

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of:)
)
Spectrum Policy) **ET Docket No. 02-135**
)
)
To: The Commission

**COMMENTS
OF
THE INTERNATIONAL ASSOCIATION OF FIRE CHIEFS, INC.
AND
INTERNATIONAL MUNICIPAL SIGNAL ASSOCIATION**

The International Municipal Signal Association (“IMSA”) and The International Association of Fire Chiefs, Inc. (“IAFC”), by their attorney, respectfully submit their comments in response to the Public Notice inviting comments on issues related to the Commission’s examination of its spectrum policies.¹

I. STATEMENT OF INTEREST

IAFC is a voluntary, professional membership society. Its membership, comprised of approximately 12,000 senior Fire Service officials, is dedicated to the protection of life and property throughout the United States and abroad. IAFC is the major national professional association representing the interests of senior management in the Fire Service. The Fire Service is the largest provider of emergency response medical services (“ERMS”) in the United States.

IMSA is a non-profit organization dedicated to the development and use of electrical signaling and communications systems in the furtherance of public safety. IMSA members, numbering almost 9000, include representatives of federal, state, county, city, township and

¹ DA 02-1331 (Released June 5, 2002).

borough governmental bodies, and representatives of governmental bodies from foreign nations. Organized in 1896, IMSA is the oldest organization in the world dedicated to activities pertaining to electrical engineering, including the Public Safety use of radio technology.

II. COMMENTS

The Public Notice poses 28 separate questions, some containing sub-parts, as part of the review by the Commission's Spectrum Policy Task Force of existing spectrum policies.

IAFC/IMSA direct their comments to questions 22-24 regarding public safety communications.

The views of IMSA/IAFC on each of the three questions regarding public safety communications are set forth below.

22. What mechanisms can be developed to ensure the availability of dependable, interoperable and cost-efficient radio-based and other Communications services among local and state public safety and federal government agencies in their use of spectrum for public safety, law enforcement, homeland security, and critical infrastructure protection?

The Commission and the public safety community have devoted substantial time and resources over the past decade to identifying the spectrum needs of the public safety community and the means of utilizing the allocated spectrum. In 1995, the Commission jointly with the National Telecommunications and Information Administration of the Department of Commerce established the Public Safety Wireless Advisory Committee ("PSWAC"). After extensive analysis and a thorough deliberative process, in September 1996, PSWAC submitted its Final Report to the Commission. That report recommended the allocation of 97.5 MHz of spectrum to meet public safety communications requirements through the year 2010. With that report as a reference document, Congress in the Balanced Budget Act of 1997² directed the Commission to

² Pub. L. No 105-33, Sec. 3004, codified at 47 U.S.C. 337 (a)(1).

allocate 24 MHz of spectrum from the UHF television broadcast band for public safety utilization.

While the issuance of the Final Report fulfilled the objectives set by the Commission in establishing PSWAC, the requirements of the public safety community for securing spectrum and developing implementation protocols was not completed. Consequently, in May 1997, the public safety community created the National Public Safety Telecommunications Council (“NPSTC”). NPSTC continues to meet and advise the Commission on public safety telecommunications needs. Subsequently, with the allocation of the 24 MHz of spectrum for public safety utilization, the Commission in September, 1998 established the “Public Safety National Coordination Committee” (“NCC”) to develop and recommend to the Commission an operational plan to achieve national interoperability on the 700 MHz public safety allocation, and to recommend technical standards to achieve interoperability and network integration.

Substantial resources have been devoted to the analysis and recommendations presented to the Commission by the PSWAC, NPSTC and NCC. These efforts are current in nature, and are well known to the Commission and its staff. These reports and recommendations address the need to ensure the availability of dependable, interoperable and cost-efficient radio-based communication services for local, state and federal public safety agencies. The findings and recommendations of PSWAC and other public safety committees have not been impeached, and remain as valid today as when those reports were submitted to the Commission. Accordingly, the Task Force is directed to the reports and recommendations of PSWAC, NPSTC and NCC to answer the question posed.

A necessary component in achieving the desired end result is adequate funding for requisite telecommunications infrastructure. Since the Commission is not an appropriating agency, IAFC/IMSA respectfully submit that funding issues are best addressed by Congress and by the state legislatures and county and local governmental bodies.

23. Recognizing that many of these special needs for communications capacity are highly variable in time and location but generally low in average traffic level, should the Commission and these users consider novel sharing mechanisms for such spectrum that might be appropriate and what criteria (e.g., very high reliability) would need to be used to determine whether such sharing is advisable?

The simple and direct answer to the principal issue posed is: NO! Without question, the “special needs for communications capacity” are highly variable in time and location while channel occupancy may in some, but not all, instances be generally low in average traffic level. Ideally, public safety communications should approach a zero level, other than for routine and administrative radio traffic. Unfortunately, however, buildings burn, crimes are committed, individuals are injured and suffer health problems, vehicles carrying hazardous materials leak or overturn on highways, and damage occurs to transportation infrastructure. When incidents occur which require first responder actions, communications capability must be instantaneously available to the public safety community.

Public safety agencies currently share available assignments. They do this through trunked radio systems, pooling of public safety channels and sharing of functionally-assigned individual frequencies. Thus, for example, Forestry-Conservation radio channels frequently are used by fire and police agencies in major metropolitan areas. Trunked state, county and local governmental systems are subject to unified management wherein system utilization can be

controlled to give priority to the involved first responders in an emergency situation. Similarly, where individual frequency assignments are shared, public safety agencies commonly defer to those agencies which have immediate priority communications needs.

Sharing outside of the public safety community has proven to be unworkable. In numerous emergency response situations, local fire and police officials seeking to utilize their cellular telephones to provide additional communications capability have been frustrated due to the blockage of the cellular circuits by involved citizens and passers-by contacting friends, family and/or business acquaintances, and by the print and broadcast press who typically capture a cellular circuit and keep the line open on a continuous basis for reporting purposes. Communities do not remove fire fighting apparatus from fire stations and send fire fighters home on Tuesday afternoons in order to use the fire station as a childrens' recreation center because of a statistically low incidence of fire calls during that period of time. Nor does the FAA share its radio channels with other users in the early afternoon time slot due to low density of air traffic during those hours as compared with the morning and evening hours. So, too, the Commission should not "push the envelope" with regard to novel, and potentially very dangerous, spectrum sharing arrangements for public safety communications channels, beyond those arrangements currently utilized by the public safety community in an effort to meet their communications needs under a managed environment entailing shared values, protocols, responsibilities and accountability.³

24. How should the amount of spectrum dedicated for the support of public safety and related functions be determined?

³ NFPA No. 1221, Standard for the Installation, Maintenance, and Use of Emergency Communications Systems (National Fire Protection Association, 1999), requires fire departments to maintain operational control of their communications system. While this standard permits operation within a common public safety network, it does not permit delegation of the public safety function to a third party supplier to operate, maintain and control.

The amount of dedicated spectrum needed for support of public safety and related functions is well established in the PSWAC report. *See* discussion of question 22, *supra*.

WHEREFORE, THE PREMISES CONSIDERED, the International Association of Fire Chiefs, Inc. and The International Municipal Signal Association respectfully submit that the Spectrum Policy Task Force should take into account the reports and recommendations of the Public Safety Wireless Advisory Committee, The National Public Safety Telecommunications Council and The National Coordination Committee in addressing the spectrum needs and utilization means to meet public safety communications requirements. Moreover, mechanisms and protocols for sharing of public safety channels currently are available. “Novel sharing mechanisms” and sharing outside of the public safety community bear a high degree of risk of degradation of the delivery to the public of essential public safety services.

Respectfully submitted,

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July 8, 2002

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