

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

In the Matter of)
Implementation of Section 309(j) and 337)
of the Communications Act of 1934 as) WT Docket 99-87
Amended)

REPLY COMMENTS OF APCO

The Association of Public-Safety Communications Officials-International, Inc. (“APCO”) hereby submits the following brief reply to comments filed in response to the Commission’s *Public Notice*, DA 09-2364 (November 2, 2009) regarding a petition filed on September 29, 2009, by the National Public Safety Telecommunications Council (“NPSTC”), requesting a stay of certain interim narrowband implementation deadlines.¹ NPSTC indicated in its petition that it continues to support the final date of January 1, 2013, by which time land mobile radios operating on frequency bands below 512 MHz must be on 12.5 kHz channels or operate with equivalent efficiencies.²

Founded in 1935, APCO is the nation’s oldest and largest public safety communications organization. Most APCO members are state or local government employees who manage and operate communications systems for police, fire, emergency medical, forestry conservation, highway maintenance, disaster relief, and other public safety agencies. APCO appears regularly before the Commission on a wide variety of public safety communications issues. APCO is the largest FCC-certified frequency coordinator for Part 90, Public Safety Pool channels and has

¹ APCO is a member of NPSTC.

² 47 C.F.R. §90.209.

long-supported a firm date for licensees to convert to more efficient land mobile radio technologies.

The City of New York filed comments in which it supports the NPSTC petition, but also asks the Commission to extend the 2013 narrowbanding deadline to 2018, and requests that the FCC initiate a “comprehensive” review of the narrowbanding rules. APCO does not support an extension of the 2013 deadline at this time, and is concerned that a comprehensive review as proposed by New York would lead to confusion and lead some licensees to postpone necessary system upgrades. There has been a firm narrowbanding deadline in place since 2003, giving licensees ten years to meet the 12.5 kHz requirement.³ Moreover, all type-accepted equipment purchased since 1997 should already have 12.5 kHz capability.⁴ Any non-compliant equipment still in operation on December 31, 2012, is likely to be at least 15 years old. Therefore, the overwhelming majority of licensees will have met the 2013 requirement through normal equipment replacement cycles. Commission consideration of an extension of the 2013 deadline, or a “comprehensive” review of the rule, would serve only to create confusion and stall necessary upgrades during the next three years.

Nevertheless, there are certainly some licensees who will face unique circumstances and/or will otherwise have particular difficulty meeting the 2013 requirement. The Commission should entertain requests for waivers in those situations. Waivers might also be an approach to follow should the Commission decide not to grant a stay of the interim dates as proposed by NPSTC.

³ As originally adopted, the rule allowed public safety licensees until 2018 to convert to 12.5 kHz technologies. *Second Report & Order in WT Docket 99-87*, FCC 03-34, 18 FCC Rcd 3034 (2003). In 2004, the Commission changed the deadline to 2013. *Third Memorandum Opinion & Order in WT Docket 99-87*, FCC 04-292, 19 FCC Rcd 25045 (2004).

⁴ See 47 C.F.R. §90.203(j)

APCO agrees with New York, NPSTC, and other parties who have taken issue with the 6.25 kHz equipment type-acceptance requirement. As explained in the NPSTC Petition, there is no Project 25 interoperability standard for 6.25 kHz equipment at this time.

Respectfully submitted,

ASSOCIATION OF PUBLIC-SAFETY
COMMUNICATIONS OFFICIALS-
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