

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

In the Matter of )  
 )  
Reallocation of 470-512 MHz (T-Band) ) PS Docket No. 13-42  
Spectrum )

**COMMENTS OF APCO INTERNATIONAL**

The Association of Public-Safety Communications Officials-International, Inc. (APCO),<sup>1</sup> submits these comments in response to the Federal Communications Commission’s Notice of Proposed Rulemaking in the above-captioned proceeding.<sup>2</sup>

Implementing the T-Band Mandate risks an unjustifiable hardship on public safety agencies. As the Commission noted, multiple estimates have concluded that the costs of relocating public safety licensees would far exceed the potential revenue from an auction.<sup>3</sup> There is a risk that, even with a successful auction and comprehensive approach to covering relocation costs, public safety agencies will not be made whole. As the Commission notes, the destination spectrum bands are not yet determined for relocated licensees.<sup>4</sup> Without knowing whether spectrum is available, it’s impossible to know for sure what the ultimate relocation costs will be. Further, even if the relocation costs are fully covered, public safety agencies will still endure the distraction of changing equipment and troubleshooting new systems during an ongoing public health crisis that is straining operations and budgets.

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<sup>1</sup> 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.

<sup>2</sup> Reallocation of 470-512 MHz (T-Band) Spectrum, PS Docket No. 13-42, *Notice of Proposed Rulemaking*, FCC 20-89 (rel. July 6, 2020) (“NPRM”).

<sup>3</sup> NPRM paras. 9-10.

<sup>4</sup> *Id.* para. 36.

APCO appreciates the Commission’s commitment “under any scenario to ensuring the continuity of such licensees’ public safety mission-critical communications.”<sup>5</sup> In implementing the T-Band Mandate, the Commission should be as protective of public safety as possible. The best approach would be to leave public safety operations alone, and the Commission can take steps to reduce the likelihood that public safety licensees will be forced to relocate. Should public safety licensees be forced to relocate, the Commission must ensure that public safety agencies are made whole.

I. Reduce the Likelihood that Public Safety Licensees Will Be Forced to Relocate

The scope of mandatory relocation should not exceed what’s required by law. Only “public safety eligibles” should be subject to mandatory relocation,<sup>6</sup> not public safety entities operating under certain waivers<sup>7</sup> or non-public safety licensees.<sup>8</sup>

The Commission was wise to propose that relocation should only occur if net winning bids would exceed the total estimated relocation costs for all public safety T-Band licensees subject to mandatory relocation.<sup>9</sup> APCO agrees. The Commission should also not require licensees to relocate on a city-by-city or channel-by-channel basis where bids have exceeded the cost estimates.<sup>10</sup> In the event that only some public safety licensees are relocated, those that remain in the band would face higher costs due to the smaller market for public safety equipment and services in the band.

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<sup>5</sup> *Id.* para. 25.

<sup>6</sup> *Id.* para. 18.

<sup>7</sup> *Id.* para. 28.

<sup>8</sup> *Id.* para. 39.

<sup>9</sup> *Id.* para. 23.

<sup>10</sup> *See id.* para. 24.

II. Ensure Public Safety Licensees Are Made Whole

APCO agrees that public safety licensees should be compensated for any reasonable costs incurred as a result of mandatory relocation.<sup>11</sup> There should not be a cap on costs, and public safety agencies should be given a broad presumption that reported costs are reasonable.

The Commission should take a compressive approach to deciding what should be permissible for relocation costs. A “comparable facility” should be at least as good as the existing system with respect to the system, capacity, quality of service, and operating costs,<sup>12</sup> but other factors should also be considered that may not be easily identified or quantified before the relocation occurs. For example, public safety agencies should be at least as well-situated as they were in terms of factors such as interoperability and coverage.

Respectfully submitted,

APCO INTERNATIONAL

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<sup>11</sup> *Id.* para. 34.

<sup>12</sup> *Id.* para. 30.