



December 15, 2011

The Honorable Harry Reid
Senate Majority Leader
United States Senate
S-221 Capitol Building
Washington, DC 20510

The Honorable Mitch McConnell
Senate Minority Leader
United States Senate
S-230 Capitol Building
Washington, DC 20510

Dear Majority Leader Reid and Republican Leader McConnell:

Earlier this week, the Public Safety Alliance (PSA) wrote to House Speaker John Boehner and House Minority Leader Nancy Pelosi to express our appreciation on behalf of the nation's more than 2 million public safety officials and first responders for their inclusion of public safety spectrum allocation and funding for a nationwide public safety broadband network (PSBN) in ***H.R. 3630; Middle Class Tax Relief and Job Creation Act of 2011***. While public safety and state and local government communities are appreciative of the recent movement in the House on public safety spectrum, we also shared with them our grave concerns with other provisions contained in the Walden JOBS Act provisions composing Title IV of H.R. 3630, as follows (in order of priority concern):

700 MHz Narrowband Giveback – Representative Greg Walden's (R – OR 02) Jumpstarting Opportunity with Broadband Spectrum (JOBS) Act of 2011 (now Title IV of H.R. 3630) would require public safety to give back 14 MHz in the 700 MHz band, which is being used for statewide and local interoperable mission-critical voice communications and guard bands to protect against harmful interference. Public safety has been fighting to get access to this spectrum for more than 15 years, and in June 2009, when broadcasters finally cleared it, we have begun to aggressively deploy interoperable mission-critical voice communications systems in more than 35 states with thousands of licensees and hundreds of thousands of users currently relying on the 700 MHz narrowband mobile radios for day-to-day and disaster operations. State and local governments have invested on the average of between \$100 - \$400 million to build out these systems, and many of these 700 MHz narrowband systems have come online within the last couple of years, or will be coming on line within the next year. Indeed, in the greater Washington, DC metropolitan area alone (VA, MD, DC), nearly \$1 billion has been spent in federal, state and local taxpayer dollars, including bonds issued that state and local governments will have to pay back for many years to come, to plan and implement 700 narrowband radio networks. These 700 narrowband systems include the DC P25 Upgrade, which is utilized by multiple federal, state and local public safety agencies that are responsible for protecting and responding to incidents every day on Capitol Hill, in the halls of Congress and throughout the massive amount of federal government departments and agencies in the region. Additionally, as Louisiana Governor Bobby Jindal highlighted in his February 17, 2011 letter in support of allocating D Block spectrum to public safety, many of the Gulf states, including Florida, Mississippi, Louisiana and parts of Alabama have deployed and integrated their 700 narrowband systems using hurricane recovery funds to create a multi-state, interoperable system, GulfWIN. Now we are being told that we have to vacate this spectrum five years after the Administrator certifies "the availability of standards for public safety voice over broadband." This certification does not require that the "voice over broadband" meet "mission-critical voice" requirements nor that there be low cost "public safety voice over broadband" technology adequately field-tested, commercially available and at a reasonable price for public safety to purchase. So, we would have to give up reliable and proven critical interoperable communications without the assurance that public safety could actually have the mission-critical

voice over broadband communications capability or the amount of spectrum needed to protect America. Finally, auctioning off the guard bands will ensure corruption of the signal causing dangerous interference on the public safety broadband network, similar to interference issues that were caused in the 800 MHz band that so far has cost more than \$5 billion to fix. In sum, states and localities have spent billions of federal, state and local tax dollars to plan and build these networks in the past five years, and cannot justify abandoning them without a viable alternative within the next 10 years or more.

“To force public safety to give up critical communications capabilities is wholly irresponsible and dangerous. I do not oppose having public safety return some spectrum allocated to it in return for the allocation of the “D-Block;” however, I do not support language that requires public safety to return spectrum in the 700 MHz that they fought for over many years.” Senator John McCain

"Administrator" Governance model – The PSA strongly objects to provisions of the Walden JOBS Act that would set up a third-party Administrator at the United States Department of Commerce’s National Telecommunications and Information Administration. The Walden JOBS bill proposes creation of a Public Safety Communications Planning Board, but it’s not clear that the Administrator would be accountable to this Board, to public safety end-users or anybody else. The Hutchison-Rockefeller bill (*S. 911; Public Safety Spectrum and Wireless Innovation Act of 2011*) envisions the creation of a public-private corporation to oversee the construction and operation of the network. Public safety and state and local government would be represented on the board of the Hutchison-Rockefeller proposed corporation, and the PSA strongly believes this system ensures better transparency and accountability, especially to the end users. The administrator model is being utilized for the current 800 MHz rebanding initiative, which has considerably delayed the process and resulted in millions of dollars being spent in legal costs. Both industry and public safety have had significant negative experience with the administrator model. Furthermore, by providing the public safety broadband license to a private entity for 20 MHz of prime spectrum, along with \$400 million to administer the PSBN program with control of the contractual spending of \$5 to \$11 billion dollars by states and localities for the build out, this model concentrates too much unchecked power and control into a single for-profit entity’s hands without any sufficient transparency, oversight or accountability.

Funding of the Public Safety Broadband Network – The Walden JOBS Act proposes \$5 billion dollars derived from other spectrum auctions for the construction of the PSBN, with the potential addition of up to \$1.5 billion dollars more based on a 10% percent formula of any revenue generated from auctions above the CBO estimate of \$24.5 billion overall. *S.1040, Broadband for First Responders Act of 2011*, as introduced by Senators John McCain and Joe Lieberman proposes \$10 billion dollars for the network, and S.911 contemplates \$11 billion dollars. The PSA believes funding must be higher than the Walden JOBS Act provides to ensure expedited build out, especially in rural America.

The PSA has reiterated its preferential support for *S.911; the Public Safety Spectrum and Wireless Innovation Act of 2011*, bipartisan legislation introduced by Senators John “Jay” Rockefeller, IV and Kay Bailey Hutchison, respectively as the Chairman and Ranking Member of the Senate Commerce, Science and Transportation Committee. As you know, S. 911 was voted out of the Senate Commerce Committee in June by a vote of 21-4, and has subsequently been attached to several JOBS bills introduced by Senate Majority Leader Reid since that time. A third of the United States Senate is already on record either through their vote, co-sponsorship or public statements supporting D Block allocation to public safety and \$10 billion or more in funding for the PSBN.

Therefore, we urge the Senate to pass legislation that includes D Block allocation to public safety with sufficient funding to expedite nationwide construction of the public safety broadband network that includes rural America, and does not include damaging provisions to require 700 MHz narrowband giveback, nor an unworkable and unaccountable private entity “administrator” governance model. Additionally, the PSA urges the Senate to maximize state and local flexibility in allowing enhanced “secondary use” of the public safety broadband network by non-public safety entities and users, as well as with respect to forming public and private partnerships that best meet their specific needs to assure sustainment of their mission-critical public safety broadband systems. In sum, the PSA strongly believes that S.911 best provides these priorities, and we urge you together as the Senate’s leadership to replace the Walden JOBS Act provisions that compose Title IV of H.R. 3630 with language similar to S. 911 for Senate passage of the overall bill.

Thank you for your time and consideration of a united public safety, first responder and state and local government communities’ top legislative priority. Providing this spectrum and funding to public safety will (1) create more than 100,000 jobs, (2) spur innovation and competition, (3) finally fulfill one of the last remaining unmet 9/11 Commission Recommendations, and (4) will greatly enhance our ability to efficiently and effectively protect the public and the men and women who put their lives on the front lines of our nation’s homeland each and every day.

Sincerely,
Public Safety Alliance

Chief Walter A. McNeil, President
International Association of Chiefs of Police

Chief Charles H. Ramsey, President
Major City Chiefs Association

Chief Ned Pettus, President
Metro Fire Chiefs Association

Gregg Riddle, President
Association of Public-Safety Communications
Officials (APCO) International

Jim Mullen, President,
National Emergency Management Association

Chief Al H. Gillespie, President and
Chairman of the Board
International Association of Fire Chiefs
Sheriff Paul H. Fitzgerald, President
National Sheriffs’ Association

Sheriff Doug Gillespie, President
Major County Sheriffs’ Association

Randy Kuykendall, President
National Association of State EMS Officials

About Public Safety Alliance

The Public Safety Alliance is a partnership of the nation's leading public safety associations, which includes the Association of Public-Safety Communications Officials International, the International Association of Chiefs of Police, the International Association of Fire Chiefs, the National Sheriffs’ Association, the Major Cities Chiefs Association, the Major County Sheriffs’ Association, the Metropolitan Fire Chiefs Association, the National Emergency Management Association and the National Association of State EMS Officials. For more information on the Public Safety Alliance, visit www.psafirst.org.



International Association of Chiefs of Police | International Association of Fire Chiefs
National Sheriffs’ Association | Major Cities Chiefs Association
Major County Sheriffs’ Association | Metropolitan Fire Chiefs Association
Association of Public-Safety Communications Officials (APCO) International
National Emergency Management Association and the National Association of State EMS Officials.