

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

In the Matter of:	)	
	)	
Revisions to Rules Authorizing the Operation of Low Power Auxiliary Stations in the 698- 806 MHz Band	)	WT Docket No. 08-166
	)	
	)	
Public Interest Spectrum Coalition, Petition for Rulemaking Regarding Low Power Auxiliary Stations, Including Wireless Microphones, and the Digital Television Transition	)	WT Docket No. 08-167
	)	
	)	
Amendment of Parts 15, 74 and 90 of the Commission’s Rules Regarding Low Power Auxiliary Stations, Including Wireless Microphones	)	ET Docket No. 10-24
	)	

**COMMENTS OF APCO**

The Association of Public-Safety Communications Officials-International, Inc. (“APCO”) hereby submits the following comments in response to the Commission’s *Further Notice of Proposed Rulemaking* adopted as part of the *Report and Order*, FCC 10-16 (released January 15, 2010), in the above-captioned proceedings.

APCO is the nation’s oldest and largest public safety communications organization. Founded in 1935, APCO has nearly 16,000 members, most of whom are state or local government employees who design, manage, and operate public safety communications systems for police, fire, emergency medical, forestry conservation, highway maintenance, disaster relief, and other public safety agencies. APCO is the largest FCC-certified coordinator for Part 90,

Public Safety Pool radio frequencies, and regularly appears before the Commission on a wide range of issues regarding public safety communications.

APCO strongly supports the Commission's decision in the *Report and Order* to prohibit wireless microphone use of the 700 MHz band due to the potential for dangerous interference to public safety communications systems. Unfortunately, the *Further Notice of Proposed Rulemaking* includes a proposal that could create the same type of interference that the Commission sought to prevent in the *Report and Order*. The Commission proposes that Part 15, unlicensed wireless microphones be allowed to operate in the television broadcast spectrum, including portions of that spectrum also used for public safety communications. Therefore, for the reasons discussed below, unlicensed wireless microphones must not be allowed in TV channels 14-20 (470-512 MHz).

The Commission's rules allocate a portion of the 470-512 MHz band for public safety and other private land mobile radio communications in eleven major metropolitan areas: New York, San Francisco, Los Angeles, Philadelphia, Boston, Washington, Chicago, Miami, Pittsburgh, Dallas, and Houston.<sup>1</sup> The Commission has also granted numerous waivers allowing additional public safety use of specific 470-512 MHz frequencies or, in some cases, the entire TV channel.<sup>2</sup> Some waivers also allow use of allocated channels beyond the relevant metropolitan areas. In New York, Los Angeles and other areas, the 470-512 MHz band has become a principal source of radio spectrum for interoperable public safety communications

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<sup>1</sup> 47 C.F.R. §90.303.

<sup>2</sup> E.g., *County of Los Angeles, California*, DA 08-2823, released December 30, 2008; *Nassau County Police Department*, DA 02-1771, 17 FCC Rcd 14252 (2002).

systems, and some of the nation's largest public safety agencies use the band for virtually all of their mobile and portable radio communications.<sup>3</sup>

Unlicensed wireless microphones operating in the 470-512 MHz band could create serious and life-threatening interference to police, fire, emergency medical and other public safety communications. While that spectrum is used for public safety in or near just eleven metropolitan areas, there is no viable or enforceable method to ensure that unlicensed wireless microphones will only be used in other locations. Therefore, just as the Commission previously barred wireless microphones from operating in 700 MHz, such devices must also be prohibited in 470-512 MHz (TV channels 14-20) across the nation.<sup>4</sup>

Respectfully submitted,

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

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<sup>3</sup> *E.g.*, New York City Police Department and Los Angeles County Sheriff's Department.

<sup>4</sup> *See also Second Report and Order and Memorandum Opinion and Order*, ET Docket Nos. 04-186 and 02-380, released Nov. 14, 2008.