

The FCC states that every frequency in the spectrum must be shared. Frequency Advisors from four separate Public Safety services are required to approve all requests before new or additional authorization for frequencies are assigned to any applicant. To our best knowledge, APCO is the only one of the four coordinators that deals directly with the applicant to determine when a Letter of Concurrence is required by the FCC or when in our opinion is desirable.

When we receive the request that has been submitted by another coordinator, we are not permitted to contact the applicant directly. If it affects the Police Service we can deny the request or require a LOC if our studies indicate the potential for destructive interference. Unfortunately if in our opinion it only affects an existing licensee in another service we must approve it. In this case we sometimes suggest an LOC and point out the potential for interference

In those instances when the FCC requires an LOC, engineering studies are generally an alternative. These are expensive to obtain, and in most instances a LOC is easier to obtain and more desirable.

APCO Frequency Advisors will never knowingly recommend a frequency if we feel there is a potential for interference without requesting a LOC. We often suggest and attempt to broker a field test between the applicant and the existing licensee. Although engineering tools have greatly improved there is nothing that substitutes for an actual field test. Merely hearing nuisance level signals on your receiver is not justification to refuse an LOC. Only destructive interference, defined as one that has a capture effect on your desired signals can be used to deny a LOC

In our opinion, there are three distinct advantages to providing a LOC.

1. The parameters are stated in the LOC and must not be changed by either party in the future without mutual agreement.
2. The best protection from future problems is to surround your existing system with others on the same frequency that do not interfere. This provides an area of protection against future requests for use of the frequency by others.
3. A LOC is often a case of reciprocity. You may have received one or more in the past or need one in the future.

Letter of Concurrence

- 1) In some cases the frequency advisor will recommend or require an applicant obtain a Letter of Concurrence (LOC).
- 2) It is an acknowledgment between parties that some interference could be possible. Be sure you retain LOCs in your licensing files for future reference.
- 3) Indicates how any interference is to be remedied: through mutual resolve. You can request that the costs to remedy interference to your system be addressed. THE EXCEPTION here is if you are not using CTCSS protection on your own system, the FCC will not accept an interference complaint from you nor is the interfering licensee required to pay for you to equip your system with CTCSS.
- 4) It cannot state "if you interfere with me, I require you to shut down your system immediately". You have no legal authority to require this drastic action.
- 5) Preferably a LOC is accomplished on official letterhead stationary. In these days of e-mail, a typed letterhead may be found acceptable.
- 6) Except at 800 MHz, in all cases the LOCs are retained by the frequency coordinator and not sent forward with the application.

Additionally in the case of a LOC in the 800 MHz band (see 90.621)

1) You **must** certify that your system:

a) is built,

b) operating within the terms and condition of the license,

c) and you are willing to accept any interference.

NB As we know should any interference arise, you will work to a mutual resolve. Never the less, the FCC requires these specific words to be recited within the LOC.

2) These LOCs are submitted to the FCC for their review and are an official document submitted with the licensing application.

NB Applications have been returned by the Commission for inappropriately wording.