in its opening comments supported preservation of the *status quo*. Clearly, AASHTO, IAFC/IMSA and FCCA are simply trying to maintain for themselves the benefits of being monopoly service providers.

## **II. PCIA's Role in Competitive Frequency Coordination of Public Safety Spectrum**

The majority of the comments did not specifically address whether PCIA should be permitted to coordinate the frequencies currently coordinated exclusively by either APCO, IAFC/IMSA, AASHTO, or FCCA (collectively known as the “Governmental Public Safety Coordinators”) pursuant to Section 90.20 of the Commission’s Rules. However, 15 sets of comments supported the concept that all frequency coordinators, whether they are Public Safety Pool coordinators or Business/Industrial/Land Transportation (“B/ILT”) coordinators ought to be certified to coordinate all frequencies, including Public Safety Pool frequencies, and Haggerty Communications Group specifically supported authorizing PCIA to coordinate all Public Safety Pool frequencies. Moreover, the reasons found in the various comments favoring competitive frequency coordination on the part of the four Governmental Public Safety Coordinators apply equally to PCIA. PCIA and IAFC/IMSA, jointly coordinate the frequencies that were formerly part of the Special Emergency Radio Service (“SERS”).

In their opening comments, APCO and the State of Wisconsin Department of Transportation (“Wisconsin DOT”) each argue that PCIA should not be permitted to coordinate Public Safety Pool frequencies other than SERS frequencies on the grounds that PCIA is not representative of public safety.<sup>2</sup> However, APCO and the Wisconsin DOT are misinformed, because PCIA is representative of public safety interests, and in any event, the question of being representative of public safety interests is a false issue.

In its opening comments, PCIA explained that its historic role in the coordination of public safety frequencies has been to coordinate SERS frequencies for non-governmental users that have legitimate need for public safety frequencies. PCIA’s constituents include, but are not

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<sup>2</sup> APCO Comments at page 4; Wisconsin DOT Comments at page 2.

necessarily limited to, medical services (including medical facilities, ambulatory transportation companies, and related services), veterinarians, persons with disabilities, school buses, beach patrols, communications standby facilities, and emergency repair services for public communication facilities. PCIA gives the highest priority to all entities with a public safety mission. Thus, PCIA's experience in coordinating frequencies used for public safety and emergency purposes is long-standing and well established. Moreover, now that Section 90.20(a)(2) of the Commission's rules permits eligible SERS users to use Public Safety Pool frequencies that were traditionally reserved for governmental entities (provided that they obtain the concurrence from an eligible governmental entity), PCIA is representative of users of all Public Safety Pool frequencies.

But even if PCIA were not representative of current users of Public Safety Pool frequencies, that should not be a bar to an experienced frequency coordinator such as PCIA from coordinating Public Safety Pool frequencies. In fact, in the same Comments where it objected to PCIA coordinating non-SERS Public Safety Pool frequencies, the Wisconsin DOT stated:

It appears that being representative of a particular niche of users is no longer a requirement for Business/Industrial Pool coordinators. With all public safety coordinators providing coordination for the old Local Government Radio Service frequencies, it appears that representative-ness is no longer a requirement for the Public Safety Pool either.

Wisconsin DOT Comments at 1. Similarly, in addressing the question of whether Public Safety Pool users need to be representative, the Suffolk County, New York Police Department ("Suffolk County Police") stated:

[T]here is no premise that another coordinator cannot build a knowledge base that comprehends the varying needs and challenges of the various constituencies that comprise public safety and the differences among them. There is nothing in the record to show that frequency coordination for a particular segment of public safety is so unique and refined that it must remain a monopoly service and that cannot be opened to competitive opportunities.

Suffolk County Police at 6.

As the Industrial Telecommunications Association, Inc. (“ITA”), stated in footnote 12 of its Comments, permitting competitive frequency coordination of Public Safety Pool frequencies does not force any frequency user to utilize the services of a new frequency coordinator. Each Public Safety Pool user is free to continue to use one of the current four Governmental Public Safety Coordinators. Permitting other qualified frequency coordinators to coordinate Public Safety Pool frequencies merely provides another option to each of the Public Safety Pool frequency users.

The Wisconsin DOT and the California Public Safety Radio Association (“CPRA”) each support competition in the coordination of the SERS frequencies.<sup>3</sup> PCIA has no objection to such competition, provided that PCIA is permitted to compete with the four Governmental Public Safety Coordinators in providing frequency coordination to all eligible users of all Public Safety Pool frequencies, including the frequencies where the four Governmental Public Safety Coordinators currently compete.

### **III. Public Safety Frequency Plans**

AASHTO and IAFC/IMSA in their Joint Comments and AASHTO in its Comments argue that each of the Governmental Public Safety Coordinators knows and understands the public safety frequency plans for its constituents and that these plans will not be taken into account if there were competitive frequency coordination of the Public Safety Pool frequencies.<sup>4</sup> However, as explained by APCO in its Comments, the issue of public safety frequency plans is a

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<sup>3</sup> Wisconsin DOT Comments at 2; CPRA Comments at 2.

<sup>4</sup> AASHTO and IAFC/IMSA Joint Comments at 7, 11-12; AASHTO Comments at 9.

red herring. First, most Public Safety Pool frequencies below 512 MHz are not subject to plans. Those frequencies that are subject to plans for the most part fall in the VHF Low Band (30-50 MHz range) for which no new equipment is available. Second, it is generally not the frequency coordinators who develop the plans; rather, the frequency coordinators are responsible for honoring the plans. Third, there is no reason why the plans cannot be shared among the various eligible frequency coordinators and incorporated into their databases. Lastly, because the frequency coordinators will notify each other of their respective frequency coordinations at least daily, the notification process will provide a final check to protect the plans that do exist.<sup>5</sup>

Therefore, the existence of public safety frequency plans will not be an impediment to competitive frequency coordination and will not result in frequency assignments likely to cause harmful interference. Nevertheless, CPRA suggests a measure that would further ensure that competitive frequency coordinators will not ignore public safety frequency plans. Specifically, CPRA supports the creation of a new service code, such as “PI,” to designate Public Safety interoperability and state plan frequencies. This would put the frequency coordinators on notice of such plans every time they initiate the coordination of such frequencies.<sup>6</sup> Therefore, just as the four Governmental Public Safety Coordinators can familiarize themselves with and be sensitive to the needs of all public safety user groups regional, state and local plans and identify which public safety plans apply to Public Safety Pool frequencies below 512 MHz, so can PCIA.

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<sup>5</sup> APCO Comments at 10-11.

<sup>6</sup> CPRA Comments at 2.

#### **IV. Conclusion**

Advances in technology, including the deployment of the ULS, the establishment of workable notification procedures used between the B/ILT Pool frequency coordinators (that are adaptable to Public Safety Pool frequency coordination), the ability to share public safety frequency plans, and the potential for the Commission to adopt a new service code to designate frequencies subject to public safety frequency plans, make it feasible and cost-effective for competing frequency coordinators to share information on a timely basis regarding the coordination of Public Safety Pool frequencies. Because all certified frequency coordinators can have access to the same information, it is no longer necessary for a Public Safety Pool frequency coordinator to be “representative” of particular types of public safety entities.

But even if being “representative” of particular public safety entities were still a consideration, PCIA would qualify to coordinate the Public Safety Pool frequencies that up until now have been subject to exclusive coordination or coordination by only a few specific coordinators. As the coordinator of SERS frequencies, PCIA is experienced in the coordination of public safety frequencies for medical services and other non-governmental public safety entities. Because PCIA’s constituents may now use, and do in fact use, frequencies that historically were reserved for governmental public safety entities, PCIA has an interest in coordinating such spectrum for its constituents as well as other eligible entities and submits that there is a compelling case for allowing PCIA to be a competing coordinator of all frequencies in the Public Safety Pool.

For all the reasons discussed herein, it is in the public interest for Public Safety Pool users to have a choice of frequency coordinators. Competition will bring about faster service at better prices. There is no question that the public interest will be served if public safety entities

subject to limited budgets can pay less for faster and better frequency coordination services. PCIA looks forward to and desires to be a part of the competitive Public Safety Pool frequency coordination process, and urges the Commission to open the coordination of Public Safety Pool frequencies to competition, including competition by PCIA.

Respectfully submitted,

PCIA, the Wireless Infrastructure Association

By: \_\_\_\_\_ /s/

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