

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the matter of)
)
Amendment of Parts 73 and 74 of the)
Commission’s Rules to Establish rules for) MB Docket No. 03-185
Digital Low Power Television, Television)
Translator, and Television Booster Stations)
and to Amend Rules for Digital Class A)
Television Stations)

To: The Commission

**COMMENTS OF THE
ASSOCIATION OF PUBLIC-SAFETY COMMUNICATIONS OFFICIALS-
INTERNATIONAL, INC.**

The Association of Public-Safety Communications Officials-International, Inc. (“APCO”) hereby submits the following comments in response to the Commission’s *Notice of Proposed Rulemaking (“NPRM”)*, FCC 03-198, in the above-captioned proceeding.

APCO, founded in 1935, is the nation’s oldest and largest public safety communications organization. Most of APCO’s over 16,000 members are state or local government employees who manage and operate communications systems for police, fire, emergency medical, and other critical public safety agencies. APCO is certified by the Commission as a frequency coordinator for Part 90, land mobile radio channels allocated for public safety use.

APCO’s principal concern in this proceeding is with the potential impact of new digital low power television (“LPTV”) stations, translator stations, and booster stations

on public safety land mobile radio systems in the 764-776/794-806 MHz band (TV channels 63, 64, 68, and 69) and the 470-512 MHz band (TV channels 14-20).

As noted in the *NPRM*, the Commission has reallocated TV channels 63, 64, 68, and 69 for public safety radio services, per a requirement in the Balanced Budget Act of 1997. This new spectrum will play a critical role in alleviating dangerous congestion on existing radio systems, promoting greater interoperability among “first responders” to emergencies of all sizes, and facilitating the deployment of new public safety communications tools. Some new public safety radio licenses have already been issued in this spectrum, and new operations are being initiated where interference from, or to, full-power television stations is not an issue. Statewide, geographic area public safety licenses have also been issued in most of country. Unfortunately, new public safety radio operations in most major metropolitan areas cannot commence until the end of the digital television (DTV) transition.

The Commission has proposed that new digital LPTV and digital translator stations be limited to channels 2-59. *NPRM* at ¶28. We strongly support that proposal, and would oppose permitting any new stations on or adjacent to channels that have been reallocated for public safety use. We recognize that LPTV and translator stations are secondary, and would be required to vacate these channels to accommodate public safety or other primary licensees. However, we are concerned that allowing LPTV and translator stations to initiate new operations on channels 60-69, even if on a “secondary basis,” would set the stage for bitter community/political battles between LPTV and translator licensees, and public safety agencies seeking access to critical spectrum.

Public safety needs this spectrum as soon as possible, and cannot afford additional impediments to be placed in the way of critically needed public safety systems.

If permitted, some LPTV and translator stations might opt for channels 60-69 in metropolitan areas, where alternatives are limited, under the false expectation that public safety systems will be slow to develop. Yet, those metropolitan areas are likely to be the very same regions in which new public safety radio systems are in greatest demand, due to severe congestion within existing spectrum allocations.¹ Most states have already received statewide geographic area licenses and, along with other site-specific public safety licensees, could move quickly into this spectrum. LPTV and translator stations planning to occupy such channels would thus be wasting their own scarce resources, and setting themselves up for disappointment and/or potential disputes with public safety agencies.

The NPRM also seeks comments on the appropriate interference criteria between digital LPTV and translator stations and land mobile operations on the same channels. The Commission needs to maintain and enforce strict rules to prevent interference to critical public safety systems, in the new 700 MHz band, and in the existing land mobile radio allocations in the 470-512 MHz band (TV channels 14-20). The latter operations (which include some of the nation's largest public safety agencies) are permitted on selected channels in eleven major metropolitan areas.

While there are existing regulations governing DTV-land mobile interference, we are concerned about the adequacy of those requirements in light of recent interference

¹ While there are certainly areas where public safety systems will be slow to deploy in the new spectrum, those are likely to be in more sparsely populated regions where alternative channels are available for digital LPTV and translator stations.

reports. APCO has recently learned of dangerous disruption to 482-488 MHz (TV channel 16) public safety systems in San Francisco and Los Angeles caused by a new high elevation DTV station on channel 16 in Fresno, California, as well as disruptions to 506-512 MHz (TV Channel 20) public safety communications in Southern New Jersey from WCVB-DT, a DTV station near Boston, Massachusetts. These instances suggest that there may be flaws in the DTV/land mobile interference criteria and modeling used to evaluate channel assignments, at least for areas of the country where very high elevation sites or known refractive communications paths are commonplace.

CONCLUSION

Therefore, for the reasons discussed above, the Commission should not permit any new TV stations in channels 60-69, and should investigate whether existing DTV-land mobile interference rules and modeling practices need to be revised to protect critical public safety radio systems, especially in mountainous areas and regions where paths exist over large bodies of water.

Respectfully submitted,

/s/

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