

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

FCC Mail Room

In the Matter of)
)
Amendment of Section 90.307(e) of the)
Commission's Rules Identifying Television) RM _____
Stations to be Protected from Land Mobile)
Radio Licensed Operations)

PETITION FOR RULEMAKING

The Association of Public-Safety Communications Officials-International, Inc. ("APCO") hereby petitions the Commission to initiate a rulemaking proceeding to update Section 90.307(e) of its rules regarding the list of television stations on channels 14-20 that land mobile radio applicants for 470-512 MHz operations must analyze to satisfy interference protection criteria set forth in the rules.

APCO is the nation's oldest and largest public safety communications organization. Founded in 1935, APCO has nearly 16,000 members, most of whom are state or local government employees who design, manage, and operate public safety communications systems for police, fire, emergency medical, forestry conservation, highway maintenance, disaster relief, and other public safety agencies. APCO is the largest FCC-certified coordinator for Part 90, Public Safety Pool radio frequencies, and regularly appears before the Commission on a wide range of issues regarding public safety communications.

The 470-512 MHz band has long been allocated for both television stations on channels 14-20 and, in thirteen major metropolitan areas, for public safety and other private land mobile radio (PLMR) operations. ¹ To prevent interference to television reception, PLMR licensees

¹ See 47 C.F.R. §90.301, *et seq.*

must meet the protection criteria set forth in Section 90.307. Pursuant to Section 90.307(e), the specific television stations to be protected are those identified in the Commission's publication "TV stations to be considered in the preparation of Applications for Land Mobile Facilities in the Band 470-512 MHz." The rule specifies that this document is available from the FCC upon request. However, the document is not available on the FCC's website (which did not exist when the rule was adopted), and only the most seasoned of frequency managers know where to find it or have a tattered copy in their files.

Reliance on this obscure and out-of-date document poses numerous challenges to public safety and other PLMR applicants and their frequency coordinators. First, as noted above, the document is not readily available to the public. Second, many of the stations on the list are no longer on the air (especially after the DTV transition), meaning that, under the rule, PLMR applicants must design their systems to avoid interference to television stations that no longer exist. Finally, even if applicants and frequency coordinators want to show interference protection to listed -- but no longer operating -- stations, they are stymied by the absence of available technical parameters for the "ghost" stations to be protected. Once a station has been off the air for a significant period of time, the station's license parameters are purged from the FCC's public databases. Thus, even the façade of interference protection cannot be maintained.

APCO urges the Commission to modify Section 90.307(e) to reference an updated list of currently licensed stations, and to maintain the list on the FCC's website.² Such a change will be consistent with the Commission's goal of greater transparency and will facilitate more

² APCO would have no objection if the Commission achieved this change by reissuing, and keeping current, the subject document on the FCC website under the same name specified in Section 90.307(e), which may eliminate the need for an actual rule change.

efficient and effective processing of public safety and other PLMR applications, without any negative impact on operating television stations.

Respectfully submitted,



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