

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

In the Matter of)
)
Improving Spectrum Efficiency Through Flexible)
Channel Spacing and Bandwidth Utilization for)
Economic Area-based 800 MHz Specialized) WT Docket No. 12-64
Mobile Radio Licensees)
)
Request for Declaratory Ruling that the)
Commission’s Rules Authorize Greater than) WT Docket No. 11-110
25 kHz Bandwidth Operations in the 817-824/862-)
869 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 *Notice of Proposed Rulemaking*, FCC 12-25 (released March 9, 2012) (“*NPRM*”), in the above-captioned proceedings.

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. APCO has been at the forefront of the long-standing issues related to rebanding of the 800 MHz band made necessary by interference from Sprint Nextel operations.

The *NPRM* proposes rule modifications to allow Sprint Nextel to deploy wideband technology options, such as 1.25 MHz CDMA equipment, in the 800 MHz Enhanced Specialized

Mobile Radio Service (“ESMR”) bands at 817-824/862-869 MHz.¹ APCO previously expressed concern that the 800 MHz reconfiguration process (a.k.a. “rebanding”) is still underway and that public safety systems continue to operate in the “old NPSPAC” portion of the band, at 821-824/866-869 MHz.² Thus, the Commission proposes in the *NPRM* “to allow EA-based 800 MHz SMR licensees to exceed the channel spacing and bandwidth limitation in Section 90.209 in the 813.5-824/858.5-869 MHz band in NPSPAC regions where all 800 MHz public safety licensees in the region *have completed band reconfiguration.*”³ APCO strongly supports that proposed limitation.

The Commission also proposes to allow Sprint Nextel to exceed channel spacing and bandwidth limitations within the 817-821/862-866 MHz EA-based ESMR band even in regions in which rebanding is not completed.⁴ APCO does not oppose that proposal, with the following limitations. First, the Commission should clarify that its proposal does not apply to 813.5-817/858.5-862, except in the Southeastern United States where that spectrum is currently allocated for EA-based ESMR operation. Second, the Commission should adopt the 30-day notification provisions proposed in the *NPRM*, at ¶14. Third, additional notification provisions should be added to protect public safety licensees in the Mexican border area (*e.g.*, San Diego County) operating above 817/862 MHz that could be *co-channel* with Sprint Nextel’s nearby CDMA operations that are not in the border region (*e.g.*, in the Los Angeles area). Specifically, in NPSPAC regions that include Mexican border areas, the 30-day notifications should extend beyond 113 km to include all public safety licenses in the border area. Sprint Nextel should also

¹ In portions of the Southeastern United States, the ESMR band includes 813.5-821/858.5-866 MHz.

² Comments of APCO (Aug. 1, 2011) in response to *Public Notice*, DA 11-1152, rel. June 30, 2011.

³ *NPRM* at ¶13 (emphasis added).

⁴ *Id.*

provide those licensees with a 24-hour contact number to reach in the event interference occurs, and must also take immediate steps to terminate interfering operations.

As noted in the *NPRM*, APCO had previously recommended that there be a 1 MHz buffer between Sprint's CDMA operations and public safety operations within the 800 MHz band. We understand, however, that a *de facto* buffer of at least 1 MHz will exist in any event as 1.25 MHz-wide CDMA channels will leave "excess" spectrum at the upper and lower edges of the ESMR band. Therefore, the protections proposed in the *NPRM*, with the minor modifications noted above, should be adequate to protect public safety from any additional interference potential that might be posed by CDMA operation in ESMR spectrum.

CONCLUSION

Therefore, subject to the comments set forth above, APCO supports the proposals in the Commission's *NPRM*.

Respectfully submitted,

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

By: /s/
Robert M. Gurss
Regulatory Counsel
(202) 236-1743 (m)
gursr@apcomail.org

APCO Government Affairs Office
1426 Prince Street
Alexandria, VA 22314
(571) 312-4400