

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of: )  
 )  
Implementation of Sections 309(j) and 337) of the ) WT Docket No. 99-87  
Communications Act of 1934 as Amended; )  
Promotion of Spectrum Efficient Technologies on )  
Certain Part 90 Frequencies )

**COMMENTS OF APCO**

The Association of Public-Safety Communications Officials-International, Inc. (“APCO”) hereby submits the following brief comments in response to the Commission’s *Public Notice*, DA 12-926, June 13, 2012, seeking comment on the Petition for Clarification and/or Declaratory Ruling request of the Telecommunications Industry Association (TIA) filed on May 21, 2012 (“Petition”). The Petition was filed in response to the Commission’s action relieving licenses in the 470-512 MHz band of the “narrowbanding” requirement to operate using channel bandwidth of no more than 12.5 kHz or equivalent efficiency. Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended; Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies, *Order*, WT Docket No. 99-87, RM-9332, DA 12-642 (April 26, 2012).

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

The Petition explains that the *Order* is ambiguous regarding whether it permits the type acceptance of new wideband (25 kHz)-capable equipment for the 470-512 MHz band. Such type-acceptance for land mobile frequencies below 470 MHz is prohibited as of January 1, 2011. APCO agrees that the *Order* is ambiguous, and with TIA's recommendation that the Commission should clarify that type-acceptance of wideband equipment for use in the 470-512 MHz band will continue to be permitted so long as the band continues to be used for land mobile radio. Many 470-512 MHz band licensees are likely to need to continue wideband operation until forced to vacate the band pursuant to recent legislation.<sup>1</sup> For many, there is no immediate alternative to remaining in the band for as long as possible, as there is no current funding available for relocating entire systems to other spectrum. Moreover, in many cases there is no new spectrum available to meet current users' requirements. Licensees in the 470-512 MHz band should therefore have the ability to acquire new, type-accepted radios with wideband capability to maintain the viability of their critical communications systems.

Therefore, for the reasons set forth above, APCO supports the TIA Petition.

Respectfully submitted,

/s/

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June 27, 2012

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<sup>1</sup> Section 6103 of the Middle Class Tax Relief and Job Creation Act of 2012.