

Public Safety Officials and CIO Task Force on Wireless Spectrum Allocation

October 29, 2008

Hon. Kevin J. Martin
Chairman
Federal Communications Committee
445 12th Street, SW
Washington, DC 20554

Dear Chairman Martin:

As public safety officials and chief information officers who represent the largest cities and counties in this country and on behalf of the people living, visiting and working in these jurisdictions, whose safety we have been charged to protect, we respectfully wish to provide you with advance notice that collectively we find the proposed rules for the D-Block auction to be unworkable for large municipalities. Furthermore, we believe the FCC plan to pair the public safety spectrum with the commercially auctioned “D-Block” of spectrum to create a nationwide network is critically flawed and will fall far short of satisfying a once in a life time opportunity to fix the weaknesses in the core structure of public safety spectrum. Therefore, we ask that you stop plans to auction the D-Block and return the public safety spectrum to those charged with protecting the safety of our constituents. Our reasons for this request are four-fold:

1. We do not believe that the current plans to auction the D-Block will in any way be a solution to the public safety wireless broadband needs in our communities. In sharing the spectrum that was allocated to public safety with the proposed D-block bidders in a manner that is heavily weighted against public safety, and by reducing the auction reserve from \$1.3 billion to \$750 million while also lowering the performance/coverage requirements of the system, you are designing a system that fails to serve the critical performance needs of public safety. It is arguable that the new proposed rules so diminish what public safety would receive that they violate congressional authorization of the allocation of 24 MHz of spectrum to “public safety services” (under section 337(a)(2) of the Communications Act).
2. We do not believe local public safety agencies should be charged a usage fee for spectrum that was already assigned for public safety usage. Charging the local public safety agencies a nationally negotiated monthly per user fee of \$48.50 or more for spectrum that was already allocated to public safety is clearly outrageous. One size does not fit all, when it comes to the broadband wireless needs and geographic differences of our varied municipalities. Therefore, the only model that can work is to build and operate locally-controlled public safety networks that are tied together on the basis of interoperable national standards.

3. We do not believe that the license to the public safety broadband spectrum should be assigned to the PSST as that organization is conflicted by private sector ownership, and will not act in our best interests. First responders need to be in control of their communications particularly at the time of an emergency. To put the PSST in a role where they control the prioritization of the shared local spectrum at the time of an emergency is simply not a workable solution.

4. The proposed 15 year timeline is unacceptable. By extending the required build-out timeline the solution fails significantly to meet the already overwhelming wireless broadband needs of the first responder community.

Thus, neither the national nor the regional auction alternative is a solution that any public safety agency can accept. Instead of proceeding with the D-Block auction, we suggest that you begin to talk directly with the large public safety agencies as a group. We can set the standards that are needed to make this solution work as a national interoperable platform. If allowed to control who our wireless broadband service partners are, much like we do with other localized telecommunications services, most of which you regulate, we can and will collectively deliver a national solution consistent with your overall direction.

We are supportive of your goals of national interoperability. In fact with the recent changes in technology focused around the emerging Long Term Evolution (LTE) wireless standard we believe that this goal and the goal of spectrum efficiency are now much easier achieved. Also, this emerging technology standard will result in substantial cost reductions for subscriber devices, currently a major cost component for the largest public safety agencies.

Unfortunately, despite having already met the financial goals of the 700 MHZ spectrum auctions, we understand that you may still be obligated by congressional action to auction the D-block. If that is the case, we are sending a similar letter to our congressional representatives to help relieve you of that burden. Hopefully, we can work together going forward to preserve this spectrum for the public interest where it belongs.

Sincerely,

City of Boston, Massachusetts

Edward F. Davis - Police Commissioner, Boston Police Department
William G. Oates, Chief Information Officer

Cook County, Illinois

Thomas J. Dart, Sheriff
Antonio A. Hylton, Chief Information Officer
Daniel J. Coughlin, Emergency Management Agency Coordinator

City and County of Denver, Colorado

Molly E. Rauzi. - Chief Information Officer

City Of New York, New York

Raymond W. Kelly - Police Commissioner, New York Police Department
Paul J. Cosgrave - Commissioner, Department of IT & Telecommunications

State of New York

Dr. Melodie Mayberry-Stewart, Chief Information Officer

City and County of San Francisco, California

Vicki Hennessy, Acting Executive Director, Department of Emergency
Management

Chris A. Vein, Chief Information Officer

City of San Jose, California

Chuck Reed, Mayor

City of Seattle, Washington

Bill Schrier, Chief Technology Officer

cc: Commissioner Jonathan S. Adelstein
Commissioner Michael J. Copps
Commissioner Robert M. McDowell
Commissioner Deborah Taylor Tate