



A significant benefit of the “rebanding” plan adopted in this proceeding is the opportunity for state and local government public safety agencies to obtain additional 800 MHz channels for new and expanded interoperable radio communications systems. Channels below 817/862 MHz that are vacated by Nextel, and not required to accommodate licensees relocating from channels 1-120, will be available for applications from public safety entities on an exclusive basis for a three-year period.<sup>1</sup> Thereafter, there will be a two-year period during which both public safety and critical infrastructure industry (“CII”) licensees will be eligible for the new channels. Following the two-year and three-year periods, the channels become available to any otherwise eligible applicant.

AEP suggest that “all stations utilizing Nextel-vacated spectrum should be placed into service within one year of a license grant.” While that may be a reasonable “baseline” rule, it *must* be subject to the long-standing provisions of Section 90.629, which permit extended implementation periods for public safety licensees. The Commission has long recognized that public safety licensees often require a multi-year cycle for planning, approval, funding, purchasing, and constructing new radio systems. Forcing implementation to be complete within just one year of license grant would effectively erase any public safety spectrum benefits from the 800 MHz rebanding.

AEP also objects to public safety regional planning for the new channels, preferring instead a first-come, first-serve approach for all applications. We have no objection to a first-come, first-serve approach *after* the three-year exclusive public safety application period expires. Until then however, the Commission should allow each of the 800 MHz Regional Planning Committees to adopt plans for the Nextel-vacated

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<sup>1</sup> See 47 C.F.R. §§90.615 and 90.617, as amended in Appendix A of the *Supplemental Order and Order on Reconsideration*, FCC 04-294 (released December 22, 2004) in the above-captioned proceeding.

frequencies in their region. Public safety agencies applying for those channels within the three-year period should be required to abide by those regional plans.<sup>2</sup> Relying on a first-come, first-serve approach during the first three years would create a “race to the coordinators” with no regard for which agencies could benefit the most from additional channels, and no planning to facilitate efficient, interference-free, and interoperable channel assignments. Channels not applied for within the three-year period pursuant to the relevant regional plan could then become open to both public safety and CII applications on a first-come, first-served basis.

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<sup>2</sup> Such a requirement needs to be set forth clearly in the Commission’s rules.

CONCLUSION

Therefore, the Public Safety Organizations urge the Commission to deny the AEP  
Petition for Clarification as discussed above.

Respectfully submitted,

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

INTERNATIONAL ASSOCIATION OF CHIEFS  
OF POLICE

INTERNATIONAL ASSOCIATION OF FIRE  
CHIEFS, INC.

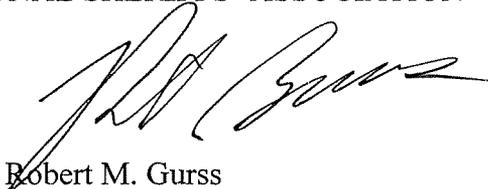
INTERNATIONAL MUNICIPAL SIGNAL  
ASSOCIATION, INC.

MAJOR CITIES CHIEFS ASSOCIATION

MAJOR COUNTY SHERIFFS' ASSOCIATION

NATIONAL SHERIFFS' ASSOCIATION

By:



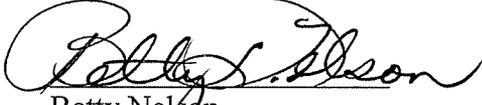
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April 21, 2005

CERTIFICATE OF SERVICE

I, Betty Nelson, hereby certify that a copy of the foregoing "Opposition to Petition for Clarification" was served this 21<sup>st</sup> day of April, 2005, by first-class mail, postage pre-paid, to the following individuals at the address listed below.

David B. Trego  
Jason D. Griffith  
American Electric Power Company, Inc.  
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Betty Nelson