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May 4, 1978

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5/8/78

Mr. Ernest Landreville  
Executive Director  
APCO  
P.O. Box 669  
New Smyrna Beach, FL 32069

Dear Ernie:

As you requested, we have drafted the enclosed comments to be filed in support of the Petition for Rule-making of AID. Please call me after you have reviewed this draft, so that we can determine if any changes are necessary before filing. Comments are due by May 10, 1978.

Yours very sincerely,



Lawrence J. Movshin

Enclosure

In the Matter of )  
 )  
Petition filed by Audio )  
Intelligence Devices request- )  
ing amendment of Part 89 of )  
the rules to allow the use of ) RM-3094  
low-power type PØ emission )  
devices by Police Service )  
licensees under specified, )  
limited conditions within )  
specified limited frequency )  
bands )

TO; The Commission

COMMENTS OF  
ASSOCIATED PUBLIC-SAFETY COMMUNICATIONS  
OFFICERS, INC.

The Associated Public-Safety Communications Officers, Inc. ("APCO"), by its attorneys, and pursuant to Rule 1.405, herewith submits its comments concerning the above-captioned petition for rulemaking which was placed on public notice on April 10, 1978.

APCO is a non-profit organization established in 1935 representing the interests of public safety radio users. With over 3600 members, including technical, administrative and other communications personnel from public safety entities across the country, APCO is the oldest and largest representative for such users. APCO frequently participates in rulemaking and other proceedings before this Commission, as well as other administrative, regulatory and legislative bodies, in furtherance of its basic objective. APCO also provides frequency coordination locally and nationally for many of the public safety radio services.

Audio Intelligence Devices ("AID") has proposed an amendment to part 89 which would allow licensees in the Police Radio Services to use type PØ emission transmitters without specific authorization from the Commission in connection with surveillance, stakeouts, raids, officer protection, and other such activities. Such devices as are designed within specific technical parameters set forth in the proposed amendment could be used for such purposes on a secondary basis in the frequency range of 136 MHz - 144 MHz and 148 MHz - 174 MHz. According to AID, the proposed amendment would extend to state, county and municipal law enforcement agencies the privilege of using this type of radio direction-finding equipment in a manner similar to that now accorded to Federal law enforcement agencies (as provided under Section 2.807(d) of the Rules).

APCO has previously advised the Commission of its support for Commission initiation of an inquiry into the advisability of rules changes which would permit the use of radio location devices by governmental law enforcement agencies.<sup>1/</sup> APCO does recognize that there are significant issues relating to the technical compatibility of such devices with other authorized uses of the Police Radio Service channels. The Commission should also consider whether more general policy and legal questions could arise from the authorization to use such devices in the tracking

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<sup>1/</sup> See, e.g., "Comments of APCO" RM-2357, filed May 9, 1974.

and surveillance activities of law enforcement agencies. APCO believes that an inquiry responsive to and requesting comment on these general questions, as well as the narrower issues presented by the AID proposal, is essential to any rulemaking procedure designed toward adoption of the relief requested by AID. We would welcome the opportunity to participate in such a Commission-initiated proceeding.

Respectfully submitted,

ASSOCIATED PUBLIC-SAFETY COMMUNICATIONS OFFICERS, INC. (APCO)

By \_\_\_\_\_  
Joseph M. Kittner

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Lawrence J. Movshin

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May 10, 1978