

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

In the Matter of )  
 )  
LIGHTSQUARED PETITION FOR ) ET Docket 10-142  
DECLARATORY RULING ) IB Docket 11-109  
 )

**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 12-103, released January 27, 2012, seeking comments on issues surrounding a Petition for Rulemaking submitted by LightSquared, Inc. regarding its obligations to address interference caused to Global Positioning System (“GPS”) operations. APCO also takes this opportunity to comment on a more recent *Public Notice*, DA 12-214, released February 15, 2012, concerning a letter from the National Telecommunications and Information Administration (“NTIA”) and the Commission’s proposed modifications to LightSquared’s current authorizations.

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 range of public safety communications issues.

Many public safety agencies operate emergency communications on simulcast, trunked radio systems that depend upon GPS timing devices. Public safety personnel also increasingly rely upon a variety of GPS-enabled devices to locate vehicles, personnel, and emergency locations. Therefore, APCO has been monitoring the LightSquared deployment plan with a concern that it could interfere with public safety and other critical GPS-related operations.

LightSquared has asked the FCC to issue a declaratory ruling that would largely absolve it of any obligation to correct interference that LightSquared's Ancillary Terrestrial Communications (ATC) in the Mobile Satellite Service (MSS) band might cause to GPS devices operating in an adjacent frequency band. APCO is deeply troubled by LightSquared's approach, as it appears to contradict the assurances that LightSquared had given to APCO and others that it would address interference caused to GPS receivers. There are also clear rules supporting the proposition that LightSquared has a regulatory obligation to correct interference that it causes to existing operations. Section 25.255 states that "[i]f harmful interference is caused to other services by ancillary MSS ATC operations, either from ATC base stations or mobile terminals, the MSS ATC operator must resolve any such interference."<sup>1</sup>

Nevertheless, LightSquared has engaged in a debate with GPS Industry over the meaning of FCC rules and policies governing the issue. While APCO opposes LightSquared's attempt to evade its regulatory obligations, the debate is largely moot. Congress has adopted a statutory requirement that the FCC not permit LightSquared's operations to proceed until "the Commission has resolved concerns of potential widespread harmful interference by such

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<sup>1</sup> 47 C.F.R. § 25.255.

commercial terrestrial operations to commercially available Global Positioning System devices.”<sup>2</sup>

Moreover, NTIA has recently sent a letter to the FCC indicating that it “has concluded that LightSquared’s proposed mobile broadband network will impact GPS services and there currently is no practical way to mitigate the potential harmful interference.” The Commission has issued a *Public Notice* seeking comments on the NTIA letter and the Commission’s proposal to vacate LightSquared’s conditional waiver and modify its MSS license accordingly. In light of the NTIA letter and other information in the record, APCO supports the Commission’s proposed actions.

#### CONCLUSION

Therefore, for the reasons discussed above and in the record, the Commission should modify LightSquared’s current authorizations and take such other actions as may be necessary to reaffirm the need to protect GPS operations from harmful interference.

Respectfully submitted,

/s/

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<sup>2</sup> Consolidated Appropriations Act, 2012, Pub. L. No. 112-74, at Division C – Financial Services and General Government Appropriations Act, 2012 (enacted Dec. 23, 2011) .