

Appendix J

The FLEWUG officially submits the following recommendation to the National Coordination Committee (NCC) Steering Committee for discussion and decision. The recommendation is in regard to co-equal access to the 764-776 MHz and 794-806 MHz frequency band. The FLEWUG has previously advanced this recommendation in comments, reply comments, and ex parte communications with the Commission. It was introduced to the full NCC at its September 1999 meeting in Lansing, Michigan.

FEDERAL CO-EQUAL ACCESS TO NON-FEDERAL SPECTRUM IN THE 764-776 MHz AND 794-806 MHz FREQUENCY BAND

Communications interoperability is a critical issue facing public safety agencies. Day-to-day, task force, and mutual aid interoperability situations often require communications among multiple types of public safety providers—police, fire, and emergency medical services and involve public safety providers at all levels of government—local, state, and federal. Federal co-equal access to non-federal spectrum would allow local, state, and federal entities to share existing spectrum and communicate together more effectively. This sharing of spectrum would help improve communications interoperability and ultimately improve the ability of public safety agencies to effectively carry out their roles and responsibilities.

The Federal Law Enforcement Wireless Users Group (FLEWUG)¹, in filings to the Federal Communications Commission, has sought co-equal access to the channels designated for public safety use in the 700 MHz frequency band: Co-equal access, prior to this proceeding, was undefined as a category of user or as an indicator of rights and responsibilities on a communications system.

The FLEWUG is seeking the flexibility in the FCC's service rules to allow federal entities to enter into agreements/partnerships with state and local entities and to allow the joint development of communications systems for the mutual benefit of the partners. In this arrangement, local, state, and federal users would have equal rights to the spectrum within the system. Neither user would have priority over the other unless it was so specified in a mutual agreement.

Without co-equal access provisions, there is little investment protection to federal partners and thus little incentive for federal entities to pursue joint-use and shared system developments. The FLEWUG also believes that the current interoperability gap between state/local and federal public safety providers will continue to grow wider. Federal users will continue to operate at lower frequencies while state and local public safety providers migrate to the higher bands in the 700 and 800 MHz range. The likelihood of reducing the number of hand-held and mobile radios needed by a single fire fighter, officer, or agent in the field is lessened.

Federal co-equal access to the non-federal, public safety spectrum in the 764-776 MHz and 794-806 MHz frequency bands can only be obtained by getting approval from the frequency license holder. Federal entities would only seek co-equal access to these frequencies in specific areas where mutually agreed to interoperable, shared, or joint-use systems are being developed.

¹ The FLEWUG represents more than 30 Federal Government departments and agencies with law enforcement and other public safety responsibilities. One of this group's key objectives is to plan and coordinate future, shared-use, wireless communications systems and resources. The FLEWUG has clear interests in streamlining rules that would allow the sharing of critical communications resources, particularly radio frequency spectrum.