

APCO REPORTS

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Public Safety moved closer to enjoying the benefits of its six newly allocated megahertz in the 800 MHz spectrum during October as comments and reply comments were filed with the Federal Communications Commission in Gen. Docket 87-112, which involves development and implementation of a National Plan and establishing rules and standards for use of the 821-824/866-869 MHz Public Safety bands. APCO filed reply comments with the FCC on October 28 in response to a small number of negative comments filed on the National Public Safety Planning Advisory Committee (NPSPAC) Final Report. NPSPAC's Final Report, detailing the parameters of the planning process for Public Safety communications spectrum use, was delivered to the Commission in mid-September.

APCO also delivered comments to the FCC in October taking exception to portions of the FCC's Notice of Proposed Rule Making in PR Docket 87-312 to permit direct licensing of commercial entities on Special Emergency Radio Service frequencies, and on the Commission's Notice of Inquiry (PR Docket 87-213) into additional trunking possibilities in the Private Land Mobile Radio Services.

Land mobile radio interests as a whole suffered a setback during October when the Commission put an indefinite hold on the further sharing of unused portions of the UHF spectrum currently assigned for television broadcasting. The Commission voted unanimously October 15 to delay its decision until after completion of a report by a recently appointed committee studying the implementation needs of High Definition Television in the United States. The committee, made up of broadcast interests, could take up to two years to complete its investigation.

TELECOMMUNICATOR TRAINING CORRECTION: The September edition of APCO REPORTS was in error when we reported that the State of Connecticut had passed legislation requiring structured training and certification for all public safety telecommunicators working within its jurisdictional boundaries. What Connecticut has is a "statutory requirement of the Bureau of Statewide Emergency Telecommunications to provide technical assistance to municipal and state public safety organizations" in the telecommunicator training area. We regret the error.

NATIONAL PLAN REPLY COMMENTS: The overwhelming agreement of NPSPAC members and the near unanimous acceptance by the Public Safety community of NPSPAC's Final Report were reflected in the limited opposition expressed in final comments on the Commission's Notice of Proposed Rule Making in Gen. Docket 87-112. Only an approximate dozen comments were filed with the FCC on the Final Report, which outlines recommendations for a National Plan and guidelines for regional decision making on Public Safety spectrum use.

While relatively few issues were raised in the comments of parties on the Final Report, APCO identified several issues which warranted rebuttal in its reply comments filed with the Commission October 28. Objections to the Final Report formed along four general lines of interest and APCO organized its reply comments accordingly.

Industrial Associations: Three associations of eligibles under the Commission's Part 90 Rules in the Industrial category -- the American Petroleum Institute (API), the Special Industrial Radio Service Association (SIRSA), and Forest Industries Telecommunications (FIT) -- urged the Commission to move more swiftly than recommended by the Final Report in taking away Public Safety communications channels and diverting them to industrial use. APCO replied that the time frames recommended by

NPSPAC, calling for a long-range, incremental return of unused spectrum to the Commission, are realistic in light of the incipient nature of the national planning effort and the slowness of government decision making and purchasing practices. APCO also pointed out that when the six new megahertz of Public Safety spectrum was allocated in the 800-900 MHz proceeding, the Industrial Services were also allocated additional spectrum. APCO said this fact is conspicuously absent from their Final Report comments and APCO suggested these Industrial Services set their own houses in order and organize use of their own new spectrum before seeking Public Safety spectrum through an attack on a well-considered Public Safety plan for spectral efficiency.

FIT contended that Regional planning groups recommended by NPSPAC should not plan for reuse of VHF frequencies vacated by Public Safety agencies moving to the 800 MHz band, arguing instead that such frequencies should be released immediately for use by the forest products industry. This request betrays the public safety planning process called for by Congress, proposed by the Commission and developed by NPSPAC, APCO said. Gen. Docket 87-112 is not a reallocation proceeding, it said, and clearly states that planned use of all available Public Safety spectrum be considered in meeting the needs detailed in the National Plan. APCO added its belief that FIT's need for relief suffers by comparison to the unsatisfied Public Safety VHF spectrum requirements, including those of state foresters and other area-wide government operations. A great deal of work remains to be done before it can be said with any certainty that any portion of the Public Safety spectrum can be labeled as surplus in any geographical area, and frequencies relinquished by one Public Safety entity may serve the needs of another Public Safety organization, APCO contended. It added that NPSPAC has taken those considerations into account in its recommendation for an orderly, measured approach to determining actual frequency needs of the nationwide Public Safety community.

In its comments SIRSA offered the argument that NPSPAC's implementation recommendations "would result in vast amounts of spectrum lying fallow for more than 12 years." APCO's reply reminded the Commission that none is "lying fallow" now, and that the aim of the planning effort, and the self-interest of Public Safety agencies, operate to ensure that Public Safety needs be met as quickly as possible.

APCO noted that the quality of SIRSA's logic attracts further suspicion with its claim that adoption of NPSPAC's recommendations would be "spectrally inefficient". APCO's reply stated that the precise purpose of the Public Safety planning effort is manifesting the spectral efficiency called for by the Commission. SIRSA's contention that allowing regions discretion in administering the plan and determining the fate of new or relinquished spectrum would usurp the "Commission's vital role in balancing the needs of various parties for scarce electromagnetic spectrum" reveals its unfamiliarity with the benefits of having radio users in a given region decide the best use of spectrum in that region, APCO replied.

APCO said the API comments similarly misconstrued the value and impact of regional planning, and displayed little comprehension of the complexities and time involved in state and local governmental budgeting processes. APCO has no quarrel with API's suggestion that the Commission "require that, pursuant to the submission of regional plans, Public Safety users be required to justify their continued use of any channels below 800 MHz," it said, noting that the Final Report recommends doing precisely that, with people who know the status of local frequency availability working within the Regional planning process to satisfy as many requirements as possible with the resources available. However, APCO went further and recommended that any radio user seeking additional frequencies in any radio service in any band be required to justify retention of the frequencies it already has when it seeks an additional assignment.

Finally, APCO pointed out in its reply comments, the Commission's adoption of the NPSPAC recommendations would in no way disrupt the Industrial Services' opportunity to petition the Commission at any time to change its rules and procedures. If petroleum or special industrial or forest products radio users in a given area were fully using the spectrum allocated to them in that given area, and the Public Safety entities in that area were not fully using the spectrum allocated to them, APCO would anticipate that the Commission would be requested to take remedial action. If the situation were reversed, APCO noted, it would petition the Commission for relief.

IMSA/IAFC Comments: The Joint Comments of the International Municipal Signal Association and the International Association of Fire Chiefs (IMSA/IAFC) expressed concern regarding the "expansive, undefined authority of the regional planning organizations," which IMSA/IAFC said is an "infirmity" of the final Report. APCO agreed in urging the Commission to define this authority, and said it has every

expectation the Commission will do so. But APCO strongly disagreed with IMSA/IAFC that this would be an "infirmity" and with their request that the Commission "confirm that regional planning organizations have no authority over any relinquished assignments below 800 MHz. APCO stated that if the regional planning process is to have any meaning at all with respect to the frequencies below 800 MHz, which the FCC has specifically included in the planning process, then the regional planning organizations must address these frequencies and plan for their best use.

APCO also opposed IMSA/IAFC's conclusion that including any relinquished assignments below 800 MHz in the planning process would contradict a NPSPAC recommendation that the details of how relinquished assignments should be approached be the subject of a subsequent proceeding. APCO asserted that the Commission's Report and Order in Gen. Docket 87-112 must make clear that the relinquished frequencies will be part of the planning process. Contrary to the IMSA/IAFC claim, APCO said, NPSPAC recognized that including the relinquished frequencies in the planning process would enhance, rather than detract from, the efficiency and reliability of the Public Safety services.

APCO took strong exception to the IMSA/IAFC plea that all persons currently eligible for special emergency 800 MHz assignments be given "full and equal representation" in all actions of regional planning committees. APCO agreed that the interests of fire response and emergency medical providers be given full weight on the committees but backed the NPSPAC recommendation that these interests be represented through the governmental entities they serve. APCO noted further that IMSA/IAFC does not champion representation for the entire broad range of special emergency radio service eligibles, and supported NPSPAC's recommendation that all such eligibles be accommodated to the extent possible, but also recognized that emerging priorities may force limitations on some types of eligibles, to the extent of possible exclusions in congested situations, based on the type of communication traffic handled.

APCO contended that IMSA/IAFC comments distort the record by overstating the Final Report's "bias toward system consolidation." It said that while NPSPAC does foresee greater spectrum efficiency in the trend toward system consolidation -- in which 9-1-1 is but one factor -- NPSPAC, APCO and IMSA/IAFC are in agreement that systems should not be forced to consolidate when the result would be adverse to the community or would lessen the quality of the Public Safety services provided to the public.

Mobile Satellite Service Applicants: APCO replied that further opposition comments of the Mobile Satellite Service (MSS) applicants offer no information to this proceeding, pointing out that MSS entities could have participated in NPSPAC, which was an open advisory committee. APCO reminded the Commission that MSS applicants failed to convince Public Safety community representatives who did participate in NPSPAC that mobile satellite service should be accorded a larger role in a National Public Safety Plan than envisioned in the Final Report. It added that if such a service ever becomes available and proves useful to Public Safety operations on a cost-effective basis, there is no doubt it would be considered in the future.

MST: APCO observed that the Association of Maximum Service Telecasters (MST), while supportive of some recommendations of the Final Report, would have the FCC attempt to alter the entire political structure of the United States by "convert (ing) to a licensing system for public safety operations in which communications regions or districts rather than individual jurisdictions are the licensees."

APCO agreed that if individual political jurisdictions were not involved, and it were possible to design one overall public safety communications system to serve all of the Public Safety departments and agencies in the country, spectrum efficiency could be achieved. For that matter, it said, in an extremely simple system design one six megahertz spectrum segment could provide a television entertainment outlet to the entire nation.

APCO strongly disagreed with the MST statement that the "Final Report does not earnestly address the issue of which local government service(s) should be eligible for 'public safety' frequencies." APCO asserted that the Final Report, in fact, is very earnest and specific in insisting that all local government services should be eligible for Public Safety frequencies. MST cited needs of "forestry conservation crews" as "simply not very different from the needs of typical private land mobile users." APCO replied that MST has obviously not watched the news programs of its member stations in the months of August and September, 1987, which showed the burning of seven Western states and the "forestry conservation crews" fighting 24 hours a day for more than two months to save natural resources, homes in the bum area and the lives of the people there. The various state foresters who use these frequencies, it said, provide the only police and fire protection and emergency medical services for vast areas in all parts of the United

States. APCO added the observation that "highway maintenance" crews, whose Public Safety credentials were also questioned by MST, were just as active during the fires in keeping vital transportation services operating, and performing other critical functions.

APCO contended that MST prefers not to understand that any state or local government service can encounter a true emergency at any time and their communications systems must be designed with worst case scenarios in mind. It said MST also badly misrepresents Public Safety's attitude toward cellular mobile telephone service, pointing out that those charged with protecting lives and property of citizens are simply unwilling to depend on a system which is neither cost-effective or capable of supplying their needs in emergency situations.

APCO concluded that the very few negative comments on the Final Report, as discussed above, are without merit. Significantly, it said, the Public Safety community is united in its support of the Final Report and its plans to utilize the new six megahertz frequencies in the most spectrally efficient manner possible. APCO expressed the hope that a Commission Report and Order adopting NPSPAC's recommendations will be released before year's end.

STATE DIRECTORS SUPPORT SPECTRUM RETENTIONS: The National Association of State Telecommunications Directors (NASTD) has merged its substantial support into the efforts of the National Public Safety Planning Advisory Committee (NPSPAC) and APCO, by adoption of a resolution which would help preserve the long-range nature and attributes of the NPSPAC recommendation that at least a small portion of the new 800 MHz Public Safety spectrum allocation remain available over an extended period.

In recognition of the planning and funding difficulties of the tax-supported State and local governmental entities in the United States, NASTD has adopted the following resolution, which agrees with the intent of one of NPSPAC's key recommendations:

WHEREAS the 800 MHz reserve spectrum represents the last available and unallocated frequency band for Public Safety use, and

WHEREAS the National Public Safety Planning Advisory Committee (NPSPAC) has submitted its Final Report to the FCC recommending a time table for reallocation based on a portion remaining indefinitely allocated for public safety use, and

WHEREAS the National Association of State Telecommunications Directors (NASTD) recognizes the urgent need to claim a portion of this spectrum for use by public safety indefinitely;

NOW THEREFORE BE IT RESOLVED that NASTD recommends to the FCC that seven years after the National Plan adoption, 50 percent of the unused spectrum shall be reallocated. Fifteen years after National Plan adoption, 30 percent of the unused spectrum shall be reallocated. The remaining 20 percent shall be retained indefinitely for public safety use.

PRONET PROCEEDING: On October 30 APCO filed comments with the FCC opposing the Commission's NPRM in PR Docket 87-312. Generated in response to a petition from ProNet, a medical communications supplier, the NPRM would amend Part 90 rules to allow the direct licensing of commercial enterprises on Special Emergency Radio Service (SERS) channels. In general, APCO stated that the SERS frequencies are already overloaded with dissimilar and non-emergency licensees, who operate without sufficient recognition of priority for the true emergency medical communications SERS licensees. APCO's comments detailed the harmful effects it believes will result from the rule changes proposed in the NPRM. Additionally, APCO spoke to the Commission's requests for comments on the degree to which interference and overcrowding have resulted from a lack of coordination, and the impact coordination can play in solving these problems and improving the management of SERS spectrum. APCO also responded to the FCC request for comments on whether the Commission should eliminate secondary uses now permitted on the MED channels which are part of the special emergency service.

APCO argued that eligibility rules in SERS must include recognition of prioritized access, since those eligible for SERS spectrum provide vastly dissimilar services on the same channels. It pointed out that among the diverse eligible groups are veterinarians, disaster relief organizations, school buses, beach patrols, communications standby facilities and physically handicapped individuals. Even with medical eligibles, APCO said, there is no differentiation between "medical communications" and "emergency

medical communications", with entities such as hospitals licensed to use SERS frequencies for such purposes as housekeeping and security. APCO noted that the variety of users crowding the SERS spectrum appear unlikely to work together in developing plans for efficient use of the spectrum, and while many States and regions have already developed EMS communications plans, they have been ignored by designated SERS coordinators and have not been recognized by non-EMS eligibles in the SERS spectrum, primarily because the Commission does not enforce these plans, and the proposal to add commercial entities such as ProNet to the list of eligibles will increase the lack of compliance. State and regional EMS plans, it said, should not be subjected to conflicts with commercial interests. APCO commented further that the Commission should devote its attention to prioritizing current SERS users rather than adding further incompatible users.

APCO also strongly recommended that secondary use of MED channels be eliminated. It said there have been numerous documented instances of secondary uses preventing timely emergency medical communications, including repeated cases of school buses competing with ambulances for radio channels. It cited one instance involved teenagers talking between buses while en route to a ballgame. APCO commented that the Commission could alleviate interference from secondary uses of the MED channels by taking the following steps:

- Organize effective coordination utilizing the State and regional EMS communications plans.
- Recommend suitable parameters for antennas and equipment involved.
- Deny additional requests by incompatible services for use of the MED channels.

APCO noted that the Commission has previously recognized that emergency transmissions should take precedence over administrative traffic on the MED channels, and has confirmed its "ample authority" to enforce this requirement in specific cases. APCO contended such problems have been documented sufficiently and that the FCC should take action to eliminate secondary uses of the MED channels.

Approval of the NPRM in the ProNet matter would also, in APCO's stated opinion, prohibit many small rural EMS systems operating on limited budgets from providing high band two-way voice communications which are incompatible with one-way paging services such as offered by ProNet. Prohibitive cost factors, it said, also would come into play because equipment to counteract interference from high-powered, wide-area commercial stations would be too expensive for these rural EMS services. Moreover, APCO added, under the Commission's proposal a single private commercial carrier could license all paging channels in an area without being required to show need, and force EMS users to employ a sole source vendor. APCO recommended that, at a minimum, the Commission should limit both the number of such commercial providers and emergency channel use in an area, possibly to one provider and one channel.

As a final matter, APCO argued that EMS providers within SERS must be part of the National Public Safety Plan, and reiterated that 800 MHz eligibles must be represented by the governmental entities.

ADDITIONAL LAND MOBILE TRUNKING: APCO also responded to the FCC's request for comments in its Notice of Inquiry in PR Docket 87-213 involving additional trunking in private land mobile radio services. Reply comments are due November 20. APCO commended the Commission on its inquiry into permitting additional trunking in the Private Land Mobile Radio Services and expressed the concern it shares with the Commission in maximizing use of the spectrum through all available techniques. While the Commission's notice is focused on all of the private services, APCO stated that the needs of the Public Safety services, unique because of their important functions, must be considered specifically despite similarities with other private radio services in techniques applied and rules governing their use. Rules which are necessary to assure non-interfering use in the other private radio services, APCO said, are generally unnecessary in the Public Safety services.

APCO said that although trunking has been slow to develop due to cost, developing technology and a desire to wait for FCC approval of National and Regional Plans, most of these factors have now been mitigated to a large degree and trunking has moved onto a much faster track. As systems in the 800 MHz spectrum are developed, APCO contended, it is imperative that any reassignment of vacated channels in other portions of the spectrum be considered in light of full spectrum utilization, which must include trunking. APCO agreed that trunking has a very valuable place in Public Safety radio because it offers the potential for sharing among various Public Safety services on a prioritized basis, greatly enhancing spectrum utilization. However, it said, there is and always will be a need for conventional systems. Given that fact, APCO argued that trunking should be permitted, but not required, in all portions of the spectrum, including the lower Public Safety bands.

APCO said it is convinced that its method of frequency coordination, using both a national data base and local coordinators, can provide the direction and control necessary to ensure proper use if rules relative to trunking below 800 MHz are relaxed. It recommended that specific rules relative to channel loading, exclusivity and coordination be developed by the Commission.

APCO also offered its belief that the market will respond with greater equipment availability if trunking is expanded to lower frequencies, which in turn will increase Public Safety interest in trunking those portions of the spectrum. There is no reason, it said, to prohibit such use, contingent on technology being developed to supply viable systems.

UHF SHARING DECISION POSTPONED: Land mobile radio interests endured a major disappointment in mid-October when the FCC voted unanimously to delay indefinitely any decision on the UHF-TV frequency sharing question addressed in Gen. Docket 85-172. The Commission's proposal to vent excess radio frequency demand in eight major metropolitan markets by sharing unused UHF-TV spectrum was initiated in May, 1985. Since then TV broadcast interests have trotted out a series of objections culminating in their claim that portions of the spectrum in question may be needed for development of High Definition Television. The Commission finally acquiesced to that argument, much to the chagrin of land mobile interests, which have argued from the beginning that the HDTV objection is no more than a cover for broadcasting's desire to control as much spectrum as possible.

Resolution of the sharing question now faces a two-year wait as a "blue-ribbon" panel appointed by the FCC investigates development and implementation of advanced television systems. The committee's charter puts it in business until September 30, 1989. The land mobile community has noted that the 22-member panel consists entirely of television industry personnel. However, three sub-committees assigned much of the panel's spade-work are open, and plans are underway within the Land Mobile Communications Council to closely monitor the sub-committees' progress.

ANOTHER FCC VACANCY LOOMS: Already short one member, the Federal Communications Commission could be reduced to three Commissioners in the wake of President Reagan's nomination of Commissioner Mimi Weyforth Dawson to the post of deputy secretary of the U.S. Transportation Department. Dawson, 43, has served at the FCC since 1981. She is a Republican and a strong advocate of telecommunications deregulation. Her term at the FCC was due to expire at the end of June, 1988.

Dawson is nominated to succeed James Burnley at the Transportation Department. Burnley has been nominated as Transportation Secretary, to replace Elizabeth Dole, who left the Department to work on the presidential campaign of her husband, Senator Robert Dole (R-KS). The five-member FCC has not been at full strength since Chairman Mark Fowler resigned and Commissioner Dennis Patrick moved up to the Chairmanship.

HOUSE APPROVES FCC BUDGET NUMBERS: The U.S. House of Representatives has approved a two-year appropriations bill which earmarks \$107.2 million for the FCC in fiscal 1988, and \$109.2 million in fiscal 1989. The 1988 budget figure represents a \$5 million increase over the FCC budget of fiscal 1987. Accompanying the appropriation, the House advised the FCC to speed up the issuing of orders following public notice of decision making, urged the Commission to pay heed to telecommunication trade issues in the decision making process, and asked that limitations be placed on the authority of Commission staffers in important regulatory matters.

APCO INSTITUTE TAKING FORM: Articles of Incorporation have been drafted for the formation of the APCO Institute subsidiary approved in August by the Association Quorum during the APCO National Conference in Baltimore. Under the Articles of Incorporation the APCO Institute would be guided by a five-member Board of Directors serving two-year terms. One Director must be a member of National APCO's Board of Officers and efforts are being made to give other Public Safety-oriented organizations representation on the Institute's Board of Directors.

APCO's 80-Hour Telecommunicator Training Course will be the first offering of the newly formed subsidiary. Other courses on the drawing board include Communications Technician Training, Communications Equipment Procurement, 9-1-1 Emergency Number Implementation and Administration, and Communications Law and Liability for Public Safety. Testing and Certification procedures are to be an integral part of each course.