

15000
Officers

Associated Public-Safety Communications Officers, Inc.

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PRESIDENT
FRANK J. DEVINE
NEW YORK POLICE DEPT.
58 - 05 52ND AVENUE
WOODSIDE, NEW YORK 11377

PRESIDENT - ELECT
ALAN L. ARMITAGE
HUNTERDON CTY. COMMUNICATIONS SYST.
ADMINISTRATION BUILDING, MAIN STREET
FLEMINGTON, NEW JERSEY 08822

FIRST VICE - PRESIDENT
JERRY CAMPBELL
COUNTY COMMUNICATIONS DEPT.
104 WEST 4TH STREET
SAN BERNARDINO, CALIFORNIA 92415

J. RHETT McMILLAN, JR., Executive Secretary

1051 CANAL STREET
POST OFFICE BOX 669
NEW SMYRNA BEACH, FLORIDA 32069

904/427-3461
904/427-3462
904/428-8700

SECOND VICE - PRESIDENT
NATHAN D. McCLURE, III
WINNEBAGO COUNTY CIVIL DEFENSE
COURTHOUSE, 402 W. STATE STREET
ROCKFORD, ILLINOIS 61101

1976 NATIONAL CONFERENCE CHAIRMAN
LT. N. S. MISSAILIDIS
N.Y.P.D. COMMUNICATIONS DIVISION
1 POLICE PLAZA
NEW YORK, NEW YORK 10038

1977 NATIONAL CONFERENCE CHAIRMAN
WILLIAM L. MILLER
POLICE DEPARTMENT
1121 S. STATE STREET
CHICAGO, ILLINOIS 60605

November 28, 1975

TO: Members, Public Safety Planning, Engineering and Research
Committees

FROM: The Executive Secretary *JRM*

SUBJECT: Deregulation

Please find attached an advance copy of the BULLETIN editorial for the January issue. It speaks to the subject matter of this memorandum.

Regardless of your feeling regarding the proposed elimination of FCC requirements for annual equipment measurements, I would like to know if there are additional Commission, or other federal agency regulations, that should be under APCO deregulation review.

Your comments will be appreciated at your best opportunity.

cc: Board Officers, Counsels

41 CANDLEPOWER - REGULATED

Happy Birthday! APCO is well on its way to celebrating its Golden Anniversary in 1985. You say that's looking too far ahead? Not really, if we're going to make that 50th birthday celebration during our 50th Annual Conference the bash it deserves to be. We say the FCC should plan at least 25 years ahead. Nine years advance thinking is no big deal for APCO.

Elsewhere in this issue will be found other appropriate comments about our 41st Birthday and progress made by the Association during the ensuing years. In particular, we appreciate the letter of recognition from Chairman Wiley of the Federal Communications Commission that compliments our cover of this issue of the Journal of Public Safety Communications. We hope to have similar such recognition by national figures each year on our way to our Golden Anniversary.

Speaking of federal agencies, we hear a lot these days on the subject of deregulation. Strangely enough, during its formative years, APCO had little fear of over-regulation. Its concern then was not enough of the pertinent kind of regulation. Old timers in APCO must now have mixed feelings about deregulation being a subject of discussion. That, we think, is one measure of progress, of whatever sort, in 41 years.

We suspect that deregulation is one of those general homilies that "everyone" favors but few can live as well without. It's sort of like deciding that the person you now live with is no longer the person you married - so begone! You might be tired of all the restrictions, criticisms, and other irritations inherent in the institution of marriage, but without them you suddenly realize that you, too, are not the person you once were and now just can't get along as well without the filial "regulations".

Gilbert Chesterson said it well: "marriage is an armed alliance against the outside world". That definition seems to also be admirably fit to adorn the edifice

regulation.

The Wall Street Journal recently mentioned this when writing that fresh meat packers have been supporting deregulation until they discovered that they want a government requirement that packers be bonded against financial loss. The Journal also wrote that the National Association of Broadcasters in one envelope sent out a press release praising FCC deregulation proposals. A second release made it clear that NAB wants the FCC to protect them from cable television operators who siphon programs off the air from regular broadcasts.

Land mobile radio users are now considering an FCC proposal to eliminate the requirement for power, frequency, and modulation annual measurements. The comments in this proceeding should be interesting. The basic issue seems refreshingly clear. Should the Commission be as concerned with "how" as opposed to "what"? "What", of course, being optimum use of the spectrum "prevention of interference between users. Prevention, in these terms, could be the use of a truckload of exotic and sophisticated test equipment. Or, it could be a \$49.95 typewriter.

The regulatory concern is, the Commission will have to maintain resources to police the goal to any increased extent that may be necessary under such a rule change. The user concern is, systems will still have to be measured in whatever manner necessary to meet the goal and to maintain operational standards. The bottom line is, do it your way - but do it.

APCO has plowed some new ground in these areas. APCO Public Safety Telecommunication Goals are a good example (editorial September BULLETIN issue). These goals don't say how a thing should be done. They simply state the desired condition that should exist. How such conditions can best be achieved is a subject with myriad possibilities, both now and in the future. So, have fun. Tear into your problems in your own way to your heart's content. But, keep the goals in view. Progress toward goals is the ultimate measurement; not the methods of achievement.

Project 13 also illuminated some aspects of deregulation. In its Project 13

Planning Guidelines Manual, APCO said that priorities in state planning should exist. They should, however, be the priorities established by local entities. Not priorities set by bureaucracies in Washington. APCO said that more innovative thinking was necessary if telecommunication objectives of LEAA programs were to be fulfilled. APCO also made clear the fact that innovative thinking is best done in the states, by the states and for the states.

Federal agencies, least of all, know what local needs are. Even if they know, they typically have few timely innovative contributions to make regarding realistic solutions. This fact is the source of the often heard cryptic statement that regulatory agencies are regulated by those whom they regulate.

Deregulation is fit subject matter for a goal. That takes care of the "What". Now we, as users, face the "how". The goal lends spice to our efforts. Let's enjoy the broth.

Deregulation is a subject to keep in mind as we proceed toward our 50th Anniversary. Could it be there are enough unnecessary regulations that can be eliminated by then for us to believe that history, indeed, repeats itself?