

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

In the Matter of)
)
Service Rules for the 698-746, 747-762) WT Docket 06-150
And 777-792 MHz Bands)

REPLY COMMENTS

The Association of Public-Safety Communications Officials-International, Inc. (“APCO”), International Association of Chiefs of Police (“IACP”), International Association of Fire Chiefs (“IAFC”), Major Cities Chiefs Association (“MCCA”), Major County Sheriffs Association (“MCSA”), and National Sheriffs Association (“NSA”) (collectively the “Public Safety Organizations”) hereby submit the following brief reply to the Comments of Access Spectrum, LLC, Pegasus Communications Corporation and Telecom Ventures (hereinafter “Access”) filed in the above-captioned proceeding on September 29, 2006. The Public Safety Organizations represent the leadership of our nation’s first responder agencies and the professionals who manage and operate public safety communications systems.

Access has proposed that bidders for certain spectrum blocks at issue in this proceeding be awarded bidding credits if they commit “to offer broadband network and infrastructure and priority access to broadband capacity at no cost to public safety users.”¹ While this is an interesting and innovative concept, the Public Safety

¹ Access Comments at 3.

Organizations reiterate their long-standing position that the 30 MHz of spectrum from the Upper 700 MHz band slated to be auctioned should instead be reallocated for public safety purposes.²

In a concurrent proceeding, the Commission is exploring proposals to facilitate broadband use in a portion of the 700 MHz band spectrum already allocated for public safety.³ However, such band modifications will not add significantly to the spectrum available for public safety. The current public safety allocation in the band is not sufficient to provide for current and future requirements for both narrowband and wideband/broadband public safety communications.

Thus, the Public Safety Organizations have long-supported a reallocation of additional spectrum for public safety in the 700 MHz band. Most recently, the IACP adopted a Resolution to “support the allocation of 30 MHz of spectrum in the upper 700 MHz band to be held in trust for public safety to create a nationwide public safety broadband network.”⁴ Similarly, APCO recently recommended that, “rather than auctioning the spectrum, a more viable approach would be to assign the 30 MHz to a government-created entity that, through public/private partnerships, would construct and

² The Public Safety Organizations recognize that such a reallocation is beyond the Commission’s current statutory authority.

³ WT Docket Nos. 96-86 and 06-169.

⁴ Resolution adopted at IACP Annual Conference, October 17, 2006.

operate a nationwide broadband network to address public safety communications requirements.”⁵ APCO noted that

an auction would forever place control of the spectrum in the hands of commercial enterprises that do not have public safety as their principal, overriding objective. In contrast, assigning the spectrum to a government-created entity with public/private partnerships would ensure that a broadband network developed for the spectrum, while used in part for commercial purposes, would be built and maintained to public safety specifications, including coverage, reliability, survivability, functionality, and on-demand access. Critical first responder communications should not be dependent upon the business plans, successes, or failures of commercial providers.

Therefore, a reallocation of the spectrum, not just bidding credits, is needed to promote public safety communications.

However, *if* the Upper 700 MHz band is auctioned as specified in current law, the Public Safety Organizations would certainly support mechanisms such as bidding credits that would encourage auction winners to provide public safety with access to infrastructure and additional spectrum. As noted above, the current public safety allocation will not be sufficient, and sharing infrastructure may be a worthwhile approach.

⁵ See <http://www.apco911.org/news/2006/20060810APCOStatementAddl700MHzSpectrum.html>

Therefore, the Public Safety Organizations would support the proposed bidding credit if the auction proceeds, but continues to urge that the spectrum at issue should instead be reallocated for public safety.

Respectfully submitted,

ASSOCIATION OF PUBLIC-SAFETY
COMMUNICATIONS OFFICIALS-
INTERNATIONAL

INTERNATIONAL ASSOCIATION OF CHIEFS
OF POLICE
INTERNATIONAL ASSOCIATION OF FIRE
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MAJOR CITIES CHIEFS ASSOCIATION

MAJOR COUNTY SHERIFFS ASSOCIATION

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