

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

In the Matter of)	
)	
Unlicensed Use of the 6 GHz Band)	ET Docket No. 18-295
)	
Expanding Flexible Use in Mid-Band Spectrum)	GN Docket No. 17-183
Between 3.7 and 24 GHz)	

**APCO INTERNATIONAL REPLY TO OPPOSITIONS TO THE PETITIONS FOR
RECONSIDERATION**

The Association of Public-Safety Communications Officials-International, Inc. (APCO),¹ submits this reply to the oppositions to the petitions for reconsideration filed in the above-captioned proceeding.² The Commission must reverse course on expanding unlicensed use of the 6 GHz band until it remedies the deficiencies with the approach and ensures a framework is in place to protect public safety communications from interference.

The current approach to expanding unlicensed use of the 6 GHz band introduces a substantial threat to public safety. Public safety agencies use the 6 GHz band for mission critical systems that support operational needs such as dispatching first responders and maintaining voice communications during incidents. Disruption to these systems could have dire consequences. Assistance to the public could be delayed. Law enforcement officers, emergency

¹ Founded in 1935, APCO is the nation’s oldest and largest organization of public safety communications professionals. APCO is a non-profit association with over 35,000 members, primarily consisting of state and local government employees who manage and operate public safety communications systems – including 9-1-1 Emergency Communications Centers (ECCs), emergency operations centers, radio networks, and information technology – for law enforcement, fire, emergency medical, and other public safety agencies.

² Unlicensed Use of the 6 GHz Band, Expanding Flexible Use in Mid-Band Spectrum Between 3.7 and 24 GHz, ET Docket No. 18-295, GN Docket No. 17-183, *Report and Order and Further Notice of Proposed Rulemaking*, FCC 20-51 (rel. Apr. 24, 2020) (“Order”).

medical technicians, and firefighters might lack the ability to transmit emergency calls for assistance and other information essential for protecting life and property.³

The Commission must vacate the rules expanding unlicensed use of the band and ensure effective measures are in place to prevent, identify, and promptly eliminate interference to public safety communications. Thus, the Commission cannot permit operation of unlicensed devices, whether at the power levels under the current rules, or at increased levels as some petitions for reconsideration seek, until it corrects its Order to ensure that public safety communications are fully protected.

Consistent with APCO's overarching concern that the rules must be vacated, APCO agrees with FWCC that to protect public safety and critical infrastructure links, real-world testing should be mandated before devices are deployed.⁴ This is necessary given that the Commission's 6 GHz sharing framework has critical gaps. For example, the rules fail to ensure that AFCs will have the geo-location information for standard-power access points that is necessary for an AFC to protect incumbents. This should not be a subject of debate. Nonetheless, several oppositions filed in this docket attempt hollow rebuttals rather than constructively address this fundamental flaw in the rules. Dynamic Spectrum Alliance argues that this concern should be dismissed "because the [*sic*] under the multi-layer approach put in place by the Commission to protect incumbents... exclusion zones will adjust depending on the location and location accuracy of the standard power access points [*sic*] geocoordinates and height at the 95 percent confidence

³ As APCO explained in a recent letter, findings from a nationwide survey of public safety agencies confirm the threat to public safety of the current approach to expanding unlicensed use of the 6 GHz band. *See* Letter from Jeffrey S. Cohen, Chief Counsel, APCO International, to Marlene H. Dortch, Secretary, Federal Communications Commission, ET Docket No. 18-295, GN Docket No. 17-183 (July 17, 2020) at 3-4.

⁴ Fixed Wireless Communications Coalition, Petition for Reconsideration, ET Docket No. 18-295, GN Docket No.17-183 (filed June 25, 2020) at 8-12.

level.”⁵ This ignores the point that establishing a confidence requirement does not equate to establishing a requirement on how accurately device locations must be known.

Similarly, Apple et al. seem to be arguing that the Commission’s failure to establish an accuracy requirement is inconsequential because devices will be designed to provide a location estimate to the AFC based on multiple individual fixes that were known with 95% confidence, resulting in estimates for the AFC that are better than the minimum confidence threshold required by the rules.⁶ Even if Apple et al. are correct that the location estimates used by AFCs would probably be more accurate than an individual estimate that complies with the rules’ 95% confidence threshold, and that this principle applies equally whether devices use built-in geo-location capabilities or external geo-location sources,⁷ this too misses the point. The rules should impose a strict location requirement.

The best approach would be to vacate the rules expanding unlicensed use of the 6 GHz band and start anew with appropriate protections as a baseline. With the rules having already become effective, it is imperative for the Commission to immediately change course to meet its statutory obligation to promote the safety of life and property.

Respectfully submitted,

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⁵ Dynamic Spectrum Alliance, Opposition to Petitions for Reconsideration, ET Docket No. 18-295, GN Docket No. 17-183 (filed July 29, 2020) at 20.

⁶ Apple et al., Opposition to the Petitions for Reconsideration, ET Docket No. 18-295, GN Docket No. 17-183 (filed July 29, 2020) at 10-11.

⁷ See Order, para. 42.

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CERTIFICATE OF SERVICE

I, Mark Reddish, do hereby certify that on this 10th day of August, 2020, I caused a copy of the foregoing Reply to Oppositions to the Petitions for Reconsideration to be served by electronic mail on the following:

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