

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

In the Matter of)
)
National Broadband Plan) GN Docket Nos. 09-47, 09-51 and 09-137
)

**REPLY COMMENTS – NBP Public Notice #30
of the
ASSOCIATION OF PUBLIC-SAFETY COMMUNICATIONS OFFICIALS-
INTERNATIONAL, INC. (APCO)**

The Association of Public-Safety Communications Officials-International, Inc. (“APCO”) hereby submits the following reply comments in response to the Commission’s *Public Notice*, DA 10-61, released January 13, 2010, providing an opportunity for parties to submit reply comments in the above-captioned proceedings concerning the National Broadband Plan (“NBP”) that the Commission must submit to Congress.

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 and previously submitted comments in response to the initial *Notice of Inquiry*, *NBP Public Notice #8* and *NBP Public Notice #14*.¹ APCO has also been a party to comments filed in this and related proceedings by the Public Safety Spectrum Trust, the National Public Safety

¹ Comments of APCO in response to NBP Notice of Inquiry, GN Docket Nos. 09-47, 09-51 and 09-137 (filed June 8, 2009); Comments of APCO in response to NBP Public Notice #8 (filed Nov. 12, 2009); Comments of APCO in response to NBP Public Notice #14 (filed Dec. 1, 2009).

Telecommunications Council, and a coalition of national public safety organizations.² APCO's Public Safety Foundation of America ("PSFA") has also commissioned a "700 MHz 'D' Block Public Safety Application Needs Assessment White Paper" prepared by the Public Technology Institute. A copy of the PSFA White Paper is attached hereto for submission in the relevant docketed proceedings.

APCO takes this opportunity to highlight issues raised in various comments and to respond to matters related to the creation of a national public safety broadband network. Police chief organizations, fire chief organizations, big cities, rural communities, states, and counties all agree that we need a national public safety broadband network and cannot repeat the old "stove pipe" approach to public safety communications. They also agree that the existing public safety broadband allocation of 10 MHz is insufficient to meet current and future requirements.³ Thus, a diverse group of national public safety organizations have joined in urging that the D Block of 700 MHz spectrum be reallocated for public safety use and assigned to the national public safety broadband licensee. We urge the FCC to recommend that Congress pass the necessary legislation to make that reallocation a reality.⁴

The national public safety organizations also recognize the need for sustained funding to deploy and operate public safety broadband communications. A few wireless carriers and others have urged that the funding come from an unrestricted auction of the D block.⁵ However, as

² See Letter from APCO, IACP, IAFC, MCCA, MCSA, MFCA, NEMA, NENA and NSA, dated January 13, 2010 ("Joint Public Safety Letter").

³ *Id.* See also PSFA White Paper.

⁴ APCO also notes that in-building coverage is a concern for current and future public safety operations, regardless of the nature of the public safety broadband network. One step that the FCC could take in this regard is to recommend, perhaps as part of the National Broadband Plan, that local jurisdictions across the country include in-building coverage requirements (e.g., with "bi-directional amplifiers") in their local building codes.

⁵ Coalition for 4G in America, *ex parte* letter (Jan. 6, 2010).

explained in the Joint Public Safety Letter, that approach will not provide the necessary funding and would deny public safety the ability to deploy a public safety grade broadband network with sufficient capacity to meet current and future needs.

APCO agrees that sustained funding is a critical concern, and must be addressed along with long-term public safety spectrum needs. Thus, we support direct appropriations by Congress as well as consideration of funding approaches similar to the Universal Service Fund, whereby a fee would be attached to commercial broadband use to help fund public safety deployment and operation. One potential source of funds for direct appropriations would be spectrum auctions, not of the D block (which should be reallocated for public safety), but of other spectrum blocks, whether currently identified or targeted in the National Broadband Plan (or elsewhere) for future reallocation.⁶

Some of the comments in this and other proceedings also seem to assume that public safety will only build and operate exclusive public safety networks, similar to current land mobile radio systems. The reality is quite different, and has a significant impact on the cost issues that all parties agree need to be addressed. APCO, the PSST, most of the entities seeking 700 MHz waivers, and various industry comments agree that the national public safety broadband network will necessarily involve public-private and inter-governmental partnerships, including infrastructure and network sharing arrangements. Infrastructure sharing would dramatically reduce the number of new sites that must be acquired and constructed, and eliminate duplication of other necessary network elements. Public safety users could also leverage their existing land mobile radio infrastructure to reduce cost. Network sharing (with appropriate priority access), whether with critical infrastructure entities, federal users, or wireless

⁶ For example, CTIA estimates that the AWS-3 spectrum alone would generate \$1-5 billion. Reply Comments of CTIA in WT Dockets 07-195, 04-356 (Aug. 11, 2008). Indeed, not auctioning the D block would presumably increase the auction revenue from these other spectrum blocks.

carriers, also provides for efficient spectrum utilization and could raise revenue and/or generate other benefits from private partners.

Network costs can also be reduced by the mandatory use of standard technologies that lead to interoperability and significant economies of scale in equipment acquisition. As many have discussed in this and related dockets, the public safety community is unanimous in its support of LTE as the broadband standard. Commercial wireless licensees in the 700 MHz band have also chosen LTE as their standard, greatly expanding the pool of LTE users in the band and driving down the cost of equipment.

Another “hidden savings” is that the national public safety network and local systems that are part of the network can also be used to carry other, less critical, government communications on a reduced priority level. For example, the City of New York has explained that its broadband public safety network has allowed various city functions (*e.g.*, traffic control and water metering.) to save millions of dollars each year because they no longer need to lease commercial capacity or maintain dedicated communications links. Federal government public safety and homeland security agencies could also share the network, producing major savings to the federal treasury.

These cost-saving measures will be lost, however, if public safety is forced to operate on just the 10 MHz now allocated for public safety broadband. That would not be sufficient spectrum to forge critical cost-saving partnerships, as there would be little or no “excess capacity” to share. Also, 10 MHz does not allow for efficient 4G deployment as it increases the number of sites needed for optimum coverage.⁷ In any event, 10 MHz alone will not meet the future needs of public safety, forever dooming public safety to having inadequate

⁷ See PSFA White Paper; Comments of Qualcomm in Response to NBP Public Notice #8 (filed Nov. 12, 2009).

communications capacity to address interoperability or implement state-of-the-art communications tools.

CONCLUSION

Therefore, for the reasons discussed above and in the record, APCO urges that the National Broadband Plan include a recommendation that Congress reallocate the D Block for public safety broadband communications.

Respectfully submitted,

ASSOCIATION OF PUBLIC-SAFETY
COMMUNICATIONS OFFICIALS-
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