

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Part 90 of the)	WP Docket No. 07-100
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 *Second Further Notice of Proposed Rulemaking* (“*Second FNPRM*”) ¹ in the above-captioned proceeding.

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 is a member of the Land Mobile Communications Council (“LMCC”), and agrees with most of the comments that LMCC is submitting today in this proceeding. However, APCO

¹ Amendment of Part 90 of the Commission’s Rules, *Second Report and Order and Second Further Notice of Proposed Rulemaking*, WP Docket 07-100, and FCC 10-36 (released March 11, 2010).

disagrees with LMCC on the issue of protecting mobile-only operations from interference. We also address additional issues set forth below.

Trunking Below 800 MHz

APCO believes that there must be interference protection from trunked operations for public safety mobile-only operations based upon the jurisdictional boundaries of the incumbent mobile-only licensee. As noted in the *Second FNPRM*, LMCC’s previously stated to the Commission that mobile-use not defined by geographic coordinates should not be deemed “affected licensees.”² APCO shares the Commission’s contrary view expressed in the *Second FNPRM*: “we see no basis for affording differing levels of protection depending on whether the mobile-only operating area is defined by a point-radius or a geographic unit.”³ While Industrial Business use of mobile-only operations can often be defined based on an arbitrary point-radius, public safety use is usually defined by the jurisdictional boundaries of the licensee (*e.g.*, city, county or state). Jurisdictional boundaries rarely comport to contours drawn from arbitrary center points. Those operations are no less critical than other public safety facilities, and must be afforded protection from interference from trunked operations.

APCO understands the difficulty of defining specific interference criteria for such jurisdictional areas, and is working with other public safety coordinators on a proposal to address the issue, which will be presented in either reply comments or an *ex parte* submission. In either event, it will be shared with other frequency coordinators (all of whom are members of LMCC) so they have an opportunity to submit additional comments to the Commission.

The Commission also seeks comment as to whether a “new trunked system with a service contour that is overlapped by any affected licensee’s interference contour should be authorized only on a

² See *Second FNPRM* at ¶41.

³ *Id.* at ¶42.

secondary basis.”⁴ APCO does not believe that such operations should be authorized, even on a secondary basis. However, if secondary status is granted in that scenario, the Commission should assign an appropriate station class to the license to ensure that its secondary status will be evident throughout any subsequent license modifications.⁵

Station Identification

APCO is concerned with the proposed change to Section 90.425(g) regarding station identification. Instances of interference are frequently mitigated between licensees without Commission involvement due to call sign identification through human-read means, such as Morse code. Allowing imbedded digital identification would take away this ability to identify interfering signals. Stakeholders would then require specialized equipment to extract imbedded call sign data. Such call sign data may be imbedded into proprietary waveforms. APCO asks the Commission to consider allowing the Morse code identification requirement to stand, but allow identification timing intervals and character speed to be increased so that throughput impairment due to identification is minimized. Alternatively, APCO asks the Commission to consider requiring imbedded call sign data to be read through open source means.

⁴ *Id.* at ¶38.

⁵ Merely placing a secondary status notation on the actual license is inadequate, as subsequent iterations of licenses sometimes drop the secondary status without explanation.

CONCLUSION

APCO urges the Commission to adopt rule changes consistent with the comments set forth above.

Respectfully submitted,

/s/

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