

October 13, 2020

The Honorable Richard Shelby  
Chairman  
Committee on Appropriations  
United States Senate  
Washington, DC 20510

The Honorable Patrick Leahy  
Vice Chairman  
Committee on Appropriations  
United States Senate  
Washington, DC 20510

Dear Chairman Shelby and Vice Chairman Leahy:

On behalf of millions of American first responders and related industries, we ask you to protect vital public safety spectrum from an ill-advised auction. The Federal Communications Commission (FCC) is mandated to auction sections of spectrum in the T-Band (470 MHz – 512 MHz) in February 2021. This decision potentially will cost billions of dollars for America's taxpayers and disrupt critical public safety interoperable radio communications. The House already has passed legislation (H.R. 451) to repeal this auction requirement, but it is stalled in the Senate. We ask that you include language in any final Fiscal Year (FY) 2021 appropriations legislation that would repeal the requirement to auction spectrum in the T-Band.

After the tragedy of September 11, 2001 demonstrated the need for fire, EMS, and law enforcement entities to communicate with each other, cities began to invest in developing interoperable networks for radio communications on the T-Band. Cities, like New York City, Boston, and Los Angeles, invested billions of dollars (many of them funds from grant programs at the U.S. Department of Homeland Security) to develop these interoperable networks. The T-Band networks have played critical roles in responding to various crises that our nation has faced. For example, a T-Band network was used in the Boston area for interoperable communications during the 2013 Boston Marathon bombing and the following effort to apprehend the terrorists. The FCC gave New York City the authority to broaden its T-band use earlier this year during the COVID-19 pandemic to support emergency response operations.

Section 6103 of the Middle Class Tax Relief and Job Creation Act of 2012 (P.L. 112-96) directs the FCC to reallocate the public safety T-Band spectrum, begin a system of competitive bidding of the spectrum by February 22, 2021, and relocate public safety entities from the band no later than two years after the completion of the auction. Auction proceeds are to be made available to the National Telecommunications and Information Administration (NTIA) to provide grants to cover the costs of public safety relocation from the band.

This mandate would irreparably damage public safety communications in the metropolitan areas of Boston, New York City, Chicago, Dallas/Ft. Worth, Houston, Los Angeles, Miami, Washington, D.C. Philadelphia, Pittsburgh, and San Francisco/Oakland and their surrounding regions. When the U.S. Government Accountability Office (GAO) examined the issue in June 2019, it found that the cities of Boston, Los Angeles, and New York City could not identify alternative spectrum. The GAO also estimated that it would cost \$5 - \$6 billion to move public safety agencies to alternative spectrum and re-build their communications systems. Both the GAO and Ajit Pai, the chairman of the FCC, have recommended that Congress repeal the T-band mandate. In addition, nationwide commercial carriers that routinely bid on spectrum in FCC

auctions have indicated the T-Band spectrum is of limited commercial value. That is not surprising given the spectrum required to be auctioned is disjointed and generally insufficient to support broadband.

It is important to recognize the potential overwhelming cost to taxpayers if the T-Band auction was to proceed. According to the GAO, the entire T-Band would only receive auction proceeds of \$2 billion for the whole spectrum. Since there are also industrial/commercial users on the T-Band as well as public safety organizations, it would cost \$9 - \$10 billion to transition **all** incumbent users on the T-Band. Considering the low expected proceeds from the T-Band auction and the much higher cost of transitioning the incumbent users, **the federal government might be forced to pay \$4 - \$8 billion to cover the NTIA grants to transition the incumbent users on the T-Band.**

Considering the high cost of transitioning users from the T-Band and the amount of damage to public safety communications that the auction would entail, we ask that you repeal the T-Band auction in the final FY 2021 appropriations legislation. It is important to point out that licenses on the T-Band are frozen as long as there is uncertainty about the spectrum's future. For example, Los Angeles County had spent \$100 million in federal grant funds on a new UHF T-Band system just before the passage of P.L. 112-96. The new system was based on the T-Band, because there was no alternative spectrum. It is almost complete, but the FCC is not licensing new users on the T-Band. So, Los Angeles County is hoping for a Special Temporary Authority waiver to allow it to use its new public safety communications network. Because of this freeze of licenses on the T-Band, we ask that the committee permanently repeal the T-Band auction mandate, instead of just delaying it.

We ask that you consider our request to repeal the auction of the T-Band mandated by Section 6103 of P.L. 112-96. Due to the February date of the auction, it is important that Congress act expeditiously to protect interoperable public safety radio communications in 11 major metropolitan areas and their surrounding regions. If the auction were to proceed, major American cities would lose interoperable public safety communications networks and the American taxpayers would have to pay billions to transfer and replace these systems. Considering the ongoing COVID-19 pandemic, various natural disasters facing this nation, and the ever-present threat of terrorism, we ask for you to take action this fall to protect public safety spectrum in the T-Band.

Sincerely,

Alarm Industry Communications Committee  
City of Cambridge Ma. Public Safety  
Enterprise Wireless Alliance  
Fire Chiefs of Massachusetts  
Fire Department of the City of New York  
Greater Boston Police Council  
Interagency Communications Interoperability Authority of California  
International Association of Chiefs of Police  
International Association of Fire Chiefs

International Association of Fire Fighters  
Los Angeles Regional Interoperable Communications System  
Major Cities Chiefs Association  
Major County Sheriffs of America  
Massachusetts Metrofire  
Metro Boston UASI  
National Public Safety Telecommunications Council  
National Sheriffs' Association  
New York City Police Department  
New York City Emergency Management  
New York City Department of Information Technology & Telecommunications  
Safer Buildings Coalition

cc:

The Honorable Jerry Moran, Chairman, Subcommittee on Commerce, Justice, Science and  
Related Agencies  
The Honorable Jeanne Shaheen, Ranking Member, Subcommittee on Commerce, Justice,  
Science and Related Agencies  
The Honorable John Kennedy, Chairman, Subcommittee on Financial Services and General  
Government  
The Honorable Christopher Coons, Ranking Member, Subcommittee on Financial Services and  
General Government  
The Honorable Shelly Moore Capito, Chairman, Subcommittee on Homeland Security  
The Honorable Jon Tester, Ranking Member, Subcommittee on Homeland Security