

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

In the Matter of)
)
TETRA Association Request for Waiver of) ET Docket 09-234
Sections 90.209, 90.210, 2.1043 of the)
Commission's Rules)

COMMENTS OF APCO

The Association of Public-Safety Communications Officials-International, Inc. (“APCO”) hereby submits the following comments in response to the Commission’s *Public Notice*, DA 09-2633, released December 24, 2009, regarding the above-captioned Request for Waiver of the TETRA Association.

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 is the largest FCC-certified frequency coordinator for Part 90, Public Safety Pool channels and appears regularly before the Commission on a wide variety of public safety communications issues.

TETRA is a widely used technology overseas (especially in densely populated countries and urban areas), but to date has not been deployed in the United States. Importantly, TETRA is not compliant with the Project 25 standards that provide essential interoperability across digital radio equipment used by public safety agencies throughout the nation.¹ Thus, any proposed TETRA deployment for public safety use in this country would create serious interoperability

¹ The Project 25 interoperability standards are approved by TIA/ANSI, and are required for use on 700 MHz narrowband interoperability channels pursuant to 47 C.F.R.§90.548.

problems. APCO had been assured that TETRA would only be deployed for business/industrial applications in the United States, though the waiver request creates some uncertainty in that regard.

In any event, even if limited to non-public safety use, TETRA should not be deployed unless and until there is substantial evidence, including detailed and thoroughly vetted technical analysis with appropriate field testing, to ensure that its use in land mobile radio spectrum would not lead to interference to public safety or other communications operations. The proposed modifications to the emissions mask, increase in occupied bandwidth, reliance on adjacent channel coupled power (ACCP), and likely cellular-architecture deployment all pose serious questions that must be addressed *before* TETRA is deployed in the United States. However, these complex technical questions cannot be resolved adequately in the context of the proposed waiver request and the brief time period allowed for public comment.

The Commission generally reserves waivers for specific applications or for limited time periods. The “blanket” nature of the proposed TETRA waiver is tantamount to a rule change, which is more properly addressed in a notice of proposed rulemaking. Such a rulemaking proceeding would also provide a far better opportunity for a thorough analysis and vetting of potential technical and interoperability issues prior to any TETRA deployment.

CONCLUSION

Therefore, for the reasons set forth above, APCO cannot support the request for waiver and suggests that the issues raised by the TETRA Association are more properly addressed in a rulemaking proceeding.

Respectfully submitted,

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

By: /s/
Robert M. Gurss
Director, Legal & Government Affairs
APCO International
1426 Prince Street
Alexandria, VA 22314
(571) 312-4400, Ext 7008

January 15, 2010