

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

In the Matter of)
)
The Development of Operational, Technical, and)
Spectrum Requirements for Meeting Federal, State) WT Docket No. 96-86
and Local Public Safety Agency Communications)
Requirements Through the Year 2010)

To: The Commission

**COMMENTS OF APCO
IN SUPPORT OF PETITION FOR RECONSIDERATION**

The Association of Public-Safety Communications Officials-International, Inc. (“APCO”) hereby submits the following brief comments in support of the Petition for Reconsideration filed by Motorola, Inc. on January 13, 2003, seeking partial reconsideration of the Commission’s *Fifth Report and Order* (“*Fifth R&O*”) in the above-captioned proceeding, 17 FCC Rcd 14999 (2002).

APCO is the nation’s oldest and largest public safety communications organization. Most of its over 16,000 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.

APCO has consistently supported Commission rules that encourage efficient use of public safety spectrum, including both equipment “type-acceptance” rules and fixed dates by

which licensees must convert to more efficient radio equipment. However, APCO has also urged that such requirements take into consideration the special financial and operational needs of public safety agencies, as well as the limitations of the marketplace and available technology. Public safety users should not be forced to acquire equipment meeting arbitrary efficiency benchmarks unless and until such equipment is proven in the field under the demanding conditions of public safety operations. Efficiency requirements must also take into consideration the purchasing cycles of public safety agencies, variations in public safety systems, the need for competitive choices, and interoperability requirements.

APCO does not object to many of the provisions adopted in the *Fifth Report and Order*, especially those that reflect APCO's earlier proposals in this proceeding. However, we agree with Motorola that two specific rules adopted in the *Fifth Report and Order* are inconsistent with APCO's prior proposals, and require modification. In particular, the Commission mandates that, as of January 1, 2007 (A) only applications for 6.25 kHz equipment will be granted in the 700 MHz public safety band; and (B) the sale, manufacture, or importation of 12.5 kHz equipment for use in the band is prohibited.

Recognizing that 6.25 kHz technology is still in development, the Commission does not impose a 6.25 kHz equipment authorization requirement until 2007. Yet, at the very same time, new 700 MHz band users must commit to and operate with 6.25 kHz equipment, without any reasonable time period for 6.25 kHz technology to be proven effective. Mandating 6.25 kHz by 2007 will also undermine one of many benefits of the 700 MHz band, its proximity to the 800 MHz band and the potential for existing 800 MHz systems (designed for 12.5 kHz) to use 700 MHz band channels to relieve congestion and promote interoperability. The Commission's

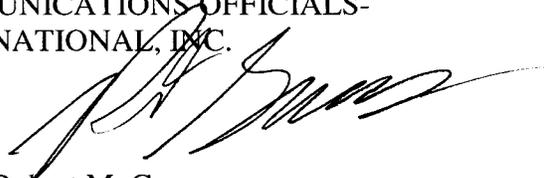
requirements will also impose unnecessary costs on many public safety agencies, and limit their equipment choices.

Therefore, the Commission should modify the *Fifth R&O* as discussed above and in Motorola's Petition for Reconsideration.

Respectfully submitted,

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

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April 1, 2003