

**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)	

COMMENTS OF APCO INTERNATIONAL

The Association of Public-Safety Communications Officials-International, Inc. (APCO),¹ submits these comments in response to the Federal Communications Commission’s Further Notice of Proposed Rulemaking (FNPRM) in the above-captioned proceeding.² As APCO has explained in a Petition for Reconsideration³ that is pending before the Commission, the current approach to expanding unlicensed use of the 6 GHz band introduces a substantial threat to public safety. The threat to public safety is significant enough to warrant a stay, which APCO has requested.⁴ Further expanding unlicensed use, and loosening restrictions as contemplated in the FNPRM, would be irresponsible.

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

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” and “FNPRM,” respectively).

³ APCO International Petition for Reconsideration, ET Docket No. 18-295, GN Docket No. 17-183 (filed May 28, 2020) (“Petition for Reconsideration”).

⁴ APCO International Petition for Stay, ET Docket No. 18-295, GN Docket No. 17-183 (filed May 28, 2020).

public could be delayed. Law enforcement officers, emergency medical technicians, and firefighters might lack the ability to transmit emergency calls for assistance and other information essential for protecting life and property.

In the 6 GHz Order, the Commission failed to consider public safety, did not adopt effective methods to prevent interference to mission critical communications, and did not require a mechanism to promptly identify and eliminate interference. Ensuring that public safety communications are reliable requires the ability to prevent interference and quickly mitigate interference should it occur. Thus, 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.

The Commission must first correct its mistake of the initial expansion of unlicensed use of the 6 GHz band. Only after sufficient time has passed under a new framework to assess the effectiveness of measures for preventing, identifying, and quickly eliminating interference – and after nationwide deployment at the scope anticipated with hundreds of millions of devices deployed – should the Commission consider further loosening the restrictions on unlicensed use. Nonetheless, the Commission seeks comment on authorizing “very low power” operation, increasing the power spectral density EIRP for low power indoor use operations, permitting mobile standard power access point operation controlled by an automated frequency coordination (AFC) system, and whether to allow higher power levels for AFC controlled standard power access points used in fixed point-to-point applications.⁵ Any of these proposals could increase the occurrence of harmful interference to public safety.

⁵ FNPRM paras. 233-55.

Although considering proposals to further expand unlicensed use of the 6 GHz band is premature, APCO will review the comments filed in response to the FNPRM with a particular interest in how parties address costs and benefits.⁶ The 6 GHz Order failed to consider the impacts on public safety operations as part of a cost/benefit analysis.⁷ While the Commission acknowledged that interference to incumbent users will occur,⁸ it did not specify how much interference it anticipates or what it considers to be the acceptable level of interference to public safety systems. Ultimately, the Commission must have reliable information regarding how expanding unlicensed use would cause interference to public safety communications. As APCO has noted, substantial testing of unlicensed devices under real-world conditions is necessary and should occur before permitting any new unlicensed operation in the 6 GHz band.⁹ APCO remains open to the use of spectrum sharing in the 6 GHz band, provided any spectrum sharing framework is proven to work before putting public safety at risk.

Respectfully submitted,

APCO INTERNATIONAL

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⁶ While APCO remains committed to working in good faith, the legal maneuvering and false narratives that some parties have introduced into the record are cause for concern. In particular, the oppositions filed in reaction to APCO's Petition for Stay suggest that the proponents of expanding unlicensed use of the band are not engaging in a constructive effort to protect or even understand public safety. It is incumbent on the Commission and any company seeking to profit from expanded unlicensed use of the 6 GHz band to move beyond rhetoric and give serious attention to the concerns APCO and other public safety representatives have raised.

⁷ See Order paras. 229-30.

⁸ See *id.* para. 176 ("We encourage the multi-stakeholder group to address any issues it deems appropriate regarding interference detection and mitigation in the event that an incumbent licensee believes it may be experiencing harmful interference from standard-power or indoor low-power operations. These issues would include procedures and processes that could be followed if an incumbent licensee has, or potentially has, an interference complaint."). See also *id.* para 230 ("As explained above, the technical and operational rules are designed to minimize the potential interference to incumbent licensed uses.").

⁹ See Petition for Reconsideration at 6, 13-14.

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