

**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 IN RESPONSE TO PETITION FOR RECONSIDERATION

The Association of Public-Safety Communications Officials-International, Inc. (“APCO”) hereby submits the following comments in response to the Petition filed by the Orange County Sheriff’s Department (“Orange County”)¹ seeking reconsideration of the Commission’s *Report and Order*, FCC 12-55, May 24, 2012, 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.

¹ 77 Fed. Reg. 53163 (Aug. 31, 2012).

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 *Report and Order* modified the Commission's rules 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.² APCO had expressed concern regarding certain aspects of the proposed rule changes, and supported provisions in the final rules intended to prevent interference to 800 MHz public safety systems, especially in those in regions where the 800 MHz reconfiguration process (a.k.a. "rebanding") is still underway.³

Orange County's Petition for Reconsideration presents new information suggesting that Sprint Nextel's early deployment of CDMA in Southern California may have caused, and could continue to cause, interference to public safety systems that have not yet reconfigured. At minimum, the information in the Petition suggests the need for the Commission to "reconsider" its *Report and Order* to determine if additional protections are needed. Orange County urges that the Commission prevent further deployment (including testing) in regions in which rebanding is not complete or, in the alternative, at least adopt enhanced notification provisions. As Orange County explains, the minimal notice provided by Sprint Nextel did not provide public safety agencies with meaningful warning or information regarding the specifics of its CDMA deployment. APCO agrees, and believes that further information and cooperation could prevent future instances of interference.

² In portions of the Southeastern United States, the ESMR band includes 813.5-821/858.5-866 MHz.

³ Comments of APCO (Aug. 1, 2011) in response to *Public Notice*, DA 11-1152, rel. June 30, 2011; Comments of APCO (Apr. 1, 2012) in response to *Notice of Proposed Rulemaking*, FCC 12-25, rel. Mar. 9, 2012.

CONCLUSION

Therefore, for the reasons set forth above and in the Orange County Petition, the Commission should reconsider its *Report & Order* in the above-captioned proceedings.

Respectfully submitted,

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

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