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Re: Notice of Ex Parte, ET Docket No. 21-352; ET Docket No. 18-295; GN Docket No. 17-183

The Association of Public-Safety Communications Officials International, Inc. (APCO), submits this ex parte letter to raise concerns with the AFC operator proposals that demand Commission-level attention. The AFC system proposals and supplemental filings have exposed gaps and inconsistencies that need to be addressed, validating several of the concerns raised in a Joint Petition for Rulemaking filed by representatives of public safety and utility licensees.¹ Ignoring these issues puts public safety at risk. APCO urges the Commission to pause the AFC certification process and act on the Joint Petition.²

Following public comments that identified flaws in the initial AFC system operator proposals,³ OET requested supplemental information from each applicant. However, even with the supplemental filings, critical issues remain unresolved, several of which have direct impacts on the ability of the AFC systems to prevent and eliminate harmful interference to licensed users. APCO agrees that, “[w]ith respect to key AFC system functions—like security, [standard power device] location accuracy, propagation parameters, application of building entry loss, and enforcement—there has been no stakeholder consensus on specifications, no Commission clarification, and no specifics provided in the AFC system proposals.”⁴

¹ Petition for Rulemaking of APCO International, Utilities Technology Council, the Edison Electric Institute, the American Public Power Association, the National Rural Electric Cooperative Association, the American Gas Association, the American Water Works Association, the American Petroleum Institute, the Nuclear Energy Institute, the Association of American Railroads, the International Association of Fire Chiefs, and the National Public Safety Telecommunications Council, ET Docket 18-295, GN Docket No. 17-183 (filed Dec. 7, 2021) (“Joint Petition”).

² Relatedly, APCO continues to urge the Commission to act on the joint Request for Stay that was filed in conjunction with the Joint Petition.

³ See, e.g., Comments of APCO International, ET Docket No. 21-352 (filed Dec. 21, 2021) (“APCO Comments”).

⁴ Ex Parte Letter of AT&T, ET Docket No. 21-352 at 3 (filed Apr. 26, 2022) (“AT&T Ex Parte”).

One of the most troubling issues that has been raised in the record is that applicants intend to adopt AFC parameters with significantly different likelihoods of causing interference to licensed microwave links. As others have explained, while the 6 GHz Order specified the propagation models to apply,⁵ the parameters used within those models have not been specified by the rules, applicants' proposals, or OET.⁶ The consequence of AFC operators' proposed parameters has been characterized as having significant implications for how often a standard power device will cause interference to a fixed service link.⁷ If it is true that AFC operators could adopt parameters that permit standard power devices to operate with a 50% chance, or even a 5% chance, of interference to public safety systems, this is cause for alarm.

Compounding the substantive gaps in AFC proposals, the AFC approval process has been a source of additional confusion rather than clarity. Public safety incumbents lack insight into important issues such as the efforts being taken to ensure AFCs will provide adequate interference protection and mitigation procedures; it's unclear whether OET intends to ensure public comments on the AFC proposals are substantively addressed, and OET's requests for supplemental information from prospective AFC operators were not public. We're left to infer what was asked based on the supplemental information provided or in some cases rely upon the applicants' descriptions of the questions.

The record does not enable stakeholders to provide meaningful input. For example, several applicants presented one question from OET as whether the applicant "intend[s] to implement any procedures to receive interference complaints regarding microwave links from standard-power devices, address or resolve such interference complaints, or work with incumbents to resolve harmful interference issues."⁸ This question seems related to APCO's repeated question of how instances of interference will be resolved, yet the applicants' responses fail to provide a clear answer, and public safety incumbents are no closer to knowing what steps to take if interference to their systems occurs.

Several applicants imply that AFCs will only take steps to eliminate interference after incumbents have identified the source as a standard power device.⁹ Yet, as APCO has explained, incumbents are not likely to be able to quickly identify the particular source of interference, determine whether an identified source is a standard power device or low power device, or identify which AFC operator is responsible for the standard

⁵ See *Unlicensed Use of the 6 GHz Band, Report and Order and Further Notice of Proposed Rulemaking*, ET Docket No. 18-295, GN Docket No. 17-183 at para 61-67 (Apr. 2, 2020).

⁶ AT&T Ex Parte at 8-11. Ex Parte Letter of Verizon, ET Docket No. 21-352 (filed May 16, 2022) ("Verizon Ex Parte").

⁷ See Verizon Ex Parte at 2 (explaining that, "By analogy, one wedding planner will move forward with an outdoor venue when there is a 50% chance of rain, while another is more conservative and will only allow an outdoor wedding if the chance of rain is no more than 5%. And further, most AFC system applicants do not specify confidence or reliability values and instead say they will defer to any industry standard that may be adopted. But there is no standard, and there is no timeline for one.").

⁸ Key Bridge Proposal to be Approved as an Automated Frequency Coordination System Operator, ET Docket No. 21-352 at 2 (filed April 22, 2022) ("Key Bridge Supplement"); Response to Commission Questions Regarding Nokia's Proposal to be Approved as an Automated Frequency Coordination (AFC) System Operator, ET Docket No. 21-352 (filed April 14, 2022); Supplement to the Proposal by RED Technologies SAS to Serve as an Automated Frequency Coordination System Operator in the 6 GHz Band, ET Docket No. 21-352, at 7 (filed Feb. 17, 2022) ("Red Technologies Supplement"); Supplement to Proposal from Sony Group Corporation to Serve as an Automated Frequency Coordination System Operator, ET Docket No. 21-352 (filed Feb. 24, 2022) ("Sony Supplement"); Kyrio, Inc. Proposal to be Approved as an Automated Frequency Coordination System Operator, ET Docket No. 21-352 (filed Feb. 25, 2022); Google Proposal to be Approved as an Automated Frequency Coordination System Operator, ET Docket No. 21-352 (filed Feb. 28, 2022); Supplement to Comsearch Proposal to be Approved as an Automated Frequency Coordination System Operator, ET Docket No. 21-352 (filed Mar. 1, 2022).

⁹ See Key Bridge Supplement at 3; Supplement of Plume Design, Inc. to Proposal for Approval as an Automated Frequency Coordination System Operator, ET Docket No. 21-352 (filed Feb. 28, 2022); Red Technologies Supplement.

power device.¹⁰ Requiring that level of certainty in an interference complaint to AFC operators would mean that rather than an AFC operator taking reasonable steps to eliminate interference to standard power device users, interference from standard power devices could continue for days or weeks while public safety agencies work to locate the source of interference and determine the type of device. At a more basic level, public safety incumbents still lack clarity on whether interference complaints should be directed to the Commission, individual AFC operators, or a single interface that will simultaneously notify the Commission and AFC operators.¹¹ APCO does not believe the multi-stakeholder group will reach consensus on this issue.

Regardless of how these particular ambiguities are resolved, there is a need for the Commission to adopt rules to address a broader set of issues for unlicensed use of 6 GHz. The problems are too significant to solve through the AFC approval process. Moreover, OET's authority to set AFC system design and operation requirements is in dispute.¹² The Commission should suspend the rules permitting new unlicensed operations in 6 GHz and conduct a rulemaking as requested in the Joint Petition. If the AFC approval process is allowed to continue in parallel with the rulemaking, it should be for the purpose of conducting public field tests to develop AFC system parameters and effective procedures for identifying and eliminating interference to licensed operations. Such testing must be thorough and conducted in collaboration with public safety licensees, as APCO has previously suggested.¹³

Respectfully submitted,

APCO INTERNATIONAL

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¹⁰ APCO Comments at 2.

¹¹ Most applicants simply indicated they were working with 6 GHz stakeholders to develop policies and procedures for addressing interference complaints. However, efforts to solve these issues in the multistakeholder group have been unsuccessful.

¹² See AT&T Ex Parte at 10 n.46 (citing to arguments from the RLAN Device Manufacturers that OET does not have the authority to set propagation parameters).

¹³ Ex Parte of APCO International, ET Docket No. 18-295 (filed May 6, 2022). As it stands, OET must not grant final approval for an AFC system operator "until after the operator satisfactorily demonstrates that standard-power access points can operate under the control of its system without causing harmful interference to fixed wireless services." See Order para 50. Arguments from AFC applicants that a lesser form of testing is adequate, such as simple verification that an AFC can provision accurate results, should receive a direct rebuke from the Commission to caution stakeholders against bad faith attempts to circumvent procedures for ensuring unlicensed devices will operate without causing harmful interference to public safety communications.

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