



# APCO Reports

Timely information of special interest to the public safety communications community

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## **APCO files in opposition to commission's proposal on plan for sharing relocation costs. APCO supports a cost sharing mechanism without a reimbursement cap.**

APCO submitted the following in its recent filing:

The FCC has proposed significant modifications to recently adopted rules requiring existing 2 GHz fixed microwave licenses, including state and local government agencies, to relocate 2 GHz microwave facilities through a process of negotiations with PCS licensees. APCO had stated previously its opposition to mandatory relocation for state and local government public safety systems and the case is pending a U.S. Court of Appeals argument and decision.

Originally, when the Commission reallocated the 2 GHz bands, it assured microwave incumbents that under no circumstances would they incur direct or indirect relocation costs, and promised that incumbents would receive "fully comparable" replacement facilities. To accomplish this, the Commission adopted rules which would allow the specifics of relocation to be decided during the negotiation process between the

affected parties. In the midst of these negotiations, the Commission is proposing to change the basic ground rules to the detriment of incumbent microwave licensees.

Prior to the Notice, the Commission staff had assured incumbents and their representatives that Commission

consideration of the cost-sharing proposals would not include significant changes in the current rules regarding mandatory and voluntary negotiations. Yet, what are now billed as "clarifications" in the Notice are in fact major changes that would have a dramatic and detrimental impact on public safety incumbents.

These proposed "clarifications" appear to result from a carefully orchestrated and misleading PCS industry campaign suggesting that many incumbents are taking unfair advantage of the process to demand "excessive" relocation arrangements. This is a specious charge ignoring that the process is working as envisioned by the Commission. When the rules were adopted, both the Commission and the PCS industry recognized that the negotiation process would vary widely from case-to-case and some negotiations would be easier than others. Particularly in the voluntary period, where

*'Rather than change its ground rules in midstream, the Commission should let the process work.'*

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### **APCO International Forms Task Force for PSWAC**

President-elect Marilyn Ward recently formed a task force that is to be APCO's official voice in the Public Safety Wireless Advisory Committee process. This will be in addition to Executive Director Ronnie Rand, who is chairing the PSWAC Transition Subcommittee, and APCO Past President Steve Proctor, who holds a position on the Steering Committee.

The primary focus of this group will be to assess the direction of PSWAC and, as various issues arise, to formulate an APCO position that best reflects the needs of the user community. The task force members have devised a flow chart (see page 2), which will be the initial outline for this mission. Ward said that these are "merely starting points and will remain fluid throughout the PSWAC process". She also is placing great emphasis on user involvement and stresses that the solutions being recommended should be derived primarily by the end users. APCO will be the voice of the user community throughout this project.

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# APCO PSWAC TASK FORCE



This task force will spread itself into every subcommittee of PSWAC and will also meet independently of the PSWAC proceedings to formulate what will be APCO positions. As those positions are established, they will then be interjected into PSWAC as common user needs and solutions.

The next issue of *APCO Reports* will contain the outcome of the PSWAC meetings held in Berkeley, CA on January 8-10. The next meeting will be held in Orlando, February 28-March 1.

## FCC Announces Wireless Bureau Reorganization

In a December news release, acting Chief of the FCC's Wireless Telecommunications Bureau, Michele Farquhar, announced staff and organizational changes that will affect the Bureau. Rosalind Allen is named as the Associate Bureau Chief. Allen, who was previously Chief of the Commercial Wireless Division, will oversee the Policy Division and will be responsible for all policy items within the Wireless Bureau. David Furth, formerly the Deputy Chief of the Commercial Wireless Division will become the Acting Chief of that division.

Other changes in the Bureau include the addition of Michael Hamra, formerly with NTIA, who will serve as legal advisor to the Bureau Chief on public safety, enforcement, and licensing issues; David Wye, of the former Office of Technology Assessment, will serve as the Bureau Chief's liaison with the Office of Plans and Policy, the Office of Engineering and Technology, and the International Bureau on spectrum policy issues; and Yvette Barrett, also formerly with NTIA, will be Farquhar's Confidential Assistant.

Ralph Haller and Gerald Vaughan will continue as the Bureau's principal deputies. Haller will oversee private wireless, public safety, and enforcement, and will serve as the Bureau's principal liaison with industry. Vaughan will oversee auctions and commercial wireless, and will be responsible for all the Bureau's licensing operations.

In her announcement, Farquhar also indicated that she is interested in the possibility of creating a new division to deal exclusively with public safety issues.

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there is no obligation at all to negotiate, it was recognized that it might be necessary for PCS licensees to offer incentives to some incumbents to expedite the difficult and disruptive relocation process.

As the Commission expected, many negotiations are now under way, though many microwave incumbents have only recently received their first contact from PCS licensees or their agents. These negotiations can be extremely difficult and time consuming for public safety incumbents, requiring understaffed agencies to devote scarce time and resources that would normally be assigned to more critical projects. This commitment of time and resources is necessary, however, due to the complexity of relocating multiple path microwave systems and, more importantly, to ensure that public safety communications systems will continue to provide state-of-the-art service and reliability.

Nevertheless, some relocation agreements have already been entered into and PCS service has been or will soon be initiated in some parts of the country as a result. In actuality, there is no significant evidence that the introduction of PCS services to the public is being impeded or that PCS licensees are being unfairly disadvantaged.

To the contrary, most microwave incumbents who have been contacted have readily entered into negotiations

even during the current voluntary period. Agreements are being negotiated at least two to three years prior to any requirement that incumbents even meet with PCS licensees. None of those negotiations would be taking place, let alone resulting in voluntary relocation agreements, if the current rules were as unbalanced as the PCS industry suggests.

Rather than change the ground rules midstream, the Commission should let the process work. The 2 GHz band was reallocated for PCS use on condition that all relocation costs of the fixed microwave licensee were borne by the new PCS licensee. In particular, public safety fixed microwave licensees were subjected to involuntary relocation requirements in specific reliance on the protections afforded by this relocation plan. Having done so, the Commission cannot now proceed to remove some of these protections and shift some or all of the burden and costs of relocation to the incumbent fixed microwave user. Such an arbitrary action would constitute the most blatant form of administrative double talk.

APCO opposes the proposed rule changes in the Commission's Notice, with the exception of reasonable "cost-sharing" procedures which do not artificially cap the costs of relocation.

PSWA

# CALENDAR

**Orlando**

**February 28-March 1**

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