

MHz”) band. Retention of the dedicated Public Safety Pool is essential to ensuring public safety entities have the spectrum resources they need to fulfill their lifesaving missions.

II. REGULATIONS PROMOTING PUBLIC SAFETY REMAIN ESSENTIAL AND SHOULD NOT BE REPEALED OR MODIFIED

A. Emergency Communications Centers Must Receive Timely and Actionable Information about Outages that Potentially Could Affect 9-1-1 Service

Promoting public safety remains an enduring and fundamental priority of the Commission. In furtherance of this core priority, the Commission must retain its common-sense requirement that communications providers notify ECCs of 9-1-1 outages that potentially affect them.³ ECCs can take steps to mitigate the impact of an outage if they receive timely and actionable information about the outage. For example, ECCs can inform the public to dial an alternative ten-digit number to contact 9-1-1, which, while not ideal, can make the difference between receiving emergency assistance and making a call that cannot be answered. In determining whether and how to take steps to mitigate an outage’s impact, ECCs consider a combination of factors, such as the anticipated time to restore service, the nature of the impact of the outage, and the number of people and size of the area impacted. Providing ECCs with timely and actionable information empowers ECCs to make these decisions to promote continuity of essential 9-1-1 service.

APCO disagrees with those commenters who suggest that these 9-1-1 outage notification requirements should be amended or repealed. These commenters fail to justify their requests with new, substantive evidence, but instead repeat arguments that the Commission previously considered and rejected. ACA Connects reiterated its previous concerns about the 9-1-1 Outage Order’s “tight notification deadlines and other prescriptive mandates” as well as “the potential

³ Amendments to Part 4 of the Commission’s Rules Concerning Disruptions to Communications; Improving 911 Reliability; New Part 4 of Commission’s Rules Concerning Disruptions to Communications, PS Docket No. 15-80, PS Docket No. 13- 75, ET Docket No. 04-35, Second Report and Order, 37 FCC Rcd 13847 (2022) (“9-1-1 Outage Order”).

for over-notification of public safety answering points.”⁴ The Competitive Carriers Association “maintains that the 30-minute notification requirement is both unnecessarily burdensome and may result in false or over alerting,” expressly acknowledging that it is “repeatedly” raising the same concerns.⁵

Commenters also fail to explain how repealing or modifying 9-1-1 outage reporting requirements would adhere to the guiding policy principles set forth in the Commission’s Public Notice. While, as the Commission noted, “[t]he costs and benefits of a rule are relevant to retrospective review in multiple ways,”⁶ the 9-1-1 Outage Order is not conducive to retrospective review because it is only now going into effect. Compliance with the 9-1-1 Outage Order only became effective on April 15, 2025. It would therefore be premature for the Commission to conclude that the circumstances underlying these rules have changed, or that the rules have imposed excessive costs on covered service providers without providing benefits to ECCs and the public that exceed any such costs. In addition, the Commission cannot yet “ascertain ... whether [the 9-1-1 Outage rules] actually produce the benefits the Commission originally predicted they would” or “whether experience gained in the implementation of [the 9-1-1 Outage Order] provides reason to believe that the rule is unnecessary or inappropriate.”⁷ Nor can the Commission conclude that there have been “repeated waivers of the rule, which could suggest that the rule is unnecessary, inappropriate, or at least ill-suited to its purpose,”⁸ “unexpected or anomalous outcomes or variations in the benefits and burdens of the rule as applied in otherwise

⁴ Comments of ACA Connects, GN Docket No. 25-133, at 16 (Apr. 11, 2025).

⁵ Comments of the Competitive Carriers Association, GN Docket No. 25-133, at 15 (Apr. 11, 2025) (CCA Comments).

⁶ Public Notice at 2.

⁷ *Id.* at 3.

⁸ *Id.*

similar circumstances,”⁹ or “particular harms for certain categories of entities, such as entrepreneurs and other small businesses.”¹⁰ The Commission could also not determine that “experience demonstrate[s] that [the 9-1-1 Outage Order] has fully achieved its objective such that it no longer is needed going forward.”¹¹

Given the enormous public safety and public policy benefits of the 9-1-1 outage reporting requirements and the absence of empirical evidence that the order’s costs outweigh its benefits, or that the order would otherwise satisfy this proceeding’s other criteria for re-evaluating the efficacy of a rule, we respectfully request that the requirements adopted in the 9-1-1 Order not be eliminated or revised pursuant to this proceeding.

B. Public Safety Regulations Should Remain Outside the Scope of this Proceeding

APCO urges the Commission to reject commenters’ additional attempts to use this important deregulatory initiative – intended to spur investment and innovation – as a vehicle for unwinding a host of important public safety regulations. For example, some commenters request the removal of requirements related to the performance of our nation’s emergency alert system during nationwide tests. NCTA suggests that the Commission should “eliminate required reporting related to the nationwide [Emergency Alert System] test.”¹² As the Commission has stated, however, the purpose of the nationwide EAS test is to assess the system’s effectiveness.¹³ Such an assessment would be impossible without nationwide EAS test reporting. The nation’s

⁹ *Id.*

¹⁰ Public Notice at 3.

¹¹ *Id.*

¹² Comments of NCTA – The Internet & Television Association, GN Docket No. 25-133, at Appendix p. 6 (Apr. 11, 2025).

¹³ *See, e.g.*, Amendment of Part 11 of the Commission’s Rules Regarding the Emergency Alert System, PS Docket No. 15-94, Report and Order, 33 FCC Rcd 3627 at para. 5 (stating that “the purpose of the tests was to assess the reliability and effectiveness of the EAS”).

emergency alert and warning systems are vital to promoting safety of life and property, but they can only serve this purpose if they work as intended during an emergency.

Additional comments raise a range of public safety regulations, such as adjusting the Commission's network outage reporting thresholds,¹⁴ modifying rules regarding Next Generation 9-1-1 ingress points,¹⁵ or removing or curtailing 9-1-1 location accuracy reporting obligations.¹⁶ These policies and regulatory frameworks were adopted and implemented after careful consideration of relevant competing factors that have wide-ranging public safety implications. Accordingly, APCO respectfully requests the Commission refrain from eliminating or revising these public safety regulations pursuant to this proceeding.¹⁷

C. Existing 800 MHz Coordination Pool Classifications Serve the Public Interest and Should Be Retained

APCO opposes EWA's recommendation to eliminate eligibility-based frequency pools in the 800 MHz band.¹⁸ EWA's recommendation disregards the rationale behind the initial 800 MHz pool classifications, which ensure that specific user groups (e.g., public safety, critical infrastructure, and business/industrial users) have adequate access to interference-free spectrum. These pools are necessary to prioritize and create distinctions between business and essential services, and to ensure entities with critical public safety communications needs are not

¹⁴ Comments of CTIA – The Wireless Association, GN Docket No. 25-133, at 8, A-6 (Apr. 11, 2025).

¹⁵ CCA Comments at 17.

¹⁶ *Id.*

¹⁷ The Commission is already considering whether there are 9-1-1 outages that are not captured by its existing outage reporting requirements and whether outage notification thresholds should be revised. To the extent the Commission believes it is appropriate to recalibrate its outage notification requirements, we encourage the Commission to do so in the context of these open public safety-specific dockets. *See* 9-1-1 Outage Order at n. 86 (directing the Public Safety and Homeland Security Bureau “to gather for future consideration information on the volume of 911 outages that may go unreported under the Commission’s existing outage notification thresholds and seek additional comment on possible alternative outage reporting thresholds”); *Facilitating Implementation of Next Generation 911 Services (NG911), Improving 911 Reliability*; PS Docket No. 21-479, PS Docket No. 13-75, Further Notice of Proposed Rulemaking, FCC 25-21 at para. 35 (rel. March 28, 2025) (asking questions about outage reporting in the context of next generation 9-1-1).

¹⁸ Comments of the Enterprise Wireless Alliance, GN Docket No. 25-133, at 1-2 (Apr. 11, 2025).

outcompeted for access to 800 MHz spectrum by profit-driven, well-funded commercial interests.

APCO continues to work with the Frequency Advisory Committee (FAC) community to ensure spectrum availability to all eligible entities in the 800 MHz band. When pool assignments are utilized properly, FACs can ensure proper and efficient use of channels in the band. While the 800 MHz “rebanding” process provided some flexibility in frequency assignments during transition periods, it was not intended to permanently erase eligibility distinctions. Pool assignments allow different user agencies in specific verticals access to the spectrum resources they need, when they need them.

Further, existing regulations provide sufficient flexibility for inter-category spectrum access when such access is necessary and in the public interest. The current waiver process allows for enhanced “cross pool sharing” in the 800 MHz band, as needed and agreed upon, with proper Commission oversight that ensures public safety needs are appropriately balanced with opportunities for increasing spectrum usage. Removing the existing pool classifications could create a “first-come, first-served” dynamic that favors opportunistic, well-resourced applicants over smaller public safety or utility users who rely on designated spectrum access.

The 800 MHz “Public Safety” pool classification also appropriately recognizes that public safety entities are uniquely situated. Public safety spectrum planning and implementation using the 800 MHz band is based on multiple factors, including jurisdiction-specific complexities such as system procurement processes and funding availability. Unfortunately, these factors do not support an expedited path to licensing and implementation. In most cases, these processes take years to complete. Maintaining distinct public safety pool assignments provides agencies with the necessary time to navigate the licensing process for such complex

systems. Reclassifying all frequencies into a general pool might benefit commercial entities but would do so at the expense of those serving the public interest and protecting safety of life and property.

III. CONCLUSION

APCO appreciates this opportunity to provide the Commission with information in support of retaining critical public safety regulations and policies. APCO is grateful to the Commission for its continued commitment to promoting public safety as a core priority.

Respectfully submitted,

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