

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of )  
 )  
Implementing a Nationwide, )  
Broadband, Interoperable Public ) PS Docket No. 06-229  
Safety Network in the 700 MHz )  
Band )

**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 10-1758 (released September 15, 2010), in the above-captioned proceeding. The Commission seeks comments on procedures for addressing petitions for waiver to deploy 700 MHz public safety broadband networks submitted after its *Waiver Order* regarding the initial waiver requests.<sup>1</sup>

Founded over 75 years ago, 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 has been at the forefront of the FCC’s proceedings regarding the 700 MHz band and the development of a national public safety interoperable broadband network.

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<sup>1</sup> Requests for Waiver of Various Petitioners to Allow the Establishment of 700 MHz Interoperable Public Safety Wireless Broadband Networks, PS Docket No. 06-229, Order, FCC 10-79 (rel. May 12, 2010) (*Waiver Order*).

The Commission’s initial inquiry in the *Public Notice* concerns those petitions for waiver that are co-signed by investor-owned utilities or other entities that may not be eligible users of the 700 MHz broadband spectrum pursuant to Section 337 of the Communications Act. Section 337 specifies that the public safety spectrum allocated in the 700 MHz band is for “services the sole or principal purpose of which is to protect the safety of life, health or property.”<sup>2</sup> APCO generally supports public/private partnerships for public safety communications systems, especially with critical infrastructure entities that have safety-related missions. We also believe that a viable public safety broadband network may require joint ventures with commercial entities. However, APCO acknowledges that the current limitations of Section 337 will require some of the petitioners to modify their pending requests to comport with existing law.

APCO also stresses that the current public safety broadband spectrum allocation will not meet the needs of public safety users in most areas, let alone provide sufficient “excess” capacity to accommodate additional “non-public safety” users through joint ventures or other arrangements. The current spectrum allocation limits the potential for public/private partnerships and takes away a means for reducing the overall cost of broadband deployment. Therefore, APCO has joined with its colleagues throughout the public safety, emergency response and state-local-Tribal and specialty government communities in support of S. 3756, *The Public Safety Spectrum and Wireless Innovation Act*, which would reallocate the D block to public safety to create 20 MHz of contiguous spectrum for public safety broadband and provide federal funding to build and sustain the public safety broadband network. The bill would also amend Section 337 of the Communications Act to ensure that state and local governments have the flexibility to partner with private entities to deploy the broadband network. This legislation builds upon H.R.

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<sup>2</sup> See 47 U.S.C. §337(a)(1) and (f)(1).

5081, *The Broadband for First Responders Act*, which similarly reallocates the D block and provides for more flexible use of the spectrum.<sup>3</sup>

As to the Commission's second question in the *Public Notice*, regarding overlapping petitions for waiver, APCO sees no reason at this time to depart from the approach adopted in the *Waiver Order* regarding state government support for local government petitions.

APCO also urges the Commission to proceed expeditiously, but cautiously, in addressing the pending petitions. Indeed, to the extent waivers remain the primary method for state and local governments to obtain broadband operating authority, the Commission should identify means of expediting and streamlining its waiver petition procedures. Parties seeking to deploy public safety broadband systems are entitled to timely responses for planning, procurement, and funding purposes. At the same time, the Commission should carefully scrutinize the petitions for completeness, and continue to impose appropriate conditions to ensure short-term, mid-term and long-term interoperability. The Commission must also monitor waiver recipients to ensure that systems are funded and deployed pursuant to reasonable schedules.

The FCC seeks specific comment regarding the number of approved and pending waiver petitions and the impact on Public Land Mobile Network (PLMN) ID numbers. We understand that there will not be enough IDs available to issue one to each local/state network. Therefore, approaches such as those discussed in the Broadband Task Force should be considered after further discussion among all relevant parties.<sup>4</sup>

Finally, as to the fees payable to the Public Safety Spectrum Trust by waiver grantees, those now seeking waivers should have the same obligations as the initial petitioners. The FCC

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<sup>3</sup> As of mid-October 2010, there were 78 co-sponsors of H.R. 5081.

<sup>4</sup> *700 MHz Public Safety Broadband Task Force Report and Recommendations*, Section 6.3.1 (September 4, 2009). Options noted in the BBTF Report include issuing a single ID to the PSST or issuing ID numbers on a regional basis.

should also continue to monitor PSST's budget to ensure that it has sufficient funding to execute its responsibilities.

#### CONCLUSION

APCO urges the Commission to continue to work with the Administration, Congress, commercial industry and federal, state and local stakeholders to ensure that deployment of a sufficient and effective nationwide interoperable public safety broadband network is realized as soon as possible. On the eve of the 10th Anniversary of 9/11, these waiver jurisdictions are a critical component to deploying and field testing current broadband capabilities to foster the market and meet immediate-to-long-term public safety broadband needs.

Respectfully submitted

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

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