



Federal Communications Commission  
Washington, D.C. 20554

February 21, 2018

DA 18-168

Wynn Brannin  
Statewide Emergency Coordinator  
Statewide Interoperability Coordinator (SWIC)  
Dept. of Homeland Security & Emergency Management  
Response and Recovery Bureau  
P.O. Box 27111,  
Santa Fe, NM 87502

Re: Proper use of Interoperability and Mutual Aid Channels

Dear Mr. Brannin:

Thank you for your letter of February 2, 2017, seeking guidance on proper use of the FCC-designated interoperability and mutual aid channels.<sup>1</sup> By this letter, we confirm that the interoperability and mutual aid channels are primarily for interoperable emergency communications between different public safety licensees. Day-to-day communications are permitted only on a secondary basis on the VHF and UHF interoperability channels and are prohibited on the 800 MHz interoperability channels.

In your letter, you state that certain licensees in Arkansas, Oklahoma, New Mexico, and Texas are using the interoperability channels in the “VHF, UHF and 800 MHz bands” for “internal, day-to-day” communications.”<sup>2</sup> For instance, you indicate that one licensee in your FEMA region is using a VHF interoperability channel “as the primary repeater output for [its] fire department” and another licensee is using an interoperability channel “as the primary repeater output for [its] emergency medical services.”<sup>3</sup> You indicate that such operations make the interoperability channels “unusable for interoperability purposes during emergency and disaster situations” within a large geographic area of your region.<sup>4</sup>

Commission’s rules state that non-interoperability communications on the interoperability channels in the VHF and UHF bands are secondary. Specifically, Section 90.20(d)(80) states that after December 7, 2000 the interoperability channels in the VHF and UHF bands are “*primarily* [emphasis added] for public safety interoperability only communications.”<sup>5</sup> Section 90.20(d)(80) also states that after January 1, 2015, all non-interoperability communications on the VHF and UHF interoperability channels will be “*secondary* [emphasis added] to co-channel interoperability operations.”<sup>6</sup>

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<sup>1</sup> Letter from Wynn Brannin, Statewide Emergency Coordinator, New Mexico, Department of Homeland Security and Emergency Management, to FCC (Feb. 2, 2017) (NM SWIC Letter).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> 47 CFR § 90.20(d)(80).

<sup>6</sup> *Id.*

Communications authorized on a secondary basis are, by definition, not to cause interference to communications authorized on a primary basis.<sup>7</sup> Thus, any internal “day-to-day” communication on the VHF and UHF interoperability channels which prevents these channels from being used for their intended purpose (*i.e.* interoperability communications) would exceed the secondary status designation of such communications and be a violation of our rules.

Furthermore, when it designated mutual aid channels in the 800 MHz band, the Commission stated that these channels are reserved “for the express purpose of intercommunication in non-routine, critical situations” and are intended to “provide public safety agencies with the means to coordinate their responses more effectively.”<sup>8</sup> The Commission emphasized that these channels “are not intended for routine, administrative, intra-agency communications but are to be reserved for coordination of multiple public safety entities.”<sup>9</sup> Therefore, *any* internal day-to-day communications on the 800 MHz mutual aid channels would be a violation of our rules.

Finally, you ask about “allowed HAAT and ERP” for licensees authorized to operate on “interoperability frequencies.”<sup>10</sup> The power and antenna height limits for all licensees operating in the VHF and UHF bands are listed in Section 90.205 of our rules, and the power and antenna height limits for licensees operating in the 800 MHz band are listed in Section 90.635 of our rules.<sup>11</sup> Please be aware that base stations and control stations must be licensed individually if they operate on the interoperability or mutual aid channels, but that any public safety eligible entity holding a Part 90 license may operate mobile and portable units on the interoperability and mutual aid channels without needing a separate authorization.<sup>12</sup>

If you believe a licensee in your region is violating Commission rules by inappropriately using the interoperability or mutual aid channels or operating with excessive power on these channels, you should report the matter to our Enforcement Bureau (1-888-225-5322). In the event of a rule violation, the Commission may impose restrictions on a licensee’s use of a channel. It may, among other things, reduce excessive operating power on a channel or remove a channel from a licensee’s authorization if the Commission finds such a license modification is in the public interest.<sup>13</sup>

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<sup>7</sup> 47 CFR § 90.7, defining secondary operation as “Radio communications which may not cause interference to operations authorized on a primary basis and which are not protected from interference from those primary operations.”

<sup>8</sup> *See Development and Implementation of a Public Safety National Plan and Amendment of Part 90 to Establish Service Rules and Technical Standards for Use of the 821–824/866–869 MHz Bands by the Public Safety Services*, Report and order, 3 FCC Rcd 905, para. 30 (1987).

<sup>9</sup> *Id.*

<sup>10</sup> NM SWIC Letter.

<sup>11</sup> 47 CFR §§ 90.205, 90.635.

<sup>12</sup> 47 CFR § 90.20(i).

<sup>13</sup> 47 CFR § 90.173(b) (noting that the Commission may impose restrictions on a licensee including specifying the transmitter power, antenna height, or area or hours of operation of the stations concerned. It may also deny use of any frequency at a given geographical location when, in the judgment of the Commission, its use in that location is not in the public interest). *See also* 47 U.S.C. § 316.

Furthermore, please contact our Operations and Emergency Management (OEM) Division at 202-418-1122 or [FCCOPS@fcc.gov](mailto:FCCOPS@fcc.gov) (24/7 Operations Center) if you believe interference from a secondary station in your region is causing an immediate safety of life issue.

I hope this has been responsive to your inquiry. If you require any further information, please feel free to contact me.

Sincerely,

Michael J. Wilhelm

Chief, Policy and Licensing Division  
Public Safety and Homeland Security Bureau