

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

In the Matter of)	
)	
Revisions to Rules Authorizing the Operation of Low Power Auxiliary Stations in the 698-806 MHz Band)	WT Docket No. 08-166
)	
Public Interest Spectrum Coalition, Petition for Rulemaking Regarding Low Power Auxiliary Stations, Including Wireless Microphones, and the Digital Television Transition)	WT Docket No. 08-167
)	

COMMENTS OF APCO

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 08-188 (released August 21, 2008) in the above-captioned proceedings.

Founded in 1935, APCO is the nation’s oldest and largest public safety communications organization. Most of APCO’s nearly 16,000 members are state or local government employees who manage and operate communications systems for police, fire, emergency medical, forestry conservation, highway maintenance, disaster relief, and other public safety agencies. APCO is the largest FCC-certified frequency coordinator for Part 90, Public Safety Pool channels, and appears regularly before the Commission on a wide variety of public safety communications issues.

The Commission proposes that it adopt rules to (a) prohibit further operation of low power auxiliary stations within the 700 MHz band after February 17, 2009; and (b) prohibit the

manufacture, import, sale, offer for sale, or shipment of devices that operate as low power auxiliary stations in the 700 MHz band. APCO strongly supports these proposed rules as there is a very real danger of interference from the low auxiliary devices to public safety land mobile radio systems.

As of February 17, 2009, the 700 MHz public safety spectrum will finally be cleared of broadcast stations, making way for immediate public safety operations anywhere in the nation.¹ All 50 states already have state-wide licenses to operate in the band, and many currently operate dual-band 700/800 MHz band radios that could be quickly deployed on 700 MHz channels. In addition, local governments throughout the nation (many of which also have dual-band radios) will soon be obtaining 700 MHz licenses consistent with regional plans, and they too will be free to initiate operation after February 17, 2009.

The Commission is correct to be concerned about potential interference from auxiliary devices to public safety radios. Much of the current low power auxiliary use is for auxiliary broadcast operations and for wireless microphones that can be found almost anywhere large groups might gather, such as schools and colleges, hotels, convention and conference centers, places of worship, theaters, concert venues, night clubs, sports venues, etc. The danger is that wireless microphones being used in such locations could interfere with first responders' 700 MHz public safety radios in the vicinity.² Therefore, APCO supports the Commission's proposed restrictions on low power auxiliary operations in the 700 MHz band.

¹ There are already some 700 MHz public safety operations in those stations that do not have full power TV stations on the relevant channels (*e.g.*, portions of Ohio, Virginia, Mississippi, Arkansas, and Arizona).

² Indeed, one can imagine an emergency at a public gathering where somebody uses a wireless microphone to direct an evacuation, not realizing that they are disrupting radio communications for first responders arriving on the scene.

APCO is also very concerned with the substantial number of wireless microphones that are now being used in the 700 MHz band without proper FCC authorization. Thus, APCO urges the Commission to take aggressive steps to eliminate those nonconforming uses as quickly as possible.

Respectfully submitted,

/s/

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