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July 21, 2010

The Honorable John D. Rockefeller IV
Commerce, Science, and Transportation
Committee
Chairman
United States Senate
Washington, DC 20510

The Honorable John F. Kerry
Communications, Technology, and the
Internet Subcommittee
Chairman
United States Senate
Washington, DC 20510

The Honorable Kay Bailey Hutchison
Commerce, Science, and Transportation
Committee
Ranking Member
United States Senate
Washington, DC 20510

The Honorable John Ensign
Communications, Technology, and the
Internet Subcommittee
Ranking Member
United States Senate
Washington, DC 20510

Dear Chairman Rockefeller, Ranking Member Hutchison, Subcommittee Chair Kerry, and Subcommittee Ranking Member Ensign:

We are writing to express our strong support for the reallocation of the D-Block spectrum for public safety. The Public Safety Alliance (PSA) and leading national associations representing America’s state and local governments, known as the “Big 7”, join us in our support.

After almost nine years since the catastrophic events of 9/11, our nation’s first responders still lack crucial access to interoperable public safety broadband communications. Over time, public safety has been granted only small sections of spectrum but never enough to consolidate communications into a single frequency band. This means that when multiple agencies respond to an event, they cannot communicate with each other because they each use radios operating on different portions of the spectrum.

In March 2010, the Federal Communications Commission (FCC) released their National Broadband Plan. The plan calls for auctioning the government-owned part of the broadband spectrum, known as the D-Block, to the highest bidder, with an understanding that the winner would provide priority access to public safety. However, this is woefully insufficient. During times of crisis, commercial networks are the first to fail because of inferior infrastructure and high-usage demand. A public safety network must be able to withstand an assault to its infrastructure and endure the highest usage demands of first responders during “mission critical” times. The D-Block must be allocated exclusively to public safety in order to protect our citizens.

Legislation is necessary to allow the FCC to reallocate the D-Block to public safety. Representatives King and Clarke are spearheading legislation to achieve this goal. In the House, **The Broadband for First Responders Act of 2010, (H.R. 5081)** has gained more than 40

bipartisan co-sponsors since its introduction in late April 2010; we ask for your support and Senate sponsorship of a companion bill.

Without this crucial legislation, the FCC is required to auction the D-Block. The first attempt by the FCC to auction the spectrum failed in March 2008 because of the viability of forming a partnership agreement between the auction winner and public safety. Public safety officials, service providers, and infrastructure vendors agree that a more effective method would be to reallocate the D-Block directly to public safety. The additional 10 MHz of spectrum will be combined with the current 10 MHz of spectrum allocated for public safety, in order to create a 20 MHz block of spectrum to build a nationwide public safety broadband network. When built, the new broadband network will be able to support a broad range of public safety, government, and critical infrastructure and consumer applications, such as voice, video, and data services.

The FCC has granted 21 conditional waivers and has received an additional 11 petitions for waivers, either to/from States or localities, to build-out an interoperable public safety broadband network in the 700 MHz spectrum. When these network build-outs begin, if public safety does not have ownership of the D-Block, costs will be higher and the system created will not meet the full requirements of public safety. With the D-Block reallocation to public safety and funding for network build-outs, our nation's first responders will have the required communication needs to provide the most effective service to every American.

Our nation cannot afford to miss this one-time-only opportunity and we call on you and your colleagues in Congress to support our first responders who put their lives on the line every day to protect and serve their communities by introducing and passing a companion bill to **H.R. 5081: The Broadband for First Responders Act of 2010.**

Sincerely,



Governor David A. Paterson
New York



Governor Jim Gibbons
Nevada



Governor Theodore R. Kulongoski
Oregon



Governor Chester J. Culver
Iowa



Governor Pat Quinn
Illinois



Governor Martin O'Malley
Maryland