

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

In the Matter of)
)
Implementation of Sections 309(j) and 337 of the) WT Docket No. 99-87
Communications Act of 1934 as Amended)
)
Promotion of Spectrum Efficient Technologies on) RM-9332
Certain Part 90 Frequencies)

To: The Commission

REPLY COMMENTS OF APCO

The Association of Public-Safety Communications Officials-International, Inc. (“APCO”) hereby submits the following reply in support of comments submitted in response to the Petition for Reconsideration of the City of New York (“NYC Petition”) with regard to the Commission’s *Third Report and Order* in the in the above-captioned proceeding.

APCO is the nation’s oldest and largest public safety communications organization. Founded in 1935, APCO has approximately 16,000 members, most of whom are state or local government employees who manage and operate communications systems for police, fire, emergency medical, highway maintenance, forestry conservation, homeland security, disaster relief, and other public safety agencies. APCO is the largest Part 90, public safety frequency coordinator, and appears often before the Commission on a wide range of matters related to public safety communications. APCO is also a charter member of the National Public Safety Telecommunications Council (“NPSTC”) and supports its separate reply comments in this proceeding.

APCO supports many of the decisions in the *Third Report and Order*, most of which generally reflect the nearly unanimous views of the public safety and private land mobile

community. However, the FCC departed from prevailing wisdom when it included the following statement in the *Third Report and Order*:

we strongly urge licensees to consider the feasibility of migrating directly from 25 kHz technology to 6.25 kHz technology prior to January 1, 2013. Such a course could be more efficient and economical than first migrating to 12.5 kHz technology by 2013, then further migrating to 6.25 kHz technology thereafter.

As reflected in the NYC Petition and *all* of the initial comments, this simple statement is having and will continue to have a profound negative effect on public safety and other land mobile users. There are very serious issues regarding the viability of 6.25 kHz technology for public safety communications, plus there is still no 6.25 kHz interoperability standard. Yet, the Commission's statement is leading many current users of 25 kHz technology to postpone the adoption of more efficient 12.5 kHz equipment, in part because of the confusion over whether they will be allowed to continue using that new 12.5 kHz equipment throughout its normal life cycle.

A core principle of the FCC's narrowbanding policy has been to encourage a migration to more efficient technology while ensuring that public safety agencies will not be forced into premature replacement of equipment. Radio systems are enormously expensive, and most agencies need to get at least ten years of use from those systems to justify the expenditure of scarce taxpayer dollars. That ten year equipment cycle has been built into every aspect of the narrowbanding rules for the past 15 years. Without it, the FCC is essentially creating an "unfunded mandate" that state and local governments expend scarce public resources.

The Commission should also consider whether continuing the forced march toward narrower and narrower channel technology is leading licensees in the wrong direction. When narrowbanding (then known as "spectrum refarming") began in the

early 1990s, most agreed that greater spectrum efficiency for voice communications could be obtained through narrower channel technology. Since then, there has been an explosion of data communications needs and opportunities, along with development of efficient technologies that require much wider channels. At the same time, as reflected in the record, questions have been raised as to whether it is feasible or advisable to require land mobile users to adopt 6.25 kHz technology.

Therefore, we urge the Commission to recognize the unanimous concerns of the public safety and land mobile community reflected in the record and grant the NYC Petition. Licensees should not be forced to convert to 6.25 kHz unless and until a proven, standardized 6.25 kHz technology exists, and they must be guaranteed that they will not be forced to abandon newly acquired 12.5 kHz technology until the end of its normal life cycle.

Respectfully submitted,

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

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