Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Amendment of Sections 90.20 and 90.175 of the	)	
Commission's Rules for Frequency Coordination	)	WT Docket No. 02-285
of Public Safety Frequencies in the Private Land	)	RM-10077
Mobile Radio Below 470 MHz	)	

Comments of the American Association of State Highway and Transportation Officials, International Association of Fire Chiefs, Inc., and International Municipal Signal Association

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SUMMARY

The Association of State Highway and Transportation Officials, International Association of Fire Chiefs, and International Municipal Signal Association respectfully urge the Federal Communications not to adopt the proposal for open coordination on the functionally-specific Public Safety frequencies below 512 MHz (including the contour overlap variation). Not only are the frequencies congested in the major metropolitan areas, thus offering little, if any, opportunity for enhanced sharing between and among Public Safety users, but also the frequency assignments, in particular in the Fire Radio Service, have been established on the basis of informal assignment criteria developed over several decades. Any third-party intervention in that assignment scheme could place the integrity of the communications systems of existing users at risk.

The current frequency coordination system has worked extremely well for the Public Safety community. The overriding public interest calls for continuation of the current program for management of the service-specific Public Safety frequencies below 512 MHz.

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The American Association of State Highway and Transportation Officials ("AASHTO"), International Association of Fire Chiefs, Inc. ("IAFC") and International Municipal Signal Association ("IMSA") respectfully submit their Comments in response to the Notice of Proposed Rulemaking regarding frequency coordination of public safety frequencies in the Private Land Mobile Radio Services below 470 MHz.[1]

I. BACKGROUND INFORMATION

AASHTO is the national association of the state departments of highways and transportation in the 50 states, the District of Columbia, and Puerto Rico. Affiliate and Associate members include City, County and other transportation authorities. Its scope includes all five principal transportation modes; and its major purpose is to foster the development, operation and maintenance of an integrated national transportation system. Through its Special Committee on Wireless Technology (formerly Special Committee on Communications), AASHTO has been active in matters related to wireless telecommunications system design, construction and

[1] 67 Fed. Reg. 67348 (Nov. 5, 2002).

operation for more than 40 years. AASHTO is a member of the Intelligent Transportation Society of America.

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 in the United States.

Relevant to this proceeding is the distinctive nature of the Fire Service. Unlike the other Public Safety services, the Fire Service is overwhelmingly populated by volunteers. Of more than 26,000 fire departments in the United States, more than 19,000 (73.0%) are staffed entirely by volunteers, and more than 3800 (14.6%) are mostly volunteer. Career and mostly career departments constitute only 12.4% of the Fire Service. This is highly important from the perspective that the volunteer (and mostly volunteer) departments, often found in suburban and exurban areas, generally do not have the staffing and budgets to support a telecommunications department or to participate in regional telecommunications planning functions. For these agencies, the Fire Service and the Emergency Medical Service frequency coordinator, coupled with vendor input, effectively constitute the telecommunications planning department.

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 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. IMSA

has a long-stranding relationship with IAFC and provides telecommunications support to the Fire Service.

AASHTO is certified by the Commission as a Public Safety frequency coordinator, with responsibility for the channels dedicated to the Highway Maintenance Radio Service. IAFC and IMSA jointly are certified to coordinate the Fire and the Emergency Medical Radio Services, and together with PCIA to coordinate the Special Emergency Radio Service. Both AASHTO and IAFC/IMSA are certified to coordinate the shared Public Safety Pool and the 700 and 800 MHz band Public Safety frequencies.

II. COMMENTS

The Commission has issued the instant NPRM in response to a Petition For Rulemaking submitted February 21, 2001, by the Association of Public-Safety Communications Officials-International, Inc. ("APCO"). The APCO Petition was a response to the requests by AASHTO, IAFC and IMSA to open the 800 MHz Public Safety Spectrum to competitive coordination, following the Commission's action several years earlier in which, upon reviewing frequency coordination in the private land mobile radio services, it created the Public Safety Pool encompassing the former Local Government Radio Service and the shared Public Safety frequencies below 512 MHz and provided for competitive coordination of that pool by the four recognized Public Safety coordinators. Previously, both the Local Government Radio Service and the 800 MHz public safety pooled frequencies had been coordinated exclusively by APCO.

AASHTO, IAFC and IMSA filed comments with the Commission challenging the premise underlying APCO's Petition For Rulemaking in RM-10077, providing substantive reasons why competitive coordination for the channels assigned exclusively to Emergency Medical, Fire, Forestry, Highway and Police Public Safety functions is not in the public interest.

In the instant NPRM, the Commission takes note of both the arguments raised by APCO in support of competitive coordination as well as the arguments of those parties opposing competitive coordination.[2] Underlying the NPRM is an apparent tone of ambivalence toward the competitive coordination concept for the exclusively assigned Public Safety channels. The Commission requests Comments on three separate approaches:

(i) Fully competitive coordination for all Public Safety channels below 512 MHz;

(ii) Competitive coordination subject to a "contour overlap approach" similar to that adopted in the Refarming proceeding for industrial channels, whereby if the frequency study by the coordinator shows interference potential to existing stations, the coordination would be allowed if the formerly exclusive coordinator or the existing users identified by the frequency study consent[3]; and

(iii) Maintain the status quo.

While maintenance of the status quo always is an option in a rulemaking, the substantive discussion given by the Commission in the instant NPRM strongly suggests that the Commission is not convinced that any change from the current coordination processes is required. AASHTO, IAFC and IMSA continue to support the existing system. These Comments first discuss the Public Safety spectrum environment, followed by evaluating each of the three proposals in the context of that environment.

A. The Public Safety Spectrum Environment

1. Frequency Allocation Approaches

[2] AASHTO and IAFC/IMSA incorporate herein their comments in response to RM-10077.

[3] Silence to a request for concurrence presumably constitutes consent. *See* Appendix B to NPRM at proposed sections 90.20 (c) (3) (iii) and 90.175 (b) (1).

Utilization of the segments allocated for Public Safety in the various radio frequency bands reveals three distinct approaches. In the Low Band, VHF Band and to a large extent in the UHF Band, frequencies were allocated on a block basis to a specified user community, e.g., Fire, Highway, Police, etc. Out of this allocation scheme grew the private frequency coordinator system, whereby the Commission selected a representative of the users eligible in the individual frequency blocks to recommend channel assignments within those blocks. The underlying philosophy was that coordinators who were familiar with, and representative of, their user communities and were neutral with regard to individual licensees best would be able to recommend an efficient scheme for sharing of limited spectrum resources. Those certified to coordinate the functional public frequency assignments were comprised of professional or industry associations representing the various individual frequency block users.

Second, the Commission moved from the allocation of discrete frequency blocks to the allocation of shared radio channels. This occurred both at UHF, where a number of channels were assigned for shared use between and among the various Public Safety services, and also in the 800 MHz frequency band.

Third, the Commission allocated channels for utilization under a master planning process conducted by local and regional planning groups. This occurred at 800 MHz for the Public Safety National Plan frequency allocation, and also at 700 MHz.

The circumstances relating to the use and coordination of frequencies under the second and third spectrum management programs described above are quite distinctive from the block frequency grants. For the shared frequencies in the UHF Band, each of the frequency coordinators has the power to assign those channels. Since those are shared channels, each frequency coordinator is required to notify each of the other three Public Safety coordinators of

the assignments made. Similarly, the Commission opened the former Local Government Radio Service to competitive coordination since "local government" is comprised of all Public Safety functions and there is no particular organization which is representative of local government on a *per se* basis, in contrast to the functionally assigned Public Safety frequencies. While the Commission initially adopted the policy of one frequency coordinator for each of the individual radio services, as it moved toward encouraging more shared use it provided for competitive coordination for the shared frequency blocks. Thus, the shared UHF Band channels and the Local Government Radio Service were consolidated into a generic Public Safety frequency pool, with competitive coordination.

Similarly, the 700 and 800 MHz planned frequency bands are shared by all public safety users. Moreover, the fundamental planning guidelines are established by Regional Planning Committees, thereby reducing the role of the frequency coordinator. Since there is no singular Public Safety function eligible for those channels, and since there is no sole entity which is representative of all Public Safety, the Commission appropriately has recognized that frequency coordination may be conducted by each of the certified Public Safety coordinators.

2. Block Frequency Allocations

The frequencies assigned on a block allocation basis serve as the "work horses" of Public Safety communications. As advances in radio engineering allowed land mobile frequency utilization to progress from Low Band to VHF to UHF, and beyond, Fire, Highway, Police and Public Safety users gravitated to and occupied those bands in order to secure the propagation benefits of the higher range of frequencies as well as to find less congested channels. The frequency coordination process developed as those band were occupied. AASHTO, IMSA and IAFC cannot speak to the Police and Forestry Radio Services, but in the Emergency Medical,

Fire and Highway Maintenance Radio Services utilization patterns developed both formally and informally to establish a frequency management process to provide for compatibility between and among individual licensees. As municipalities, counties and regions expanded, and as their areas of operation interfaced with one another, the geographic coverage of a particular governmental entity's operations expanded and so did its radio system coverage requirements.

The Public Safety functional service coordinators were recognized due to their familiarity with their respective user constituencies and based upon their abilities to represent those constituencies. AASHTO and IAFC/IMSA know their constituents and know the frequency utilization plans in the various communities. These may consist of formally adopted plans where channels are designated for specific functions or coverage, or they may consist merely of hand-written notes found in a notebook describing the assignments made in a geographic area. In the Fire Service, for instance, those plans or notes identify which frequencies are assigned for area-wide mutual aid, which for dispatch, which for rescue, and which for fire-ground communications. Finally, to the extent that the "home" radio service of a Public Safety entity seeking new frequency authority does not have suitable channels available, and to the extent the Public Safety pool channels in that area are not suitable (e.g., due to congestion), the coordinator responsible for that radio service is free to inquire of the other coordinators whether there may be a suitable channel from the frequency blocks for which the other coordinators are responsible.[4] Some of the spectrum bands allocated on the block basis have been in use for a half century or more. Attached as Exhibit 1 to these Comments is a table depicting the relative utilization of the VHF band Fire, Police and Public Safety Pool frequencies in a sampling of major and secondary

[4] In particular, the Forestry Service provides the most substantial opportunity for channel sharing. Whereas Emergency Medical, Fire, Highway and Police operate in urban, suburban and rural areas throughout the country, forestry is largely a rural activity. Thus, the Forestry frequencies often can be shared in the urban and adjacent areas where spectrum congestion most frequently occurs.

market areas. This table illustrates that these channels are heavily utilized and there is extremely limited capacity to accommodate other users. In particular, between the Fire and Police use examined, the Police Service has the lesser burden; yet it is APCO which seeks open access to the other Public Safety services' channels. Attempting to accommodate other users not only requires "shoe-horning" in such additional licenses, but more importantly doing so based only upon a firm knowledge of the current utilization.

B. APCO Proposal for Competitive Coordination

1. General Comments

The APCO Proposal entails a fatal flaw. Coordination of the functionally specific Low Band, VHF and UHF Band frequencies is not comparable to coordination of the Public Safety pool, 700 or 800 MHz Band channels. As described above, the latter channels all are multi-user in nature; and in addition, utilization of the 700 and 800 MHz Bands is planned by regional planning committees. Furthermore, the 700 MHz Band currently is a "green field" waiting to be populated by new users. These conditions are readily distinguishable from the block allocations which (other than for coordinated inter-service sharing) are used by a single Public Safety community and have been so populated for many decades.

2. All Coordinators Are Not Representative of All Users In the Public Safety Pool Below 512 MHz

AASHTO, IAFC and IMSA respectfully submit that the Public Safety coordinators are not representative on a cross-pool basis. AASHTO does not consider itself versed in the specific frequency use and historical development of utilization of the Emergency Medical, Fire, Forestry or Police radio channels, nor do IAFC and IMSA consider themselves versed in the specific utilization protocols with regard to Forestry, Highway and Police radio channels. Equally so, AASHTO, IAFC and IMSA believe that APCO is not representative of Emergency Medical,

Fire, Forestry and Highway users, nor that the Forestry Conservation Communications Association is representative of or knowledgeable regarding the other Public Safety services. As previously discussed, AASHTO, IAFC and IMSA represent, respectively, Highway and Fire service management, the latter of which has extensive emergency medical service responsibility throughout the country. APCO, while presently named the "Association of Public-Safety Communications Officers-International, Inc.," originally was founded as the "Association of Police Communications Officers, Inc." The mere change of an organization's name does not by itself alter its character.[5] Moreover, from an organizational standpoint APCO's membership essentially is comprised of individuals who are dispatchers and technicians.[6] While dispatchers and technicians are critical in the day-to-day operation of Public Safety agency communications systems, dispatchers and technicians are not necessarily *representative* of the Public Safety agencies they serve from a managerial perspective, including the context of spectrum management programs and policies.[7] APCO further has shown its insensitivity to non-police needs by seeking to distinguish between governmental and non-governmental Public Safety agencies with regard to licensee eligibility, notwithstanding that many fire and rescue agencies are operated by volunteer, and in some cases commercial, entities.[8] Functionally, the frequency coordination record is replete with examples of APCO applying different standards to

[5] Similar to the relationship between IAFC and IMSA, APCO long has had a close relationship with the International Association of Chiefs of Police.

[6] Comments of the Association of Public-Safety Communications International in response to Second Notice of Proposed Rulemaking, WT No. Docket 96-86, at 1; *Frequency Coordination in the Private Land Mobile Radio Services* (PR Docket No. 83-737), 103 FCC 2d 1093, 1127 (1986) *("Frequency Coordination").*

[7] *See Frequency Coordination* at 1129, wherein the Commission rejected the request of APCO to coordinate not only the Police Radio Service, but also the Fire, Highway Maintenance and Forestry Conservation Radio Services, taking note of the memberships of the user organizations such as AASHTO, IAFC and IMSA. .

[8] *See Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Service* ("Refarming"), 12 FCC Rcd 14307 (1997).

recommendations for channels in the shared Public Safety frequency pool with regard to police agencies and non-police agencies.[9]

3. Coordination of SERS Frequencies

The Special Emergency Radio Service is comprised of a hybrid of municipal and commercial functions which have both Public Safety aspects and also functionally ancillary responsibilities. Originally, the SERS also contained channels for emergency medical Response, which IAFC and IMSA recommended be spun out into the current Emergency Medical Radio Service. Nonetheless, the SERS consists of residual Public Safety related functions.

The Commission recognized IAFC/IMSA and PCIA to coordinate the SERS due to the dual nature of the service and the ability of the combined talents of both organizations to effectively coordinate that service. There has been no complaint and no request from any of the users regarding change of this arrangement.[10] There has been no demonstration that the user community would benefit from recognition of any additional coordinators for this service.

4. Cost Benefits to Users

Fundamental principles of economics teach that competition drives prices to cost (including a fair return on investment as a cost element). An examination by the Commission of the coordination fees charged by the various Public Safety coordinators would demonstrate that (i) in general the several Public Safety coordinators impose similar charges with regard to coordination for the Public Safety pool frequencies and also in the 800 MHz Band, and (ii)

[9] Similarly, APCO has sought to advance Police over non-police communications needs, as recognized by the Commission in *Frequency Coordination* at 1131. Recently, APCO sought to object to a coordination proposed by IAFC/IMSA for a mobile only SERS assignment on 155.160 MHz, a channel used nationwide for search-and-rescue. APCO's objection was based on the adjacent channel being a Police frequency.

[10] APCO in its initiating Petition for Rulemaking did not seek open coordination for the SERS. *See* NPRM at n. 39.

insofar as AASHTO, IAFC and IMSA are concerned, coordination fees do not vary depending upon whether an applicant is coordinated for a Public Safety pool channel or for a frequency from the block of frequencies with limited eligibility.

The opportunity for some cost savings to the user community arises in inter-service sharing. In those situations, the initiating coordinator assesses its fee, and the coordinator responding to an inter-service share request will impose a separate charge. The APCO proposal would eliminate the need to seek inter-service sharing, and consequently the imposition of the second charge.[11] In any event, inter-service sharing constitutes a small minority of the coordination services provided by any of the Public Safety coordinators; and "the tail should not be allowed to wag the dog."[12]

5. Risks of Competitive Coordination

As described above, utilization patterns have developed within the frequency blocks assigned to each of the five Public Safety functional groups. While the FCC's licensing records are publicly available, the parameters by which frequencies have been coordinated on an historical basis are not a matter of public record. In some cases, the utilization scheme was developed through local planning, and in other cases the utilization scheme was developed by the frequency coordinator having service-specific knowledge of its constituency and selecting frequencies for compatibility based upon that knowledge. At the very least in the Fire Service,

[11] A second charge may, however, be necessary under the Contour Overlap Approach where the second coordinator is called upon to grant concurrence to the primary coordinator. APCO, as the largest of the Public Safety coordinating entities, could set an example by reducing (or foregoing) its fee for processing inter-service sharing requests.

[12] The fees imposed by FCCA are substantially higher than those of the other Public Safety coordinators. If this proceeding is driven by FCCA's fees for inter-service sharing, the Commission should exercise its oversight powers and responsibilities over the certified frequency coordinators to determine whether FCCA's fees are reasonable or should be reduced rather than changing a system that works well as a means of avoiding enforcement of the standards governing frequency coordinators. If the state forestry departments wish to support their association, in part, through high coordination fees, that is their business. But inter-service sharing should not be so burdened.

these records, and likely any local or regional plans which may have been developed decades ago, reside only in the records, notes and institutional memories of the frequency coordinator, having been developed to serve the largely volunteer nature of the Fire Service community.

There is no way that AASHTO, IAFC and IMSA can expect to learn of the functionally specific plans for the Police Radio Service in the many localities and regions throughout the country, nor can APCO have a reasonable expectation of obtaining such knowledge with regard to the Emergency Medical, Fire and Highway frequencies. In contrast to the public record of the frequency assignments made by the Commission, the underlying plans and knowledge on which the coordinations are based constitute the intellectual property of each of each of the coordinating entities, and that information will not readily be shared with others absent not only the reimburse of the costs for compilation and distribution but also compensation as mandated by the Fifth and Fourteenth Amendments to the United States Constitution.

Without the institutional knowledge of each of the functional services, competitive coordination poses a substantial risk to embedded communication services. For example, a Fire Radio Service frequency may be licensed on a mobile-only basis, and utilized for fire-ground communications. Without recognition of the underlying use, another coordinator could deem the channel to be lightly utilized, and so coordinate that channel for a base station or as an operational channel for a police department to use for traffic control purposes. Similarly, there may be regional assignments in the Police Radio Service, including low-power mobile-only channels designated for surveillance activity. Such channels could appear to another coordinator to be lightly utilized, and assigned for an incompatible Public Safety function.

The risk inherent in the APCO proposal is that no one has responsibility for protecting the established utilization patterns and incumbents. Each coordinator becomes a generic Public

Safety coordinator, and has responsibility only for coordinating channels for the next-requesting entity. Should APCO coordinate a VHF Fire frequency for Police use, IAFC/IMSA no longer would have responsibility for those channels or for that coordination service. Nor would IAFC/IMSA receive a fee for reviewing a coordination on a formerly exclusive Fire channel coordinated by APCO. In the highly congested environment currently found in the block frequency allocations in the Low, VHF and UHF bands, every coordination performed by the newly-authorized coordinator places every existing user in that area assigned on that channel (and possibly on adjacent channels) at risk. Whether obliterating the communications to or from an undercover police officer or interfering with communications between fire personnel inside a burning building, opening the service-specific channels to competitive coordination and ignoring the historical assignment patterns is a recipe for disaster.[13]

C. Contour Overlap Analysis

The Contour Overlap Analysis approach suffers some of the same deficiencies as the open coordination approach. Under this approach, the coordinator first must determine if there is a contour overlap with licensees on the service-specific frequencies, and, if so, it must obtain the written concurrence of the service-specific coordinator or of the licensees. Again, it must be recognized that the environment in which the Commission contemplates imposing such a scheme entails the already congested Low Band, VHF and UHF Band service-specific public safety channels.

[13] The concerns express by APCO regarding warehousing of frequencies is, at best, hypocritical. IAFC/IMSA previously have addressed APCO's efforts to "reserve" pool frequencies for police use, and thereafter refusing to concur in assignments made by other coordinators on unused shared frequencies. AASHTO, too, has informed the Commission with regard to APCO's practice of utilizing different assignment criteria for police and non-police utilization of pooled frequencies. The problem with regard to the pooled frequencies is addressed through the open, competitive coordination process for those channels. "Hoarding" is not generally known to be a problem with regard to the block frequency assignments since, as illustrated by the Exhibit to these Comments, those block frequency assignments are heavily utilized.

Once the coordinator has determined there is a contour overlap within the stated parameters, that coordinator must seek concurrence either from the industry-specific coordinator or from the affected licensees. Presumably, the industry-specific coordinator would be entitled to a coordination fee for conducting its own analysis and determining whether or not to provide concurrence. If so, this approach does not differ materially from the current inter-service process; and accordingly, the Commission may as well retain the existing inter-service sharing provisions. If there is no compensation methodology adopted by the Commission, it is likely there will be many instances where there will be no response and silence will be deemed tacit consent. This leaves the users vulnerable and exposed to harmful interference.

On the other hand, the coordinator may go directly to licensees. The rules as proposed would appear to require a response, in the absence of which silence apparently would be deemed as tacit consent. This would burden licensees, especially smaller entities who may not have a professional communications staff to themselves review the information they receive from the requesting coordinator. As previously noted, approximately 73% of fire departments in the United States are volunteer departments, and more than 14% are mostly volunteer in composition. Many of these are in suburban and exurban in nature, and supplement the urban area government-sponsored fire departments. These 22,000 volunteer and mostly volunteer departments typically lack a sophisticated communications expertise capable of evaluating a contour interference study or providing an informed response to a concurrence request. Again, this approach places the current users at potentially substantial risk to their communications systems.

Ultimately, both open coordination and the contour overlap approach suffer from the same inherent flaw: the quality of the information available to the new coordinator. The

Commission itself notes that there may be state-wide VHF mobile systems, mobile-only or itinerant use channels that do not lend themselves to the contour interference study. In any event, as previously noted by IAFC/IMSA, given the level of congestion in the function-specific frequency bands, it is likely that concurrence would be required in virtually every coordination.[14]

D. Notifications And Integrated Coordinator Database

The Public Safety coordinators today exchange information as a matter of routine. It is not the exchange of information, but rather the action expected, or perhaps required, of the coordinator receiving the information. If the Commission intends to impose a requirement that each coordinator police the coordinations performed by other coordinators on the now formerly service-specific frequencies, it will be essential to establish a compensation process to support this effort. The processing of information bears a cost component; and if the Commission anticipates that coordinators who do not have a relationship with the applicant perform services in response to the coordinations performed by other Public Safety coordinators, a mechanism to compensate such coordinators will need to be established.[15]

With regard to the four certified Public Safety coordinators developing a common, automated database, the Commission should be aware that this concept has been discussed within the Public Safety Communications Council for more than a decade, and no agreement has been reached.

E. Retention Of Exclusive Frequency Coordination

AASHTO, IAFC and IMSA have detailed above the concerns, and indeed the risks, of opening coordination on the function-specific Public Safety channels to all of the four

[14] *See* NPRM at ¶ 23.

[15] The coordinators must be extremely careful with regard to any agreement regarding fees in order to avoid exposure to (and even a claim of violation of) the anti-trust laws.

recognized Public Safety coordinators. Inherent in the Commission's consideration of this issue is the benefit expected. As discussed above, and as illustrated by the exhibits to these Comments, the congestion in the Fire Radio Service on the fire-only frequencies illustrates that there is little to be gained by adoption of this proposal. As reflected above, the answers to the Commission's inquiry "on whether incumbent sole coordinators have employed individualized spectrum recommendation parameters when coordinating, whether competitive coordinators would adhere to any such parameters, and, if not, whether non-adherence would be disruptive to public safety communications,"[16] most assuredly are: (i) Yes, the coordinators have relied upon non-public parameters regarding system utilization and assignment of frequencies; (ii) No, competitive coordinators would not be knowledgeable with regard to such parameters and thus would not adhere to them, and (iii) Yes, such non-adherence would be disruptive to Public Safety communications.

The concept of open, competitive communications for the function-specific Public Safety channels was ill-advised when advanced, was apparently motivated out of retaliation by APCO against the other Public Safety coordinators for seeking the opportunity to coordinate the shared public safety spectrum, bears the prospect of little opportunity to the user community for reduced fees, and entails enormous risk to entrenched communication systems. The analogy to competitive coordination for the shared Public Safety frequency pool, and for the 700 and 800 MHz bands, is inapplicable since (i) those frequencies are shared to begin with, (ii) at 700 and 800 MHz there are spectrum management plans that must be followed, and (iii) there are no long-embedded utilization plans applicable to those frequencies.

[16] NPRM at ¶ 29.

WHEREFORE, THE PREMISES CONSIDERED, the American Association of State Highway and Transportation Officials, International Association of Fire Chiefs, Inc. and International Municipal Signal Association respectfully submit that the Federal Communications Commission should retain the time-proven and effective exclusive frequency coordination process currently provided for the function-specific Public Safety frequency allocations below 512 MHz.

Respectfully submitted,

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Exhibit 1

Illustration of Channel Loading on The VHF Band Exclusive Fire and Police Frequencies and in the Public Safety Pool

Methodology:

Base Stations (call signs) within 75 mile radius of designated cities/locations divided by number of VHF channels

	Fire	Police	P.S. Pool
St. Louis, MO	22.9	9.2	7.5
Hillsborough County, N.H.			
(suburban to Boston)	30.4	13.2	9.4
Benton County, OR			
(Corvallis, OR)	13.7	2.8	2.7
Texarkana, AR and TX	6.0	3.2	3.5
Huntington, WV	7.0	3.2	5.1