

September 26, 1984

CONCURRING STATEMENT OF
COMMISSIONER JAMES H. QUELLO

In re: Notice of Proposed Rule Making proposing interim relief requested by the Los Angeles County Sheriff in his petition, RM-3975

I reluctantly concur because I believe that this Notice of Proposed Rulemaking is premature. The record is far from convincing that interim relief is required and it is far from clear that the relief proposed in the Notice is appropriate.

The Sheriff began by insisting that the spectrum assigned to him was insufficient for his needs, that his radio channels were very congested and that communications supporting his public safety mission were inadequate. After the Commission's Field Operations Bureau attempted to confirm channel congestion and found, as a preliminary matter, that the channels appeared to be lightly loaded, the Sheriff attacked the Bureau's study and then hastened to assert that the "real problem" was that he needed hand-held units for his patrol force to be used outside of vehicles. Hand-held units for use at 39 MHz, it was further asserted, were unwieldy and of too limited range. In fact, hand-held units are available at 39 MHz comparable in size and weight with UHF units albeit with longer antennae and shorter range than at UHF.

The licensee of Channel 18 is alerted by this Notice that he may be subject to significant interference and that his license may be subject to modification to accomodate such interference. Should such interference require a significant modification, it can only increase the burden of proof that the Sheriff has yet to meet.

While I believe this document should properly be captioned a Notice of Inquiry, I reluctantly support it as characterized only to invite public comment on the unresolved questions which remain. First, I invite comment on the need for additional spectrum. Second, assuming that need can be established, I am interested in alternatives to the solution proposed.

I share my colleagues' concern that this Commission give special attention to the communications needs of the public safety services. To accept the simple assertion of such a need, however, requires a leap of faith that I am not yet ready to make. Should the comments prove convincing, I will support this significant policy change.

Therefore, I concur.

357